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11:00  
~~Dictated by Wm. Riley~~  
November 22, 1955

MINUTES OF RESOURCES COMMITTEE

November 22, 1955

All Members present. <sup>Because of interest shown by other members</sup>  
~~the meeting~~ in appearance of Delegate Bartlett before the  
Committee, ~~the~~ meeting ~~was~~ held in Convention Hall.

A letter was read from John L. Buckley of Wild Life Management indicating his availability to appear at a later date before the Committee.

Chairman Smith made introductory comment concerning subject matter sought to be discussed with Delegate Bartlett consisting principally of ascertaining ~~his views concerning~~  
<sup>Congressional</sup> the background of passages in recent enabling bills concerning

<sup>about</sup> ~~the~~ RESERVATION TO THE STATES of mineral rights incident to Federal lands <sup>grants</sup>. Mr. Bartlett's ~~attention~~ was specifically <sup>asked</sup>  
~~directed to the Committee's pattern of Congressional sentiment~~  
~~at~~ the possibility of the Senate's adhering rigidly to the Reservation concept as expressed in recent enabling bills.

Mr. Boswell raised the question of duality of mineral disposition procedures <sup>in the event</sup> ~~which would occur~~ if mineral rights were reserved to the State for disposition only through lease. He expressed ~~the~~ concern that in a competitive position with Public Domain lands, State lands ~~would suffer~~ <sup>to be</sup>

Mr. Bartlett stated that earlier bills ~~would~~ <sup>did</sup> not instruct the states as to the administration of subsurface lands; that in 1950 and 1951 thinking on the Senate side commenced to change, that S50 of the 82nd Congress contained three limitations:

1. State could not dispose of more than 640 acres to any one person, firm or association.

2. State required to observe royalty provision of not more than 12½ percent.
  3. Income derived to be covered in <sup>to</sup> Public School fund.
- [Handwritten: L - Burke Riley X]*
- ~~In addition, the bill provided that~~ the first committee draft of the ~~bill~~ <sup>concept</sup> provided for a fixed royalty rate which was later modified to set merely an ~~upper~~ <sup>upper</sup> limit, leaving to the State legislature ~~the~~ establishment of a royalty scale within that top limit.

In the 83rd Congress, Mr. Bartlett stated, the bill <sup>AR</sup> reported out by the late Senator Butler provided that grants of mineral lands be made on the express condition that they ~~be subject to~~ <sup>be contained</sup> mineral reservation ~~to~~ the State, and be disposed of only ~~under~~ <sup>by</sup> lease. ~~Par. HR 2982 made no reference to the subject.~~

The measure which passed the Senate in 1954 contained substantially similar requirements as to ~~the~~ <sup>the</sup> reservation <sup>of</sup> minerals and their disposition by lease, ~~as had Senator Cordell's proposal.~~

The current bills are substantially similar except that the prohibition against the sale of more than 640 acres to any one purchaser has been removed. In this respect ~~xxx~~ the proposed <sup>X</sup> ~~Tayxia~~ project was cited. Reference was made by Mr. Bartlett to a memorandum from Herbert J. Slaughter of the Solicitor's Office, which memorandum was made available to the Committee and traces the history of Congressional thinking on the point of <sup>mineral</sup> ~~reservations~~ <sup>in the grants,</sup> ~~reserved~~ to the States. The bills before the last Congress noted ~~a~~ <sup>a</sup> difference in one respect - namely, that concerning the proposed 800,000 acre grant for Community Development purposes. Mr. Slaughter's conclusions suggest that the 1927 Act

confirming title of mineral bearing school sections ~~other~~  
~~State~~ evidenced for the first time a change in Congressional  
attitude which ~~presumably has been continued to the present~~  
~~time and~~ is reflected in recent statehood enabling bills. Mr.  
Stewart raised the question of the taxability of ~~lease~~ hold  
interests under the proposed State lease arrangement and indicated *also*  
~~as well~~ that certain exemptions were granted lessees of Federal  
Coal Lands. Mr. White inquired of Mr. Bartlett - "Could not the  
Constitution state that disposal of minerals be made by methods  
other than leasing, should the enabling act allow?" Questions  
were propounded by Delegates Ralph Rivers, ~~and~~ Yule Kilcher, and  
~~other~~ Committee members touching on ~~other~~ related subject matter.  
Delegate Kilcher's questions brought out the provision ~~in~~ current  
enabling bills whereby a limited State preference right of selection  
would exist on restoration to ~~the~~ Public domain of lands in Fed-  
eral reservations, subject, however, to priority of the Veteran's  
Preference Act of September 1944, as amended.

Mr. Bartlett's concluding reference were to the effect that  
the latest language contained in enabling bills ~~was~~ did not  
prescribe rates of royalty; that the Senate feels it is being  
especially liberal as to proposed acreage grants ~~and~~ as to any  
grant of minerals; that the Congress may well feel ~~that it is~~ is  
committed to ~~the~~ the course elsewhere ~~in~~ 1927, which must ~~be~~ continue to be  
~~generally~~ and which, therefore, ~~accounts~~ accounts for the reservation language  
in present enabling acts.

November 25, 1955

PREST RELEASE

Alaska Constitutional Convention

MINUTES OF RESOURCES COMMITTEE

November 22, 1955

~~The Committee on Resources~~ <sup>of the Alaska Constitutional Convention</sup> invited E.L. (Bob) Bartlett,

All Members present.

Delegate to Congress from Alaska, to attend the

to Nov. 22 meeting, and to discuss with the Committee of Delegate Bartlett before the Committee, meeting held in Con-

vention Hall, ~~the~~ <sup>history of</sup> resource provisions in enabling bills in Congress.

sketches

~~A letter was read from John L. Buckley of Wild Life Manage-~~

~~ment indicating his availability to appear at a later date before~~

~~the Committee.~~

Chairman Smith made introductory comment concerning subject matter sought to be discussed with Delegate Bartlett consisting principally of ascertaining the congressional background of passages in recent enabling bills concerning reservation to the states of mineral rights incident to federal land grants. Mr. Bartlett was specifically asked about the possibility of the Senate's adhering rigidly to the Reservation concept as expressed in recent enabling bills.

Mr. Boswell raised the question of duality of mineral disposition procedures in the event mineral rights were reserved to the State for disposition only through lease. He expressed concern that in a competitive position with Public Domain lands, State lands would be less attractive to mineral claimants.

Mr. Bartlett stated that earlier bills did not instruct the states as to the administration of subsurface lands; that in 1950 and 1951 thinking on the Senate side commenced to change,

that S.50 of the 82nd Congress contained three limitations:

1. State could not dispose of more than 640 acres to any one person, firm or association.
2. State required to observe royalty provision of not more than 12½ percent.
3. Income derived to be covered into Public School fund.

Mr. Bartlett stated further: The first committee draft of the reservation concept provided for a fixed royalty rate which was later modified to set merely an upper limit, leaving to the State legislature establishment of a royalty scale within that top limit.

In the 83rd Congress, Mr. Bartlett stated, the bill reported out by the late Senator Butler provided that grants of mineral lands be made on the express condition they contain mineral reservation in the State, and be disposed of only by lease.

The measure which passed the Senate in 1954 contained substantially similar requirements as to reservation to the state of minerals and their disposition by lease.

The current bills are substantially similar except that the prohibition against the sale of more than 640 acres to any one purchaser has been removed. In this respect the proposed Tayia project was cited.

Reference was made by Mr. Bartlett to a memorandum from Herbert J. Slaughter of the Solicitor's Office, which memorandum was made available to the Committee and traces the history of

Congressional thinking on the point of reserving minerals, in Federal grants, to the State. The bill before the last Congress differed in one respect - namely, that concerning the proposed 800,000 acre grant for Community Development purposes.

Mr. Slaughter's conclusions suggest that the 1927 Act confirming title of mineral bearing school sections evidenced for the first time a change in Congressional attitude which is reflected in recent statehood enabling bills.

Mr. Stewart raised the question of the taxability of leasehold interests under the proposed State lease arrangement and indicated also that certain exemptions were granted lessees of Federal Coal Lands.

Mr. White inquired of Mr. Bartlett - "Could not the Constitution state that disposition of minerals be made by methods other than leasing, should the enabling act allow?"

Questions were propounded by Delegates Ralph Rivers, Yule Kilcher, and Committee members touching on related subject matter. Delegate Kilcher's questions brought out the provision in current enabling bills whereby a limited State preference right of selection would exist on restoration to public domain of lands in Federal reservations, subject, however, to priority of the Veteran's Preference Act of September 1944, as amended.

Mr. Bartlett's concluding references were to the effect that

the latest language contained in enabling bills did not prescribe rates of royalty; that the Senate feels it is being especially liberal as to proposed acreage grants as well as to any grant of minerals; that the Congress may well feel it is committed to the course followed elsewhere since 1927 which must continue to be observed and which, therefore, accounts for the reservation language in present enabling acts.

~~Respectfully submitted,~~

~~Burke Riley, Secretary~~

*Thomas Stinson*

*Secretary* ~~\_\_\_\_\_~~

All members present; also present, Delegates Sweeney & Hurley and Laws, Mrs. King and Mrs Marston

Previous meeting's minutes read, corrected and approved.

Staff paper's section 4 ~~xxxx~~ discussed and tentative changes in text ~~adopted~~ noted.

Mr. Emberg read from *McMillan v. Sims* (132 Wash 265) that there is no private right to take fish or game except as such right is given, at least inferentially, by the State, in turn raising the question need such mention be made *in the Court.* to cover game and sports fish. *the*

Discussion occurred as to ~~xxx~~ need for consideration by Resources Committee of an article covering indiginous inhabitants, and *other express requirements of the Reabling act,* ~~xxxxxxxxxx~~ were such questions being considered by Committee on Transitional Matters. *to resolutions*

Mr. Hurley enlarged upon the Section 4 discussion in terms of soil conservation's being related to preservation of spawning grounds and erosion resulting from logging, pointing up the need in Section 1 for balanced utilization, development and conservation.

Riley *was considered* asked to discuss 205 a, b, and c tomorrow ~~of~~ §HR 2535§

*for further Committee discussion*



3

9/10

Tuesday - Nov 29 - Resources Committee

All members present. Also present: Harold Strandberg, Bruce Thomas, Earl Beistline, Delegates Sundborg, Egan, Mc Laughlin, McNeess

Minutes read and approved.

Letter was read from Phil Holdsworth, Commissioner of Mines, indicating his willingness to appear before Committee next month.

Mr. James Crawford, vice President <sup>to Alaska</sup> and ~~President~~ general manager ~~of the~~ USSR&M appeared before the Committee on invitation. ~~and~~ Mr Crawford's prepared statement is attached and by reference made a part of these minutes.

Questions addressed to Mr. ~~Boswell~~ Crawford included: That he explain the amortization feature on mining property and plant (Boswell); that he outline more fully his proposal how the enabling act language might be modified as to mineral reservations in the state (Riley); that he compare company prospecting incentives as between Alaska and Canada (Stewart). As to the latter Mr Boswell read a memorandum from Phil Holdsworth detailing the greater attractiveness of Canadian prospecting inducements.

Mr. White asked Mr. Crawford to state his views as to the mining industry's probable position before Congress in the event mineral reservation language were retained in the enabling bill.

In response to questioning from the chair, Mr Crawford stated that the B.C. leasing system was adopted in 1867, prior to enactment of our basic Federal mining law, adding that confusion would ~~not~~ be created, in his judgment, were ~~the same system~~ a similar leasing system now adopted here.

Mr. Stewart discussed Kennecott in terms of its resumpti on being more readily achieved had title not vested in one operator, pointing out that with State ownership of mineral rights, and access, that property might now be generally offered on lease to the industry.

Wednesday: Nov. 30,

All present. Also present, Delegates Hinkel, Sundborg, Lundborg, Kilcher; Mrs. L. King, Mr. & Mrs. G. King. Mrs. Marston.

Reading of the minutes was deferred on Secretary's request.

Earl Beistline, Dean of the School of Mines, University, appeared on invitation and presented a paper which is attached to these minutes.

Discussion of points raised in Dean Beistline's presentation - touching on much the same subject matter of the previous day - occupied the full session.

Mr. Beistline's <sup>discussed</sup> conclusions were generally in opposition to the state reservation of mineral rights and ~~the leasing system~~ extension of the leasing system beyond ~~the~~ present Federal practice.

Dec 1, 1955 = Minutes- Resources

All present. Also, <sup>Vincent</sup> ~~Vern~~ Ostrum, Delegate Lundborg, (3 others)

On motion of Mrs Wien and with unanimous consent Secretary instructed to send letter of thanks to Dean Beistline, with copies to President Patty and Dean Hose ly sp?

Scheduling of witnesses was discussed whereupon on motion of Mr White and with unanimous consent it was ordered that the Committee dispense with the Saturday mornig meeting; that hearings scheduled for Saturday afternoon continue, if necessary, until 6 o'clock p.m.; and that the Committee meet at 2 p.m. Sunday for a period of not more than 3 hours if it were found that ~~the~~ such time could be profitably employed.

The chairman led brief discussion on Sec 4 of the staff proposed article. (Foretlands)

~~Mr. Ostrum's discussion~~ discussion of Proposal 26 = ~~which~~ occupied the remaining time of the meeting.

Messrs  
Buckley  
Dean &  
Simon

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Buckley ~~FWL~~ (FWL)

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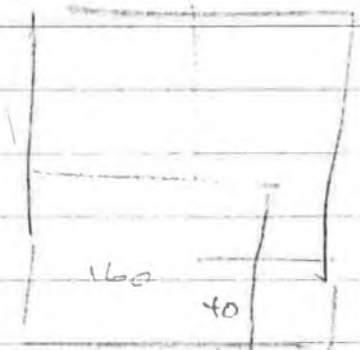
Ray Eakin }  
Ivan Sabielan }

Mr. Desjain TVSA

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Saturday

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1:00 PM

2:00 PM

3:00 PM

- Chas James Arch Westwood  
D. H. H. H. H.

4:00 PM

5:00 PM

Geophysical

6:00 PM

7:00 PM

Allen & Kew } Expected 500  
 Jensen & R. L. }  
 1950 500 ✓  
 1951 500 ✓

1906 Act  
 Rpt. ✓

Dec 2  
 T. Embury absent  
 Ostrom, Downing, Wozzeman  
 Sweeney, Knight, Crawford, Rosson  
 McKee, Kildner, S. Long  
 Zimmert, Robinson

1906 Act Rpt. ✓

1906 Act Rpt. ✓

1906 Act Rpt. ✓  
 1906 Act Rpt. ✓  
 1906 Act Rpt. ✓  
 1906 Act Rpt. ✓  
 1906 Act Rpt. ✓

1906 Act Rpt. ✓



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re Maxton, Aug 2004  
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Dec 6

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Patty

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Al Anderson - Gruening

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Haldsworth (Hearing?)

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Ben Franklin

13

Gabrielson - Buckley

14

Greely







Dec 6

Resonance

2 PM

Embrey, King, Wren, Broude, Smith, Reed  
w.r.c

minutes ~~disputed~~ postponed

Con. Tel - D. Anderson

Letter - Robinson

Dr. P. J. & W. J. <sup>(General Resonance)</sup> <sup>(Incorporate)</sup> <sup>(as individual)</sup> <sup>statements</sup>

State of Wash - state lands being "we try to avoid"

2nd page <sup>(incorporate)</sup> - School lands - rep. Univ. of Alaska

"not jeopardize source and releasing man!"

If a meth. can be provided for full protection of  
patent process may not be necessary.



MINUTES OF NATURAL RESOURCES COMMITTEE

MEETING - November 16, 1955

Committee met at 11:00 a.m. with all members present. The chair appointed Riley as secretary, and thereupon called for nominations for vice chairman. Mr. Boswell was nominated by Mr. King and unanimously elected.

It was moved by Mr. White that Convention Rules apply to committee proceedings insofar as applicable; that a majority of a committee constitute a quorum; and that the committee's publicity releases be given only by the President with the approval of the committee. Unanimous consent was given.

After discussion and by unanimous consent it was decided that the drafting of committee reports be held in abeyance for later assignment from the chair and that such drafting when assigned be done in collaboration with the President and the Secretary.

By unanimous consent a general policy statement covering the open nature of meetings was deferred until November 21st.

MINUTES - November 17, 1955

All members present. Also present, Mrs. Victor Fischer, Mrs. Irene Strand Douthitt and Victor Fischer.

The chair requested that members suggest the names of Territorial and Federal Officials whose views they would like to hear covering committee subject matter. Said names to be submitted at the next meeting.

MINUTES - November 18, 1955

All members present. Also present, Delegate Kilcher, Edna Foster of Anchorage News. Subcommittee consisting of Delegates Wien, Boswell, and King named to assemble maps and such other source materials as might be required from time to time.

Correspondence from Alaska Dept. of Fisheries in reply to inquiry from Delegate Smith was read.

The Committee discussed the matter of TV appearances and without objections agreed to follow Convention practice with respect to such appearances.

MINUTES - November 21, 1955

All members present. Also present: Delegates R. J. Rivers and V. C. Rivers.

Secretary reported mailing letters of invitation to present their views to a number of Alaskans familiar with various aspects of resource administration, management and/or utilization.

Mr. Tom Stewart was called upon to acquaint the Committee with the qualifications of Prof. Vincent Ostrum of the Oregon State College as a consultant to the Committee.

Mr. Boswell moved, seconded by Mr. B. D. Stewart that the services of both Prof. Ostrum and Dr. Ernest Bartley be sought as consultants. Unanimously carried.

Mr. White moved, seconded by Mr. Emberg, that Delegate E. L. Bartlett be asked to appear before the Committee on Tuesday, November 22.

Without objection the Committee decided to confine its TV appearances solely to meetings, excluding hearings from TV appearances.

Secretary was instructed to add to the list of invitees, Ben Gellenbeck, 711 North First Street, Tacoma, Washington; Bill Foran, Clarence J. Rhode, and a representative of the Alaska Miners Association.

X / Resources / 2

MINUTES OF RESOURCES COMMITTEE

November 22, 1955

All Members present.

Because of interest shown by other members in the appearance of Delegate Bartlett before the Committee, meeting held in Convention Hall.

A letter was read from John L. Buckley <sup>Associate Prof.</sup> of Wild Life Management indicating his availability to appear at a later date before the Committee.

Chairman Smith made introductory comment concerning subject matter sought to be discussed with Delegate Bartlett consisting principally of ascertaining the congressional background of passages in recent enabling bills concerning reservation to the states of mineral rights incident to federal land grants. Mr. Bartlett was specifically asked about the possibility of the Senate's adhering rigidly to the Reservation <sup>of mineral rights</sup> concept as expressed in recent enabling bills.

Mr. Boswell raised the question of duality of mineral disposition procedures in the event mineral rights were reserved to the State for disposition only through lease. He expressed concern that in a competitive position with Public Domain lands, State lands would be less attractive to mineral claimants.

Mr. Bartlett stated that earlier bills did not instruct the states as to the administration of subsurface lands; that in 1950 and 1951 thinking on the Senate side commenced to change,



that S50 of the 82nd Congress contained three limitations:

1. State could not dispose of more than 640 acres to any one person, firm or association.
2. State required to observe royalty provision of not more than  $12\frac{1}{2}$  percent.
3. Income derived to be covered into Public School fund.

Mr. Bartlett stated further: The first committee draft of the reservation concept provided for a fixed royalty rate which was later modified to set merely an upper limit, leaving to the State legislature establishment of a royalty scale within that top limit.

In the 83rd Congress, Mr. Bartlett stated, the bill reported out by the late Senator Butler provided that grants of mineral lands be made on the express condition they contain mineral reservation in the State, and be disposed of only by lease.

The measure which passed the Senate in 1954 contained substantially similar requirements as to reservation to the state of minerals and their disposition by lease.

The current bills are substantially similar except that the prohibition against the sale of more than 640 acres to any one purchaser has been removed. In this respect the proposed Tayia project was cited.

Reference was made by Mr. Bartlett to a memorandum from Herbert J. Slaughter of the Solicitor's Office, which memorandum was made available to the Committee and traces the history of

Congressional thinking on the point of reserving minerals, in Federal grants, to the State. The bills before the last Congress differed in one respect - namely, that concerning ~~the proposed~~ *mineral reservations in* 800,000 acre grant for Community Development purposes.

Mr. Slaughter's conclusions suggest that the 1927 Act confirming title of mineral bearing school sections evidenced for the first time a change in Congressional attitude which is reflected *in turn* in recent statehood enabling bills.

Mr. Stewart raised the question of the taxability of leasehold interests under the proposed State lease arrangement and indicated also that certain exemptions were granted lessees of Federal Coal Lands.

Mr. White inquired ~~of Mr. Bartlett~~ - "Could not the Constitution state that disposition of minerals be made by methods other than leasing, should the enabling act allow?" *Mr. Bartlett*

*replied that it could*

Questions were propounded by Delegates Ralph Rivers, Yule

Kilcher, and Committee members touching on related subject matter.\*

# Delegate Kilcher's questions brought out the provision in current enabling bills whereby a limited State preference right of selection would exist on restoration to public domain of lands in Federal reservations, subject, however, to priority of the Veteran's Preference Act of September 1944, as amended.

Mr. Bartlett's concluding references were to the effect that

\* *Mr. R. Rivers suggested that state lands' administration be determined by the legislature subject to terms and restrictions of the enabling law.*

the latest language contained in enabling bills did not prescribe rates of royalty; that the Senate feels it is being especially liberal as to proposed acreage grants as well as to any grant of minerals; that the Congress may well feel it is committed to the course followed elsewhere since 1927 which ~~must~~<sup>may</sup> continue to be observed and which, therefore, accounts for the reservation language in present enabling acts.

Respectfully submitted,

Burke Riley, Secretary

Constitutional Convention  
X/Resources / 3  
November 23, 1955

MINUTES RESOURCE COMMITTEE

1. All members present. Committee meeting held in gallery. Also present Delegate Kilcher, Mrs. Marston, Mrs. Lee. Delegates McLaughlin, Lee and Egan visited briefly.

2. Previous day's minutes were read, corrected and approved. All earlier minutes approved as read.

3. Letters were read from President Patty and Robert Simon in response to invitations to appear before the Committee.

4. Saturday afternoon, Dec. 3rd, was set as the Committee's first hearing time, 3:00 p.m.

5. The Committee agreed informally that it would not use the services of outside "experts" on TV appearances.

6. In response to Style & Drafting request for tentative schedule of articles to be reported out, the Committee decided to follow the outline of subject matter contained in the staff paper, including, expressly, boundary coverage. December 15th was set as target date for submission of report on resources article.

7. Chairman called attention to various passages in HR 2535 commencing with subsection 2 of section 202 for the familiarization of committee members with such passages in the event of their bearing on committee drafting.

8. Committee tentatively adopted the staff proposed article on boundary coverage.

9. Section 1 of the proposed article was tentatively adopted as amended in Committee.

Respectfully submitted,

Burke Riley, Secretary

MINUTES OF COMMITTEE ON RESOURCES

1. All members present. Meeting held in convention lounge.
2. Minutes of last meeting read and approved. Communication read from Leo Saarela.
3. Discussion was held concerning the length of time proposals might be expected to remain in second reading. It was suggested that by publication of daily calendar several days in advance and through resort to Committee of the Whole on major matters, ample time would be afforded all delegates to consider and familiarize themselves with proposals from committees other than their own.
4. Without objection it was agreed that all Resource committee proposals be considered tentative until Resource Committee proposals are presented to the Convention on or about December 15.
5. The Chairman appointed Mr. White and Mr. Boswell to assist him in arranging and programming TV appearance for Nov. 30.
6. Saturday's hearing, December 3, confirmed for 3:00 o'clock at convention home.
7. On Mr. Stewart's motion and without objection the word "maximum" was inserted before the word "benefit" in the last line of staff proposed "Section 1".
8. Mr. White asked unanimous consent that language be inserted to provide that the constitution allow mineral disposition

by methods other than lease should Congress so allow in a Statehood enabling act. Agreed without objection.

9. Mr. Boswell proposed additional language for consideration in staff Section 2 whereby disposition of oil, gas and coal from State lands should be no less liberal in terms than Federal disposal of oil, gas, and coal. This was discussed at length, with exact language embracing said proposal to be presented at a later meeting.

Respectfully submitted,

Burke Riley, Secretary

Constitutional Convention  
X/Resources/5  
November 26, 1955

MINUTES OF COMMITTEE ON RESOURCES

1. All members present.
2. Minutes read and approved.
3. Communications read from Art Greely, and A. W. Boddy. Secretary instructed to acknowledge and to urge early appearances on Greeley and Ira Gabrielson.
4. TV programming and approach to subject matter discussed.
5. Chairman asked that members make known to him their individual preferences as to topics for discussion on TV.
6. Request was made that Jim Crawford of the USSR&M and Bill Wagge man of Usibelli Coal Company be invited to appear before the Committee.
7. President Egan appeared and joined in Committee discussion.
8. As to Section 3 of the staff proposals Mr. White raised the question of mentioning abolition of fishtraps in the Constitution. Following discussion and notwithstanding individual views on the general subject of fishtraps, it was Committee consensus that there were other means for accomplishing that objective without the matter's receiving constitutional mention; that the instrument should not impose economic sanctions and that inclusion of any such matter in the constitution would open the door to other subjects of similar nature.

Respectfully submitted,

Burke Riley  
Secretary

APPROVED:

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MINUTES

Meeting of Resources Committee  
November 28, 1955

All members present; also present, Delegates Sweeney, Hurley and Laws, Mrs. King, and Mrs. Marston.

Previous meeting's minutes read, corrected and approved.

Staff paper's section 4 discussed and tentative changes in text noted.

Mr. Emberg read from "McMillan v. Sims (132 Wash. 265)" that there is no private right to take fish or game except as such right is given, at least inferentially, by the State, in turn raising the question need such mention be made in the Constitution to cover game and sports fish.

Discussion occurred as to need for consideration by the Resources Committee of an article covering indiginous inhabitants, and other express requirements of the enabling act, and were such questions being considered by Committee on Transitional Matters or Resolutions.

Mr. Hurley enlarged on the Section 4 discussion in terms of soil conservation's being related to preservation of spawning grounds and erosion resulting from logging, pointing up the need in Section 1 for balanced utilization, development and conservation.

Riley was asked to consider Section 205, a, b, and c of



"HR 2535" for further Committee discussion.

Burke Riley, Secretary

W. O. Smith, Chairman

MINUTES OF COMMITTEE ON RESOURCES

1. All members present. Also present: Harold Strandberg, Bruce Thomas, Earl Beistline, Delegates Sundberg, Egan, McLaughlin and McNeas.

2. Minutes of the previous meeting read and approved.

3. Letter was read from Phil Holdsworth, Commissioner of Mines, indicating his willingness to appear before the Committee next month.

4. Mr. James Crawford, vice President of USSR&M and its Alaska General Manager, appeared before the Committee on invitation. Mr. Crawford's prepared statement is attached and by reference made a part of these minutes. Mr. Crawford stated that he appeared in his individual capacity, and not as a representative of his firm.

5. Questions addressed to Mr. Crawford included: That he explain the amortization feature on mining property and plant (Boswell); that he outline more fully his proposal how the enabling act language might be modified as to mineral reservations in the state (Riley); that he compare company prospecting incentives as between Alaska and Canada (Stewart). As to the latter, Mr. Boswell read a memorandum from Phil Holdsworth detailing the greater attractiveness of Canadian prospecting inducements.

6. Mr. White asked Mr. Crawford to state his views as to the mining industry's probable position before Congress in the event mineral reservation language were retained in the enabling bill. Mr.

Crawford replied that obtaining statehood should not be jeopardized through insistence on the language in the enabling act.

7. In response to questioning from the chair, Mr. Crawford stated that the B. C. leasing system was adopted in 1867, prior to enactment of our basic Federal mining law, adding that confusion would be created, in his judgment, were a similar leasing system now adopted here.

8. Mr. Stewart discussed Kennecott in terms of its resumptons being more readily achieved had title not vested in one operator, pointing out that with State ownership of mineral rights, and access, that property might now be generally offered on lease to the industry.

Respectfully submitted,

Burke Riley, Secretary.

Constitutional Convention  
X/Resources/9/10  
November 30, 1955

MINUTES OF COMMITTEE ON RESOURCES

1. All members present. Also present, Delegates Hinkel, Sundborg, Lundborg, Kilcher, Mrs. L. King, Mr. & Mrs. G. King and Mrs. Marston.
2. Reading of the minutes was deferred on Secretary's request.
3. Earl Beistline, Dean of the School of Mines, University, appeared on invitation and presented a paper which is attached to these minutes. Mr. Beistline stated that he appeared in an individual capacity and not as a representative of the College.
4. Discussion of points raised in Dean Beistline's presentation - touching on much the same subject matter discussed the previous day - occupied the full session.
5. Mr. Beistline's conclusions were generally in opposition to the state reservation of mineral rights and extension of the leasing system beyond present Federal practice. Mr. White addressed the same question to Mr. Beistline as that reported in the previous day's minutes addressed to Mr. Crawford and received substantially the same reply.

Respectfully submitted,

Burke Riley, Secretary

Minutes- Resources Meeting

1. All present. Also, Vincent Ostrum, Delegates Lundborg, Buckley, Dean and Simon.
2. On motion of Mrs. Wien and with unanimous consent Secretary instructed to send letter of thanks to Dean Beistline, with copies to President Patty and Dean Hosely.
3. Scheduling of witnesses was discussed whereupon on motion of Mr. White and with unanimous consent it was ordered that the Committee dispense with the Saturday morning meeting; that hearings scheduled for Saturday afternoon continue, if necessary, until 6 o'clock p.m.; and that the Committee meet at 2:00 p.m. Sunday for a period of not more than 3 hours if it were found that such time could be profitably employed.
4. The chairman led brief discussion on Sec. 4 of the staff proposed article (Forest Lands).
5. Discussion of Proposal 26 occupied the remaining time of the meeting.

Respectfully submitted,

Burke Riley, Secretary

MINUTES OF COMMITTEE ON RESOURCES

Meeting on December 2:

1. All present except Emberg. Others present: Ostrum, E. Gruening, Waggeman, J. Crawford, and Delegates Sweeney, Knight, Sundborg, Rosswog, McNees, Kilcher and Egan.

2. Mr. King requested that Zumwalt be contacted to appear.

3. Mr. Waggeman of the Usibelli Coal Company appeared in his individual capacity. He stated that he was in accord with enabling bill provisions as to coal, oil and gas leases; opposed to the leasing of ground for the mining of metallic minerals, and to the enabling bills' reservation of mineral rights to the state. The Committee members queried Mr. Waggeman at length--along lines noted in earlier appearances before the Committee.

4. Mr. Kilcher spoke of an ordinance under consideration whereby conflicts between the Constitution and an enacted enabling bill might be resolved.

5. Mr. Sundborg asked Mr. Waggeman, "Should we reexamine the proposed grant; is it perhaps too liberal in its terms for State acceptance?"

Hearings: December 3:

1. All members present except Emberg.

2. Irene Ryan, mining engineer of Anchorage appeared and presented her views orally.

3. Transcript kept.

4. Delegate Marston appeared in his own behalf and on behalf of the Anchorage prospecting group.

5. Ernest Wolf of Fairbanks, a mining engineer and prospector presented his statement setting forth his views of the enabling bill's effect on prospecting.

6. Alice Stuart spoke briefly concerning the National Forests.

7. Delegate Kilcher spoke with respect to the Kenai Moose Refuge.

Meeting on December 4:

1. The Committee met at the Northward Building, at 2 p.m. All members were present except Emberg. Ernest Bartley, author of PAS staff paper on Resources, was also present.

2. The statement of Art Glover, Territorial Assayer, was read, as was TDM current bulletin.

3. Mr. Bartley spoke of his background in the resource field and with the Committee considered various of the staff paper's recommendations.

Respectfully submitted,

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Secretary  
Committee on Resources

MINUTES OF RESOURCES COMMITTEE

Meeting called to order by the Chairman, Mr. Smith. Those present were W. O. Smith chairman, Burke Riley, John Boswell, Truman Emberg, Peter Reader, B. D. Stewart, Barrie White and Ada Wien. George Sundborg was also in attendance.

Mr. Smith asked Ada Wiento act as secretary for the meeting.

The chairman announced that the committee proposal was now in the "boiler room" and asked Mr. White, Mr. Boswell and Mr. Riley to assume the responsibility of proof reading it when ready.

Mr. Smith proposed that the committee now go over the commentary of the committee proposal which was prepared by the sub committee with the assistance of Dr. Ostrom.

Mr. White asked how lengthy a written commentary should be in view of the recent decision of the convention to resolve itself into a committee of the whole for discussion of committee proposals before second reading. It was stated by the chairman that this report was only a statement of explanations and intent of the committee pertaining to each section of the proposal.

Mr. Stewart asked that the minutes show his opposition to mention of "exhaustion and abandonment" of mining claims as expressed in the revised commentary where it appeared in reference to cessation of beneficial use.

The committee again reviewed all delegate proposals referred to resources to again check and then record action taken on each.

Proposal No: 5: Parts are included in committee report.

Proposal No. 6: Parts are included in committee report.

Proposal No. 7: It was moved by Mr. White, seconded by Mr. Stewart that this proposal not be included in the constitution but that the committee include parts of part of the delegate proposal in a



resolution to be submitted to the first state legislature. The motion was carried.

Proposal No. 9: Sections 6 & 7 were incorporated in proposal in substance.

Proposal No. 17: Sections 6 & 7 were incorporated in committee proposal in substance.

Proposal No. 18: Part was included in the committee proposal.

Proposal No. 26: This proposal was considered by the committee and it was decided that material therein was properly of legislative consideration. It was moved by Mr. White, seconded by Mr. Boswell, that part of this proposal be included in a resolution to be submitted to the first state legislature. The motion carried.

Proposal No. 30: Parts are included in committee proposal.

Proposal No. 32: In substance all parts are included in committee proposal.

Proposal No. 33: It was moved by Mr. White, seconded by Mr. Boswell, that this proposal not be incorporated in the resources article because material therein was more properly legislative matter but that this committee submit a resolution to the first state legislature recommending the abolition of fish traps.

Mr. Smith requested Mr. Boswell to take the chair.

Mr. Smith then expressed reasons why he planned to vote against the motion. He stated that although he felt fish trap abolition might normally be a subject for legislative action he would like to have it incorporated in the constitution for two reasons: first, to be more sure of having them abolished and second, that he felt many might not ratify the constitution if provision for abolishment of fish traps was not in the constitution. The motion was carried. Six votes were cast for the motion and

one vote against cast by Mr. Smith. Mr. Riley was then not present, having previously departed from the meeting to attend to other business pertaining to committee work.

Meeting adjourned.

Respectfully submitted,

*Ada B. Wien*

Ada B. Wien, Acting Secretary