

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO. 6

Introduced by: Maurice T. Johnson
and John B. Coghill

EDUCATION

RESOLVED, that the following be agreed upon as part of the
Alaska State Constitution.

1 Sec. 1. Every person has a right to education to the fullest
2 extent of the capabilities of each person and to the extent
3 permitted by the facilities of the state.

4 Sec. 2. The State's responsibility for the education of its
5 people is here declared to be clear, positive and final. The
6 Legislature may delegate by statute its responsibility, pow-
7 er and authority to local communities or political subdivi-
8 sions of the State, but such authority when delegated may be
9 extended, withheld or withdrawn at any time the Legislature
10 deems it necessary or expedient. It is the intent and pur-
11 pose of this article that Education shall be free from the
12 domination and control of any branch, department, or official
13 of the state government, or from any professional group or
14 person, and reserving all final control, power and authority
15 to the people of the State, through their chosen representa-
16 tives, the Legislature.

17 Sec. 3. The Legislature shall provide for the establishment,
18 maintenance and support of a uniform system of free public
19 schools, and such other educational institutions for special-
20 ized training and for the education of the physically and

1 mentally handicapped as may be deemed desirable. Such insti-
2 tutions shall be non-sectarian, non-political, and open and
3 available to all without regard to race, color, creed or age.

4 Sec. 4. The Legislature shall provide for the compulsory
5 attendance at some public school, unless other state approved
6 means of education are provided, of all the children in the
7 state who are sound in mind and body between the ages of
8 eight and sixteen, provided, however, the Legislature in its
9 discretion shall have power to require a greater range of com-
10 pulsory attendance, but in no case shall the range herein
11 given be reduced.

12 Sec. 5. The English language shall be the official language
13 of the School System and shall be taught in all schools of the
14 state whether Public, private, denominational or parochial.

15 Sec. 6. The Legislature may provide for the establishment of
16 private schools by individuals, groups, institutions or corp-
17 orations under charter from the State. The State shall estab-
18 lish minimum educational standards for such schools, but such
19 schools shall be secure in the right to teach such principles
20 as the governing body shall decide over and above the State
21 requirements, provided such teachings are not otherwise con-
22 trary to the statutes or the constitution of the State.

23 Sec. 7. No public funds from whatever source, local or state,
24 shall be used directly or indirectly for the support, opera-
25 tion or maintenance, including transportation and other auxil-

1 iary services, for any schools or children therein except
2 those Public Schools under the exclusive supervision and
3 direction of the State.

4 Sec. 8. All local and state school property, except income
5 property, shall be exempt from any form of state or local
6 taxation.

7 Sec. 9. The Legislature shall provide for the recall for
8 cause of any elected or appointed person or official connec-
9 ted with the Public School System.

10 Sec. 10. The general appropriations bill shall include ap-
11 propriations for the support and maintenance of Public educa-
12 tion. All funds so appropriated for schools shall have first
13 priority on state funds after funds appropriated for the sal-
14 aries of state officials.

15 Sec. 11. The Teachers' Retirement System shall be deemed a
16 contract between the individual members and the State, and
17 the Legislature shall make no laws or any other provisions
18 which shall diminish or impair this obligation. The Legis-
19 lature shall provide the manner of selecting the securities
20 for the investment of any Retirement Funds, prescribe the
21 rules and regulations and conditions upon which such funds
22 shall be invested, and do all things necessary for the
23 safety of the fund, and the State shall reimburse said Re-
24 tirement fund for all losses thereof which may in any manner
25 occur.

1 Sec. 12. The State shall incur no public school debt with-
2 out first obtaining sanction of the people of the State in
3 a state-wide referendum, and no local school unit shall in-
4 cur any debt for any school purpose without first obtaining
5 the approval of the people of the local unit.

6 Sec. 13. (a) The State hereby accepts all grants of land
7 and donations of money made by the United States under the
8 provisions of the Enabling Act, any other Acts of Congress,
9 for the uses and purposes and upon the conditions, and
10 under the limitations for which the same are granted or
11 donated; and the faith of the State is hereby pledged to
12 preserve such lands and moneys derived from the sale of any
13 said lands as a sacred trust, and to keep the same for the
14 uses and purposes for which they were granted or donated.

15 (b) All proceeds of the sale of public lands that have here-
16 tofore been or may be hereafter given by the United States
17 for the use and benefit of the Public Schools of the State,
18 all such per centum as may be granted by the United States
19 on the sales of public lands, timber, mineral or petroleum
20 products, the proceeds of all property that shall fall to
21 the State by escheat, the proceeds of all defunct school pro-
22 perty, the proceeds of all gifts or donations to the State
23 for Public Schools not otherwise appropriated by the terms
24 of the gift, and such other appropriations, gifts or dona-
25 tions as shall be made by the Legislature, the United States,

1 any corporation, any person or institution for the benefit
2 of the Public Schools, shall constitute the permanent school
3 fund, the income from which shall be used for the maintenance
4 of the Public Schools of the State. The principal shall be
5 deemed a trust fund held by the State, and shall forever re-
6 main inviolate. It may be increased, but shall never be
7 diminished. The State shall reimburse said permanent school
8 fund for all losses thereof which may in any manner occur,
9 and no portion of said fund shall be diverted for any other
10 use or purpose.

11 (c) The interest and income of the permanent school fund,
12 the net income from the leasing of public lands which have
13 been or may be granted by the United States to the State
14 for the use and benefit of the Public Schools, together with
15 any revenues derived from taxes authorized to be levied for
16 such purpose, any other sums which may be added thereto by
17 law, shall be used and applied each year for the benefit of
18 the Public Schools of the State, and no part of the fund
19 shall ever be diverted from this purpose, or used for any
20 other purpose than the support and maintenance of Public
21 Schools for the equal benefit of all the people of the State.

22 (d) All public lands set apart to the State by Congress for
23 charitable, penal, educational and public buildings purposes,
24 and all lands taken in lieu thereof, may be sold by the State.
25 under such rules and regulations as the Legislature may pre-

1 scribe, in conformity with the regulations of the Enabling
2 Act.

3 (e) The Legislature shall provide for the investment of the
4 permanent school funds and other educational funds, but in no
5 case shall such funds be loaned to the State or any political
6 subdivision of the State. The Legislature shall provide the
7 manner of selecting the securities for such funds, prescribe
8 the rules and regulations, restrictions and conditions upon
9 which such funds shall be loaned or invested, and do all
10 things necessary for the safety of the funds and permanency
11 of the investment. The State shall reimburse said permanent
12 school fund and other educational funds for all losses there-
13 of which may in any manner occur, and no portion of said
14 funds shall be diverted for any other use or purpose.

15 Sec. 14. The enumeration in this article of specific func-
16 tions shall not be construed as limitations upon the powers
17 of the State government. The State government shall have
18 full power to act for the government and good order of the
19 State, and for the health, safety and welfare of its citizens,
20 by all necessary and convenient means, subject only to the
21 limitations prescribed in this constitution and in the Consti-
22 tution of the United States.

BASIC PRINCIPLES OF EDUCATION TO BE INCLUDED IN THE
CONSTITUTION FOR THE STATE OF ALASKA

* * *

Jointly Formulated and Approved
by the
Alaska School Boards Association
and the
Superintendents' Advisory Commission
meeting in Anchorage October 17 - 19, 1955

* * *

1. Education is a paramount duty and responsibility of the State.
2. There shall be complete separation of Church and State.
3. The State shall establish a free non-sectarian and non-political public school system which shall be open to all, regardless of race or creed.
4. The State shall make no laws abridging the right of private education at private institutions which are chartered by the State and which maintain minimum standards set by the State.
5. The State shall require compulsory school attendance.
6. The English language shall be the official language of all schools within the State.
7. The appropriations made by the Legislature for the operation and maintenance of Public Schools shall be contained in the general Appropriations Bill, and this School Appropriation shall have priority over all other appropriations after the payment of salaries of personnel engaged in general administration of State affairs.
8. The Teachers Retirement System shall be deemed a contract between the State and the individual teacher.
9. The Constitution shall provide for a permanent school fund consisting of monies derived from the sale of lands granted by the several acts of Congress and by the State of Alaska and from other sources and shall provide for the investment, safety and perpetuation of the fund.
10. Each school district shall be deemed a taxing unit and shall certify to the proper collecting agency its millage rate levy without reference to any other taxing unit.
11. The members of the Board of Regents of the University of Alaska, the members of the State Board of Education and the Commissioner of Education shall be appointed in the same manner, and under the same conditions as prevail under the present Territorial form of Government.
12. It is recommended that the Constitutional Convention give serious consideration to the use of recall, initiative and referendum as a means of popular Government.

*From Handerson,
Supt. of Schools,
Ketchikan -
Nov. 7 1955*

*Tom Smith
These are the recommendations I promised to send you
I think they are very good
J. Handerson*

BASIC PRINCIPLES OF EDUCATION TO BE INCLUDED IN THE
CONSTITUTION FOR THE STATE OF ALASKA

* * *

Notes of Explanation and Clarification

* * *

1. Education is a paramount duty and responsibility of the State.

The State's responsibility for the education of its people must be made clear, positive and final. The Legislature may delegate by statute its responsibility, power and authority to local communities for political sub-divisions of the State but such authority, when delegated, may be extended, withheld or withdrawn at any time the Legislature deems it necessary or expedient. Our Federal Constitution makes no mention of education and at least by implication in the Tenth Amendment education is made a responsibility of the State. It is the intent and purpose of this principle that we should make it unmistakably clear that the chief and compelling responsibility for education rests upon the State. The United States has become industrial, scientific and democratic and as far as anyone can foresee, this type of social order will prevail for the next 50 or 100 years. The nation is committed to democracy wherein, as Robert M. Hutchins puts it "Every man is a ruler". If we are to solve the problems of an industrial, scientific and democratic society every person must learn to think for himself about the fundamental issues of human life and organized society. For a democratic society the alternatives are education, or the abandonment of universal suffrage. A democratic State must educate or die. In a democratic State then, education becomes a right as sacred and fundamental as the freedom of speech, freedom of the press and an impartial judiciary. For these reasons the constitution must proclaim and reiterate the right of every person to as much education as his capabilities will permit. So vital to the life of a democratic society is education that it cannot be left to the discretion of local Governments. It must be a compelling and positive responsibility of the State.

2. There shall be complete separation of Church and State.

The Constitution must positively prohibit the use of public funds - either State or local for private, denominational or parochial schools. This prohibition must be so air-tight as to eliminate any possibility of the use of public funds by private schools or non-public schools for textbooks, transportation, school lunches or any other purpose whatsoever, regular, auxiliary or incidental. This prohibition does not arise from any prejudice against private schools nor from any lack of appreciation of the work done by the Church in the history of education. The history of education in the United States shows clearly the unfortunate circumstances that arise when private schools are subsidized from public funds. Private or non-public schools thrive and multiply as a result of public subsidy. By this means, or in this way, public funds, always limited, are so divided that standards of all schools are thereby .

reduced. The public schools, wholly dependent upon public funds are the ones most affected. In the early part of the 19th century in many eastern cities, and some States, Church schools did share in public funds. When grants were once made to any one Church school, then all other denominations immediately applied for their share. The result was so disastrous that public schools were established and public funds were forbidden to any school in which "any religious sectarian doctrine or tenent should be taught, inculcated or practiced".

3. The State shall establish a free non-sectarian and non-political public school system which shall be open to all, regardless of race or creed.

The schools must be non-sectarian and non-political. The non-sectarian aspect must be positively and unequivocally stated in the Constitution. Our trust in Divine Providence and our allegiance to the Christian principles can be stated but sectarianism must be prohibited in the public schools. The schools must be free and open to all races. There must be no "Jim Crow" legislation in Alaska.

4. The State shall make no laws abridging the right of private education at private institutions which are chartered by the State and which maintain minimum standards set by the State.

The Constitution should permit the establishment of private, denominational and parochial schools and such schools should be secure in their right to teach such things as the governing body shall decide in addition to the States' minimum requirements. The State has a stake in every child as a future citizen regardless of the type of school he attends, and consequently the State has the right and must set the minimum standards for all schools whether public or non-public. All private schools should be chartered by the State, and no school should be allowed to exist that does not maintain State minimum standards.

5. The State shall require compulsory school attendance.

Every State in the Union, has by its Constitution, or by statute, provided for compulsory school attendance. Education is so important to the State that it has the right and the responsibility to require compulsory attendance at a public school or a state approved private, denominational or parochial school. It is perhaps unwise to state in the Constitution or to give in the Constitution a particular age range. This can be done by statute, but the principle that the State has the right to compel parents to send their children to school should be included in our Constitution.

6. The English language shall be the official language of all schools within the State.

A common language is one of our greatest unifying forces. Here in Alaska we have experienced little difficulty with this problem, but in some States settlements of foreign born have continued to use the native tongue in its parochial schools. By Constitutional decree, English should be made the official language of all schools of the State of Alaska.

10. Each school district shall be deemed a taxing unit and shall certify to the proper collecting agency its millage rate levy without reference to any other taxing unit.

This principle implies that each school district created by the State shall be a fiscally independent unit. It assumes that the Constitution will provide for some intermediate collecting agency. The governing body of each taxing unit then should have the power to certify its millage tax levy to the collecting agency without reference to any other taxing unit. It implies that each taxing unit, whether it be a municipality, school district or public utility district shall be fiscally independent and subject only to restrictions and limitations set by the State Legislature.

11. The members of the Board of Regents of the University of Alaska, the members of the State Board of Education and the Commissioner of Education shall be appointed in the same manner, and under the same conditions as prevail under the present Territorial form of Government.

The history of education in the United States and some 22 years of experience in Alaska indicates clearly that an appointive State Board of Education is superior to an elected board. This appointed Board of Education should have the power to appoint a Commissioner of Education who will be selected on the basis of professional qualifications. Our experience with the present or Territorial plan of an appointive board has been so satisfactory that we believe that the plan should be adopted by the State Government. The schools must be kept free from any sort of political or partisan influence, and the appointive board is the best means of achieving this goal. The Board of Regents of the University of Alaska, as an appointive Board, has worked well, and the present plan, under the Territorial form of Government should be continued into the State Government. Under no circumstances should public education and higher education be combined under one Board. Experiences in the States with this type of organization has not always been successful. Alaska's experience over the last 22 years with an appointive Board of Education and a separate appointive Board of Regents for higher education has been so productive of good results that we believe that the State Government should adopt and continue the Territorial plan of organization. If the Territorial plan for education is adopted by the State, the transition from the Territorial form of Government to the State Government can be made with the same personnel and without confusion or difficulty.

12. It is recommended that the Constitutional Convention give serious consideration to the use of recall, initiative and referendum as a means of popular Government.

This recommendation, that the Constitutional Convention give serious consideration to the use of the recall, initiative and referendum, in reality has no place under these recommendations for education, but it is felt that it is so important that the recommendation should be made although, it is a general provision of the Constitution and not specifically educational in nature.

Constitutional Convention
Committee Proposal/3
December 9, 1955

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON
DIRECT LEGISLATION, AMENDMENT AND REVISION

Hon. William A. Egan
President, Alaska Constitutional Convention

Dear Mr. President:

Your Committee on Direct Legislation, Amendment and Revision presents for your consideration and adoption its proposed Articles on Initiative, Referendum and Recall; and Amendment and Revision.

The Committee proposal, while incorporating many of the ideas contained in Convention Proposals No. 29 and 34, and in other drafts submitted to the Committee, is a Committee substitute.

A section by section commentary of the subject matter has been prepared by your Committee for the use of the Delegates to the Convention.

Respectfully submitted,

E. B. Collins, Chairman

Jack Hinckel

M. R. Marston

Irwin L. Metcalf

Warren A. Taylor

W. O. Smith

Leonard King

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 3

Introduced by Committee on Direct Legislation

INITIATIVE, REFERENDUM AND RECALL
AMENDMENT AND REVISION

RESOLVED, that the following be agreed upon as part
of the Alaska State Constitution:

ARTICLE ON DIRECT LEGISLATION

Initiative 1 Section 1. The people reserve the power by petition
2 to propose laws and to enact or reject such laws at the
3 polls.

Referendum 4 Section 2. The people reserve the power to require,
5 by petition, that laws enacted by the legislature be
6 submitted to the voters for approval or rejection.

Procedure 7 Section 3. The legislature shall prescribe the
8 procedures to be followed in the exercise of the powers
9 of initiative and referendum, subject to the specific
10 authority reserved herein. No law shall be enacted to
11 hamper, restrict or impair the exercise of powers reserved
12 herein by the people.

Petitions, 13 Section 4. Prior to general circulation, an initia-
ballot 14 tive petition shall be signed by ten qualified electors
title, 15 as sponsors and have the constitutionality certified by
election, 16 the Attorney General. Certification shall be reviewable
vote re- 17 by the courts. A valid initiative or referendum petition
quired 18 shall be signed by qualified electors equal to eight

1 percent of the number of votes cast for Governor in the
2 preceding general election at which the Governor was
3 chosen. Petitions shall be filed with the Attorney Gen-
4 eral, who shall prepare a ballot title, and the adequa-
5 cy of the ballot title shall be reviewable by the courts.
6 Initiative petitions may be filed at any time. Refer-
7 endum petitions shall be filed within 90 days after ad-
8 journment of the legislative session at which the measure
9 was passed. Laws proposed by the initiative shall be
10 submitted to the voters by ballot title at an election
11 not later than 180 days after the adjournment of the
12 legislative session following the filing of the petition,
13 unless the legislature enacts the measure initiated
14 during the session. The question on referendum shall be
15 submitted to the voters by ballot title not later than
16 120 days after the filing of a petition against the mea-
17 sure. A majority of the votes cast is necessary for the
18 adoption of an initiated law, or the defeat of a measure
19 referred. No law passed by the initiative may be vetoed
20 by the Governor nor amended or repealed by the legislature
21 for a period of three years.

Restrictions 22 Section 5. Neither the initiative nor referendum
23 may be used as a means of making or defeating appropria-
24 tions of public funds or earmarking of revenues nor for
25 local or special legislation. Emergency acts are not

1 subject to referendum.

Recall

2 Section 6. Every elected public official in the
3 State, except judicial officers, is subject to recall by
4 the voters of the State or subdivision from which elected.
5 Grounds for recall are malfeasance, misfeasance, nonfeas-
6 ance, or conviction of a crime involving moral turpitude.
7 The legislature shall prescribe the recall procedures.

ARTICLE ON REVISION AND AMENDMENT

Methods 1 Section 1. Revisions of or amendments to this
 2 constitution may be adopted by two succeeding legisla-
 3 tures, or be proposed by constitutional convention or
 4 by the legislature.

Proposals by 5 Section 2. Any legislature may by a two-thirds
Legislature 6 vote of each house propose amendments to the Constitu-
 7 tion. Proposed amendments may be submitted by ballot
 8 title prepared by the Attorney General to the voters at
 9 the next general election. If a majority of the votes
10 tallied on the question favor the adoption of the amend-
11 ment, the amendment is adopted.

12 Proposed amendments may be submitted to the next
13 legislature not less than two years after being proposed.
14 If the second legislature by a two-thirds vote of each
15 house favors the adoption of the amendment, the amend-
16 ment is adopted.

Constitutionall7 Section 3. The legislature may provide for
Convention 18 Constitutional Conventions. If any ten-year period
 19 elapses during which the legislature has not called a
 20 convention, the Governor shall certify the question,
 21 "Shall there be a Constitutional Convention?" The
 22 question shall be submitted at the first general elec-
 23 tion following the expiration of such period. If a
 24 majority of the ballots cast upon the question are in
 25 the affirmative, delegates to the convention shall be

ARTICLE ON REVISION AND AMENDMENT

-2-

1 chosen at the next regular election unless the legisla-
2 ture provides for the election of delegates at a special
3 election.

4 Unless the legislature provides otherwise, the law
5 providing for the Alaska Constitutional Convention of
6 1955 shall be followed insofar as possible relating to
7 number of members, districts, convention powers, election
8 and certification of delegates, submission and ratifica-
9 tion of revisions and ordinances, and other applicable
10 provisions. The appropriation provisions of the law
11 shall be self-executing and shall constitute a first
12 claim on the general fund of the State Treasury. The
13 legislature may provide additional appropriations.

ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Article of Initiative, Referendum
and Recall

(Sec. 1 Initiative)

The initiative is the power of the people to initiate laws themselves and provide for a referendum on such laws without action by the legislature. This section reserves the authority of the people to initiate laws by petition and vote of the people directly

(Sec. 2 Referendum)

This section permits the people to require that laws passed by the Legislature be referred to a vote of the people before taking effect. This power is known as the Referendum.

(Sec. 3 Procedure)

Many constitutions, in the states which make provision for the use of the initiative and referendum, contain a great degree of detail relating to the exercise of the initiative and referendum. This section permits the legislature to provide by law for some details, but provides that the legislature may not restrict the substantive rights guaranteed in Section 4, nor to require procedures more difficult than provided in Section 4.

(Sec. 4 Petition, Ballot title; election; vote required)

This section sets forth certain substantive provisions and minimum procedures affecting the exercise of the initiative

and referendum. To prevent waste of money on elections for laws that are unconstitutional, sponsors are required to submit a proposed law to the Attorney General for certification of its constitutionality, subject to court review, prior to the circulation of petitions. The provision is intended to stop, at the initial stage, the circulation of petitions for laws that would, even if approved by the voters, result in expensive court action.

If the legislature adopts a measure that is the subject of the initiative, the measure does not have to be submitted to the people.

Additional details of procedure may be provided by the legislature subject to the limits imposed by this section. The procedure outlined has the advantage of brevity while ensuring the substantive rights to the people.

(Sec. 5 Restrictions)

The exercise of the initiative is a fundamental right of the people, but special interest groups should not be permitted to unduly hamper the operation of government. The restrictions in Section 5 will prevent the abuses and problems that have sometimes arisen in the states permitting initiative and referendum. Neither the initiative nor referendum can be used with regard to emergency legislation; appropriations, or measures earmarking taxes and other revenues, or for special or local laws that are of interest to only one group of people or people in only one portion of the state.

(Sec. 6 Recall)

The right of the people to remove elected officials is preserved. The Legislature is directed to provide the methods to be used.

Commentary on the Article on Amendment and Revision

(Sec. 1 Methods)

This section outlines three methods by which the constitution may be amended or revised. (1) By action of two separate legislatures directly; (2) by action of one legislature and referral to the people; and (3) by constitutional convention.

(Sec. 2 Proposals by Legislature)

The Legislature, by a two-thirds vote, may submit a proposed amendment to a vote at a general election. Use of general election is intended to insure a substantial vote on the question.

An alternate method is provided which permits the legislature, by a two-thirds vote, to submit a proposed amendment to the next legislature, but not to a succeeding session of the same legislature. If the second legislature adopts the amendment by a two-thirds vote it becomes part of the constitution without referring it to a vote of the people.

(Sec. 3 Constitutional Convention)

The legislature is empowered to call a convention, but if the legislature does not provide for a convention each ten years, the question is submitted to the people at the following general election.

The legislature is authorized to prescribe the procedures and powers of a convention; but if it does not make such provisions, the law calling this convention will be followed insofar as practicable.

Constitutional Convention
Committee Proposal No. 3
December 9, 1955

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON
DIRECT LEGISLATION, AMENDMENT AND REVISION

Hon. William A. Egan
President, Alaska Constitutional Convention

Dear Mr. President:

Your Committee on Direct Legislation, Amendment and Revision presents for your consideration and adoption its proposed Articles on Initiative, Referendum, and Recall; and Amendment and Revision.

The Committee proposal, while incorporating many of the ideas contained in Convention Proposals No. 29 and 34, and in other drafts submitted to the Committee, is a Committee substitute.

A section by section commentary of the subject matter has been prepared by your Committee for the use of the Delegates to the Convention.

Respectfully submitted,

W. O. Smith
Edward Gray

E. B. Collins
Chairman

at St. Michael
Mr. Manslow
Simon A. Metcalf
Marion A. Fay

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON
DIRECT LEGISLATION, AMENDMENT AND REVISION

Hon. William A. Egan
President, Alaska Constitutional Convention

Dear Mr. President:

Your Committee on Direct Legislation, Amendment and Revision presents for your consideration and adoption its proposed Articles on ~~Direct Legislation~~, Initiative, ~~and~~ Referendum, ^{and} Recall, and Amendment and Revision.

The Committee proposal, while incorporating many of the ideas contained in Convention Proposals No. 29 and 34, and in other drafts submitted to the Committee, is a Committee substitute.

A section by section commentary of the subject matter has been prepared by your Committee for the use of the Delegates to the Convention.

Respectfully submitted,
~~E. B. Collin, Chairman~~
~~Jack Hinckel~~

ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Article of Initiative, Referendum
and Recall

(Sec. 1 Initiative)

The initiative is the power of the people to initiate laws themselves and provide for a referendum on such laws without action by the legislature. This section reserves the authority of the people to initiate laws by petition and vote of the people directly.

(Sec. 2. Referendum)

This section permits the people to require that laws passed by the Legislature be referred to a vote of the people before taking effect. This power is known as the Referendum.

(Sec. 3. Procedure)

Many constitutions, in the states which make provision for the use of the initiative and referendum, contain a great degree of detail relating to the exercise of the initiative and referendum. This section permits the legislature to provide by law for some details, but provides that the legislature may not restrict the substantive rights guaranteed in Section 4, nor to require procedures more difficult than provided in section 4.

(Sec. 4. Petition, Ballot title; election; vote required)

This section sets forth certain substantive provisions and minimum procedures affecting the exercise of the initiative

and referendum. To prevent waste of money on elections for laws that are unconstitutional, sponsors are required to submit a proposed law to the Attorney General for certification of its constitutionality, subject to court review, prior to the circulation of petitions. The provision is intended to stop, at the initial stage, the circulation of petitions for laws that would, even if approved by the voters, result in expensive court action.

If the legislature adopts a measure that is the subject of Initiative and Referendum, additional details may be provided by the legislature subject to the limits imposed by this section: The procedure outlined has the advantage of brevity while ensuring the substantive rights to the people

(Sec. 5. Restrictions)

The exercise of the initiative is a fundamental right of the people, but special interest groups should not be permitted to unduly hamper the operation of government. The restrictions in Section 5 will prevent the abuses and problems that have sometimes arisen in the states permitting initiative and referendum. Neither the initiative nor referendum can be used with regard to emergency legislation, appropriations, or measures earmarking taxes and other revenues, or for special or local laws that are of interest to only one group of people or people in only one portion of the state.

(Section 6. Recall)

The right of the people to remove elected officials is preserved. The Legislature is directed to provide the methods to be used.

Commentary on the Article on Amendment and
Revision

(Sec. 1. Methods)

This section outlines three methods by which the constitution may be amended or revised. (1) By action of two separate legislatures directly; (2) by action of one legislature and referred to the people; and (3) by constitutional convention.

(Sec. 2. Proposals by Legislature)

The Legislature, by a two-thirds vote, may submit a proposed amendment to a vote at a general election. Use of general election is intended to insure a substantial vote on the question.

An alternate method is provided which permits the legislature, by a two-thirds vote, to submit a proposed amendment to the next legislature, but not to a succeeding session of the same legislature. If the second legislature adopts the amendment by a two-thirds vote it becomes part of the constitution without referring it to a vote of the people.

(Sec. 3 Constitutional Convention)

The legislature is empowered to call a convention, but if the legislature does not provide for a convention each ten years, the question is submitted to the people at the following general election.

The Legislature is authorized to prescribe the procedures and powers of a convention; but if it does not make such provisions, the law calling this convention will be followed insofar as practicable.

PRELIMINARY DRAFT

Constitutional Convention of Alaska

PROPOSAL NO. _____

Introduced by Committee on Direct Legislation

INITIATIVE, REFERENDUM AND RECALL

RESOLVED, that the following be agreed upon as part of
the Alaska State Constitution:

ARTICLE _____ DIRECT LEGISLATION

Section 1. Initiative. The people reserve the power by petition to propose laws (and amendments to this Constitution) and to enact or reject such laws (and amendments) at the polls.

Section 2. Referendum. The people reserve the power to require, by petition, that measures (laws) enacted by the legislature be submitted to the voters for approval or rejection.

Section 3. Procedure. The legislature shall prescribe the procedures to be followed in the exercise of the powers of initiative and referendum. No law shall be enacted to hamper, restrict or impair the exercise of powers reserved herein to the people.

Section 4. Limitations. Neither the initiative nor referendum may be used as a means of making appropriations of public funds (nor for laws necessary for the immediate preservation of the public peace, health or safety,) nor for local or special legislation, nor for the support of public schools).


PRELIMINARY DRAFT

Section 5. Recall. Every elected public official in the State of Alaska, except judicial officers, is subject to recall by the voters of the State or subdivision from which he (or she) is elected. The legislature shall prescribe the recall procedures.

Section 4

PRIOR TO GENERAL CIRCULATION, AN INITIATIVE PETITION SHALL BE SIGNED BY
TEN QUALIFIED ELECTORS AS SPONSORS AND HAVE THE CONSTITUTIONALITY CERTIFIED
BY THE ATTORNEY GENERAL. CERTIFICATION SHALL BE REVIEWABLE BY THE COURTS.

A VALID ~~INITIATIVE OR REFERENDUM PETITION SHALL BE SIGNED BY QUALIFIED
ELECTORS EQUAL TO A~~ etc



CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO. _____

Introduced by Committee on Direct Legislation

INITIATIVE, REFERENDUM AND RECALL;
AMENDMENT AND REVISION

RESOLVED, that the following be agreed upon as part of the
Alaska State Constitution:

ARTICLE ON -- DIRECT LEGISLATION

1 Section 1. Initiative. The people reserve the power by
2 petition to propose laws and to ~~amend~~^{enact} or reject such laws at
3 the polls.

4 Section 2. Referendum. The people reserve the power to re-
5 quire, by petition, that laws enacted by the legislature be
6 submitted to the voters for approval or rejection.

7 Section 3. Procedure. The legislature shall prescribe the
8 procedures to be followed in the exercise of the powers of init-
9 iative and referendum, subject to the specific authority reserved
10 herein. No law shall be enacted to hamper, restrict or impair
11 the exercise of powers reserved herein by the people.

12 Section 4. Petitions, ballot title, election, vote required. *Insert,*
13 ~~An~~ initiative or referendum petition shall be signed by qualified
14 electors equal to eight percent of the number of votes cast for
15 Governor in the preceding general election at which the Governor
16 was chosen. Petitions shall be filed with the Attorney General,
17 who shall prepare a ballot title, and the adequacy of the ballot
18 title shall be reviewable by the courts. Initiative petitions
19 may be filed at any time. Referendum petitions shall be filed

1 within 90 days after adjournment of the legislative session at
2 which the measure was passed. Laws proposed by the initiative
3 shall be submitted to the voters by ballot title at an election
4 not later than 180 days after adjournment of the legislative
5 session following the filing of the petition, unless the legis-
6 lature enacts the measure initiated during the session. The
7 question on referendum shall be submitted to the voters by ballot
8 title not later than 120 days after the filing of a petition
9 against the measure . A majority of the votes cast is necessary
10 for the adoption of an initiated law, or the defeat of a measure
11 referred. No law passed by the initiative may be ^{repealed by the Governor now} amended or
12 repealed by the legislature for a period of three years.

13 Section 5. Restrictions. Neither the initiative nor referen-
14 dum may be used as a means of making or defeating appropriations
15 of public funds ^{or earmarking of revenues.} nor for local or special legislation. Emergency
16 acts are not subject to referendum.

17 Section 6. Recall. Every elected public official in the State,
18 except judicial officers, is subject to recall by the voters of
19 the State or subdivision from which elected. Grounds for recall
20 are malfeasance, misfeasance, nonfeasance, or conviction of a
21 crime involving moral turpitude. The legislature shall prescribe
22 the recall procedures.

ON
ARTICLE -- REVISION AND AMENDMENT

Section 1. Methods. Revisions of or amendments to this constitution may be adopted by two succeeding legislatures, or ^(u)proposed by constitutional convention or by the legislature.

Section 2. Proposals by Legislature. Any legislature may ~~be~~ a two-thirds vote of each house propose amendments to the Constitution. Proposed amendments may be submitted by ballot title prepared by the Attorney General to the voters at the next general election. If a majority of the votes tallied on the question favor the adoption of the amendment, the amendment is adopted.

Proposed amendments may be submitted to the next legislature not less than two years after being proposed. If the second legislature by a two-thirds vote of each house favors the adoption of the amendment, the amendment is adopted.

Section 3. Constitutional Convention. The legislature may provide for Constitutional Conventions. If any ten-year period elapses during which the legislature has not called a convention, the Governor shall certify the question, "Shall there be a Constitutional Convention? The question shall be submitted at the first general election following the expiration of such period. If a majority of the ballots cast upon the question are in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature provides for the election of delegates at a special election.

Unless the legislature provides otherwise, the law providing for the Alaska Constitutional Convention of 1955 shall be followed ^(insofar as possible) relating to number of members, districts, convention powers, election and certification of delegates, submission and ratification of revisions and ordinances, and other applicable provisions. The appropriation provisions of the law shall be self-executing and shall constitute a first claim on the general fund of the State Treasury. The legislature may provide additional appropriations.

Constitutional Convention
Delegate Proposal No. 34
Referred to Committee on
Direct Legislation, Amend-
ment and Revision
December 5, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 34

Introduced by Yule F. Kilcher

CONVENTION FOR CONSTITUTIONAL REVISION

RESOLVED, That the following be agreed upon as
part of the Alaska State Constitution.

1 1. After the lapse of fifteen years during which a consti-
2 tutional convention has not been convened, delegates to a
3 constitutional convention shall be elected at the next regular
4 election.

5 2. Unless the legislature shall otherwise provide, there
6 shall be the same number of delegates to such Convention, who
7 shall be elected from the same areas, and the Convention shall
8 be convened in the same manner, as nearly as practicable, as
9 required for the Alaska Constitutional Convention of 1955.

10 3. The convention shall determine its own organization and
11 rules of procedure. It shall be the sole judge of the elections,
12 returns and qualifications of its members and, by a two-thirds
13 vote, may suspend or remove any member for cause. The governor
14 shall fill any vacancy by appointment of a qualified voter from
15 the area concerned.

DELEGATE PROPOSAL NO. 34

1 4. The convention shall provide for the time and manner
2 in which the proposed constitutional revision or amendments
3 shall be submitted to a vote of the electorate, but no such
4 revision or amendments shall be effective unless approved at
5 a general election by a majority of all of the votes tallied
6 upon the question, such majority constituting at least thirty-
7 five percent of the total vote cast at such election, or at a
8 special election by a majority of the total vote tallied upon
9 such question, such majority constituting at least thirty-five
10 percent of the total number of registered voters.

Constitutional Convention of Alaska

PROPOSAL NO. _____

Introduced by Warren A. Taylor

INITIATIVE AND REFERENDUM

*Presented to Committee
Not submitted to
Convention.*

1 Section 1. The people reserve unto themselves power by
2 petition to propose laws and amendments to this constitution, and
3 directly to enact or reject such laws and amendments at the polls.
4 This reserved power shall be known as the initiative. The initia-
5 tive shall not be used for the appropriation of money other than of
6 new revenues created and provided for thereby, or for any other
7 purpose prohibited by this Constitution.

8 Section 2. The people also reserve unto themselves power to
9 require, by petition, that measures enacted by the legislature be
10 submitted to the qualified voters for their approval or rejection.
11 This reserved power shall be known as the referendum.

12 Section 3. The referendum may be ordered for any lawful
13 purpose except as to laws necessary for the immediate preservation
14 of the public peace, health or safety, and laws making appropria-
15 tions for the current expenses of the state government, for the
16 maintenance of state institutions and for the support of public
17 schools.

18 Section 4. That the legislature shall enact appropriate
19 legislation to carry out the provisions of Sections 1 and 2 of this
20 article, and facilitate their operation and effect without delay:
21 Provided, That the authority hereby conferred upon the Legislature
22 shall not be construed to grant to the legislature any exclusive
23 power of lawmaking, nor any way limit the initiative and referendum
24 powers reserved by the people.

Constitutional Convention
Delegate Proposal No. 29
Referred to Committee on Direct
Legislation, Amendment, and Re-
vision
~~November 29,~~ 1955

Dec. 1

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 29

Introduced by Irwin L. Metcalf

INITIATIVE, REFERENDUM, AND RECALL -- AMENDMENT & REVISION

RESOLVED, that the following be agreed upon as part of the
Alaska State Constitution:

1 ARTICLE I

2. Sec. 1. THE INITIATIVE. The people reserve to themselves
3 power by petition to propose laws and amendments to this Consti-
4 tution, and directly to enact or reject such laws and amendments
5 at the polls. This reserved power shall be known as the Initia-
6 tive.

7 Sec. 2. REQUIREMENTS OF INITIATIVE PETITION. -- An Initia-
8 tive petition shall contain either the full text of the measure
9 proposed, or an adequate summary thereof, and to be valid, shall,
10 in case of a proposed Law, be signed by qualified voters equal
11 in number to 5% of total number of votes cast for the Office of
12 Governor at last General Election. Every such Initiative Peti-
13 tion shall be filed with the Secretary of State not less than
14 four months before the next and following General Election and
15 shall contain an Enacting Clause and the full text of the pro-
16 posed measure, and the Secretary of State shall submit the same
17 to the vote of the people at the next General Election.

DELEGATE PROPOSAL NO. _____

1 Sec. 3 . REQUIREMENTS FOR INITIATIVE PETITIONS TO AMEND CON-
2 STITUTION. -- Proposal Petitions for Constitutional Amendments by
3 means of the Initiative Machinery process shall not contain more
4 than one Amended and Revised Article of this Constitution, or one
5 new Article which shall not contain more than one subject and
6 matters properly connected therewith, and the Enacting Clause there-
7 on shall be: "Be it Resolved by the people of the State of Alaska
8 that the Constitution be amended."

9 Sec. 4. RESTRICTIONS ON DIRECT LEGISLATION PROCEDURE. --
10 The Initiative shall not be used for the appropriation of money
11 other than of new revenues created and provided for thereby, or
12 for any other purpose prohibited by this Constitution, nor for
13 the Enactment of local or Special Legislation. No proposed mea-
14 sure submitted by the Initiative shall contain therein the name
15 of any person to be designated as Administrator of any Department,
16 office or agency to be established by the proposed Law or Consti-
17 tutional Amendment.

18 No law shall be enacted to hamper, restrict or impair the
19 exercise of powers herein reserved to the people. No measure
20 adopted by vote of the qualified voters under the Initiative and
21 referendum Provisions of this Constitution shall be repealed or
22 amended by the Legislature within a period of three years follow-
23 ing its adoption except by a two-thirds vote of each house of the
24 Legislature.

25 Sec. 5. THE REFERENDUM. -- The people also reserve to them-
DELEGATE PROFOSAL NO.

1 selves power to require, by petition, that measures enacted by the
2 Legislature be submitted to the qualified voters for their approval
3 or rejection. This reserved power shall be known as the Referendum.

4 Sec. 6. REFERENDUM--EXCEPTIONS--PROCEDURE. -- A Referendum
5 may be ordered (except as to Laws necessary for the immediate pre-
6 servation of the public peace, health or safety, and laws making
7 appropriations for the current expenses of the State Government,
8 for the maintenance of State institutions and for the support of
9 Public Schools) either by petitions signed by 5% of the legal
10 voters in each of two-thirds of the Counties or corresponding pol-
11 itical subdivisions in the state, or by the State Legislature, as
12 other bills are enacted in such Legislature.

13 Referendum petitions shall be filed with the Secretary of
14 State within ninety days after the final adjournment date of that
15 session of the Legislature, which passed the bill on which the Ref-
16 erendum is demanded.

17 Sec. 7. VETO POWER--ELECTIONS--CONFLICTING LAWS CONCURRENTLY
18 ADOPTED--EFFECTIVE DATE.--The Veto power of the Governor shall not
19 extend to measures referred to the people either by the Initiative
20 or Referendum process. The question of approving or rejecting any
21 measure, against which a valid Referendum Petition is filed, shall
22 be submitted to the voters at a Special or General Election held
23 on the second Tuesday of the next and following November, unless
24 another day in same month is designated by the Governor for such
25 election.

DELEGATE PROPOSAL NO.

1 Any measure submitted to the vote of the people either by
2 Initiative or Referendum shall take effect when approved by a
3 majority of the votes cast thereon, which majority must exceed in
4 number 35% of the total vote cast for the Office of Governor at
5 the last preceding General Election. When conflicting measures
6 are approved at the same election, the one receiving the largest
7 affirmative vote shall prevail.

8 Sec. 8. BASIS FOR COMPUTATION OF SIGNATURES REQUIRED. --

9 The total vote cast for the Office of Governor at the General Elec-
10 tion last preceding the filing of any Initiative or Referendum
11 Petition shall be used to determine the number of legally-qualified
12 voters necessary to sign the petition. In submitting proposed
13 Initiative or referendum measures to the Voters for a vote of rat-
14 ification or rejection, the Secretary of State and all other offi-
15 cers shall be governed by General Laws.

16 Sec. 9. REQUIREMENTS FOR VOTERS SIGNING PETITIONS AND FOR
17 PERSONS SUBMITTING SAME--PUBLICATION REQUIREMENTS PRIOR TO ELECTION.

18 Only Qualified Voters are entitled to sign any Initiative or Ref-
19 erendum Petitions, whose names appear on the Voting Records from
20 the last General Election. All Initiative and Referendum peti-
21 tions, in order to be valid, must bear the signatures and address-
22 es of petitioners pen-written in a clear and legible manner. And
23 the person or persons submitting such Petitions shall make written
24 Affidavit under the penalties of Perjury that all of the persons
25 signing each and every page of each and every petition are person-

1 ally known to affiant to be true and bona fide qualified resident
2 voters of the State of Alaska. Any Proposed Initiative or Refer-
3 endum Measure or proposed Constitutional Amendments must be printed
4 and published in full on a non-partisan basis in all established
5 and legally recognized newspapers of general circulation throughout
6 the State once a week for at least Six consecutive weeks just pre-
7 ceding the Election to be held thereon.

8 ARTICLE II

9 Sec. 1. RECALL OF OFFICERS AUTHORIZED. --Every Public Offi-
10 cer in the State of Alaska, excepting the Judicial Officers, is
11 subject to recall by the legal voters of the State or of the Elect-
12 oral District from which he or she is elected. The Legislature
13 shall pass the necessary Laws to carry this provision in to effect.

14 ARTICLE III

15 METHODS BY WHICH THE CONSTITUTION MAY BE AMENDED OR REVISED.

16 Sec. 1. METHODS BY WHICH THE CONSTITUTION MAY BE AMENDED OR
17 REVISED.-- The Constitution may be amended or Revised by the fol-
18 lowing methods:

- 19 a. By Initiative Process
20 b. By Proposed Amendment being originally adopted by a
21 majority vote of both Houses of the Legislature, and
22 thereafter submitted to the voters of the State on a
23 Referendum Basis.
24 c. By a majority of both Legislative branches enacting
25 a Law calling for the convening of a Constitutional Con-

1 vention for the purpose of preparing, adopting, and
2 proposing Constitutional Amendments, such proposed
3 Constitutional Amendments to be submitted to the Voters
4 of the State for approval or rejection within 120 days
5 following the adjournment date of such Constitutional
6 Convention.

7 PROVIDED FURTHER That any Constitutional Amendment proposed
8 by any one of the three methods herein-above mentioned, when sub-
9 mitted to the voters of the state for approval or rejection, must
10 be approved by a majority of votes, cast at such election, greater
11 than 50% of total number of votes cast for the Office of Governor
12 at last preceding General Election, before taking effect.

DELEGATE PROPOSAL NO.

Hinkle

INITIATIVE & REFERENDUM

Section #1. - The Initiative. - The people reserve to themselves the power by petition to propose laws and directly to enact or reject such laws at the polls. This reserved power shall be known as the initiative.

Section #2. - Restrictions on Direct Legislative Procedure. - The initiative shall not be used as a means of making appropriations of public funds, nor the enactment of local or special legislation. No petition shall be considered a valid petition unless signed by qualified voters of a number or percentage to be established by the legislature. Each sheet of the petition, at the time of signing and filing, shall contain either the full text of the measure proposed or an adequate summary thereof. Not more than 25% of the signatures counted on any completed petition shall be voters of any one political sub-division of the State.

Section #3. - The Referendum. - The people also reserve to themselves the power to require, by petition, that measures enacted by the legislature be submitted to the qualified voters for their approval or rejection. This reserved power shall be known as the referendum.

Section #4. - Effect of referendum & Restrictions thereon. - A referendum petition shall have the same qualifications and be restricted in the same details as an initiative petition. A referendum may be ordered on any act or part of an act, except acts continuing existing taxes and acts making appropriations in amounts not in excess of those of the preceding fiscal year. When a referendum is ordered upon an act, or any part of an act, it shall suspend the operation thereof until such act, or part, is approved by the voters.

The filing of a referendum petition against one or more items, sections or parts of an act shall not delay the remainder of the measure from becoming operative. If a referendum petition be filed against an emergency measure, such measure shall be operative until voted upon, and if not approved by a majority of the qualified voters voting thereon, it shall be deemed repealed.

Section #5. - Procedure. - All initiative petitions shall be filed with the Secretary of State and referred for report to the Legislative Council not less than three months before the next ensuing session of the legislature. All referendum petitions shall be filed with the Secretary of State not more than ninety days after adjournment of the session at which the measure to be referred was enacted. An initiative petition not enacted into law at the next ensuing session of the legislature shall be submitted by the Governor, or such other person as shall be designated by law, to the qualified voters at the first election held not less than sixty days after the end of the session which failed to take the indicated action. The legislature may provide by law for a procedure by which the sponsors of the initiative petition may withdraw the petition at any time prior to its submission to the voters. The question of approving any measure against which a valid referendum petition is filed shall be submitted to the voters at the first regular or special election held not less than thirty days after such filing.

Section #6. - Passage of Laws by Initiative & Referendum. - Each measure shall be submitted by ballot title, which shall be descriptive but not argumentative or prejudicial. The ballot title of any initiated or referred measure shall be prepared by the legal department of the State, subject to review by the courts. The veto power of the Governor shall not extend to a measure initiated by, or referred to, the qualified voters. Any measure submitted to the vote of the qualified voters shall become law only when approved by a majority of the votes cast thereon; provided that, in addition, no initiative measure shall become effective if approved at a special election unless the affirmative votes cast therefor shall be equal to at least 35% of the total vote cast for Governor at the last preceding general election at which a Governor was chosen. Each measure so approved shall take effect thirty days after the date of the vote thereon, unless otherwise provided in the measure. When conflicting measures are approved at the same election the one receiving the largest affirmative vote shall prevail (to the extent of the conflict).

Section #7. - Special Elections. - Any referendum measure shall be submitted to the qualified voters at a special election, if so ordered by the Governor. Any such special election shall be held not less than ninety days nor more than one hundred and twenty days after the adjournment of the session at which the act was passed, or at which the indicated action was not taken, in the case of an initiated measure. No special elections shall be held during the months of May, June, July or August except for emergency measures.

Section #8. - Constitution Amendments. - The reserved right of initiative shall not apply to Constitutional Amendments. Constitutional Amendments shall be proposed only in accord with Article ____ of this constitution.

insert

but shall permit petitioning the legislature for a constitutional convention if one has not been held for five years.

CONSTITUTIONAL CONVENTION OF ALASKA

Proposal to Committee on Direct Legislation

Introduced by M. R. Marston

Dealing with Direct Legislation via Initiative
and Referendum

*Not submitted
as a Delegation
Proposal -*

RESOLVED, that the following be agreed upon as part
of the Alaska State Constitution.

Section 1. a The Initiative - The people reserve to themselves the power to propose laws and to enact or reject such laws at the polls - This reserved power shall be known as the Initiative.

Section 1. b Laws or Amendments to the State Constitution may be proposed by direct Initiative and shall be submitted to the people by such course and in such a manner as may be prescribed by the Legislature.

Section 2. a The Referendum-- The people also reserve to themselves the power to require by petition that any laws enacted by the Legislature shall be submitted to the qualified voters for approval or rejection, except such emergency resources as may be necessary for the preservation of public peace, health or safety and also excepting any laws relating to appropriations, to local or to special legislation.

Section 2. b Either house of the legislative assembly may also call for a referendum on any of its own acts within ten days of the date of enactment.

Section 2. c -- The Legislature shall prescribe by law the course of such referendū petitions and the process of voting thereon.

DIRECT LEGISLATION: INITIATIVE, REFERENDUM, RECALL

Based upon my readings of all source materials furnished by the Public Administrative Service and the Statehood Committee on the subject of direct legislation, I have arrived at the conclusion that provision should be made in the Alaska Constitution for the initiative, referendum and recall. I wish to suggest that consideration be given to ~~something~~ the following form:

Although the legislative power of the State shall be vested in the legislative assembly, the people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls, at their own option to approve or reject at the polls any act of the legislative assembly within certain limitations, and to recall officials as hereinafter provided,

The first power reserved to the people is the initiative. An initiative petition shall contain the full text of the measure proposed and shall be signed by qualified voters in the amount of eight percent of the total vote cast at the last general election for legislative statutes and ten percent of the vote cast for Constitutional amendments,

The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety and as to appropriation acts) by petition signed by qualified voters in the amount of ___ percent of the vote cast at the last general election. The legislative assembly may also call for a referendum on any of its acts by filing a notice of intent with the (President of the Senate, Secretary of State, Attorney General -- choose one) within ten days after enactment. The effect of such an act shall be held in abeyance until such time as the results of the referendum are official canvassed and declared. Any amendment to the Constitution, regardless of source, either by initiative from the people or act of the legislative assembly, must be submitted to the people for approval.

The third power is the power to recall any elected or appointed official,

except the members of the judiciary, after one year in office. Petitions for recall must state the causes or grounds for such recall and must be signed by qualified voters in the amount of twenty-five percent of the votes cast in the last general election.

An initiative, referendum, or recall petition after receiving the necessary number of signatures, must be submitted to the Attorney General to be passed upon as to constitutionality and legality. Within thirty days after receipt by him, it shall be filed with the Secretary of State who shall within ten days of receipt arrange for certification, publicity, and printing of ballots. The ballot shall be included in the next general election which shall be held within sixty days from the date of official certification by the Secretary of State.

A handwritten signature in cursive script, appearing to read "W. P. ...". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

1956 JAN 6

TELEGRAM

ALASKA COMMUNICATION SYSTEM
MARINE CORPS, UNITED STATES ARMY
FEDERAL BLDG., FAIRBANKS, ALASKA

NNNNKPA017U032

FA AX013 25 DL PD 2 EXA HOMER ALASKA 6 145A

WILLIAM EAGAN PRESIDENT

CONSTITUTIONAL CONVENTION COLLEGE. 0574

BELIEVE PEOPLE ON KENAI PENINSULA WILL NOT RATIFY CONSTITUTION
UNLESS INITIATIVE AND REFERENDUM INCLUDED. RECOMMEND AUTOMATIC
CONSTITUTIONAL CONVENTION EVERY 25 YEARS. LETTER FOLLOWS.

HENNING N JOHNSON WILLIAM RAVER

25

(35)

1956 JAN 6 PM 1 56

*Invt +
Ref
amend +
Rev*

*7A 5:00 P
1/6/56
med*

*L-n. 205
w/c 1/6*

CARIBOU CREEK
PALMER, ALASKA, Box 641
Dec. 31, 1955

MR. JAMES HURLEY
DELEGATE
CONSTITUTIONAL CONVENTION
FAIRBANKS, ALASKA

DEAR SIR:

I'M SORRY I WASN'T ABLE TO BE AT THE HEARINGS IN PALMER ON DECEMBER 29, AS I INTENDED WHEN I TALKED WITH YOU AT THE CONVENTION. THE HIGHWAY WAS CLOSED BY SNOW.

I WANTED TO DISCUSS SEVERAL POINTS WITH YOU. AS IT IS DEVELOPING, THE CONSTITUTION DOES NOT PROVIDE SUITABLE REFERENDUM, INITIATIVE AND RECALL. AS PROPOSED BY COMMITTEE, THE FEATURES ARE WEAK, AND ARE BEING FURTHER CUT DOWN ON THE CONVENTION FLOOR. THERE IS NO PROVISION FOR CONSTITUTIONAL AMENDMENT BY POPULAR MOVE; DELEGATES HAVE NOT GIVEN AS MUCH ATTENTION TO SUCH IMPROVEMENTS AS UNICAMERAL LEGISLATURE AND PROPORTIONAL REPRESENTATION, AS ALASKAN PUBLIC OPINION WARRANTS; ONE OBJECTION, AMONG OTHERS, TO THE LOCAL GOVERNMENT PROPOSAL, IS THAT IT GIVES THE CITIES UNWARRANTED CONTROL.

AS A WHOLE, PROPOSALS ARE LOADED WITH STATUTORY MATERIAL, DETAILS WHICH SHOULD BE LEFT TO FUTURE LEGISLATURES, IN SPITE OF THE CONVENTION RESOLUTION TO KEEP TO MATTERS OF PRINCIPAL AND FORM. I BELIEVE YOU HAVE ALSO EXPRESSED CONCERN ON THIS POINT. FOR EXAMPLE, THE PROPOSAL OF COMMITTEE #10 ON LAND AND RESOURCES, SEVEN PAGES OF MAINLY STATUTORY MATERIAL, IS ADEQUATELY EXPRESSED IN PRINCIPAL IN SECTION 3 OF YOUR DELEGATE PROPOSAL No. 30 ON STATE LANDS AND NATURAL RESOURCES, AS FOLLOWS: "ALL NATURAL RESOURCES SHALL BE UTILIZED FOR THE BENEFIT OF ALL THE PEOPLE OF THE STATE."

AS YOU KNOW, I HAVE TALKED TO HUNDREDS OF PEOPLE ABOUT THIS CONSTITUTION SINCE LAST SPRING. THE ONE CONSTANT DEMAND OF NEARLY ALL HAS BEEN FOR A DIRECT VOTE ON ISSUES, (AND FOR ANY OTHER MEASURES THAT WOULD MAKE GOVERNMENT SIMPLE AND EASILY CONTROLLED BY THE PEOPLE THEMSELVES.) ALTHOUGH THE DELEGATES HAVE VOTED FOR INITIATIVE, REFERENDUM AND RECALL IN PRINCIPLE, THEY ARE NOT PROCEEDING TO MAKE IT WORKABLE, -- RATHER THE CONTRARY.

I WOULD LIKE TO HAVE YOU PRESENT THIS LETTER TO THE CONVENTION ON BEHALF OF THE MANY ALASKANS WHO HAVE EXPRESSED THEIR OPINIONS TO ME, AND I HOPE THAT IT MAY BE OF SUPPORT TO YOU.

WITH BEST WISHES,

Ben Hitchcock

BEN HITCHCOCK
CARIBOU CREEK
PALMER

Dec-1957 Eng. Department

Jan 1959 Eng. Department

filed