

DELEGATE PROPOSALS

<u>No.</u>	<u>Subject and Author</u>	<u>Committee Reference</u>
1.	Courts, Judicial, Tenure, and Juries -- R. E. Robertson	IX Judiciary Branch
22.	To Be Introduced in Bill of Rights -- Maurice T. Johnson	V Preamble and Bill of Rights
3.	Taxation -- R. E. Robertson	XI Finance and Taxation
44.	To Limit the Amount of Indebtedness etc. -- R. E. Robertson	XI Finance and Taxation
5.	Definition of Natural Resources and Their Control -- R. E. Robertson	X Resources
6.	Education -- Maurice T. Johnson (Also considered by Finance and Resources)	XIII Direct Legislation, Amendment and Revision V Preamble and Bill of Rights
7.	Dealing with Wildlife Conservation -- Maurice T. Johnson	X Resources
8.	To Create a Legislature...establish ... districts...to require ... reapportionment -- R. E. Robertson	VII Legislative Branch VI Suffrage, Elections, and Apportionment
9.	An Article on Education, Health, and Welfare -- V. Fischer	V Preamble and Bill of Rights
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Constitutional Convention of Alaska

PROPOSAL 1

Introduced by R. E. Robertson

COURTS, JUDICIAL, TENURE, AND JURIES.

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

1 1. The judicial power of the State of Alaska shall be
2 vested in one Supreme Court, and in one Superior Court, and in
3 such inferior Courts as the Legislature may from time to time
4 ordain and establish. The Judges of the Supreme and Superior
5 Court shall hold their offices during good behavior and for
6 life until reaching the retirement age prescribed by the
7 Legislature, and they as well as the Judges of the inferior
8 Courts shall, at stated times, receive for their services
9 a compensation which shall not be diminished during their
10 continuance in office. The Supreme Court shall consist of the
11 Chief Justice and of not less than two Associate Justices.

12 2. The judicial power shall extend to all cases, in law,
13 equity and probate, and to all criminal cases, arising under
14 this Constitution and the laws of the State of Alaska. The
15 Supreme Court shall have appellate jurisdiction in all cases,
16 both as to law and fact, with such exceptions and under such
17 regulations as the Legislature shall ordain, but shall have
18 original jurisdiction in habeas corpus and other extraordinary
19 writs where a Superior Court judge is incapacitated or is not
20 available to grant the writ, and in cases involving acts,

1 either of commission or omission, whether misfeasance, malfeasance or
2 non-feasance, of any Superior Court judge, and in cases of impeach-
3 ment of inferior Court judges. The Superior Court shall be a
4 court of record and shall have original jurisdiction in all cases
5 both civil and criminal, except impeachment, arising under this
6 Constitution and the laws of the State of Alaska. The Chief
7 Justice, or in event of his absence, incapacity or non-availability
8 then the next ranking Associate Justice, of the Supreme Court may
9 assign, whenever reasonable exigency of juridical work and the
10 best interests of litigants require, a Superior Court judge to
11 try cases in other than the judicial district for which he is
12 appointed.

13 3. All justices and judges shall be citizens of the United
14 States and of the State of Alaska, and, also, except inferior
15 Court judges, practicing attorneys at law; otherwise, the Legis-
16 lature shall prescribe the respective qualifications of all
17 justices and judges, fix their respective compensations, and their
18 respective retirement ages; and shall, also, prescribe the tenure
19 of office of Inferior Court judges. All justices and judges shall
20 be appointed by the Governor but they shall be selected by him
21 from not less than two nominees for each respective judicial
22 office nominated upon a non-partisan, non-political basis by the
23 Alaska Bar Association or its successor. Supreme Court Justices
24 and Superior Court Judges shall each be appointed during good
25 behavior and for life until they reach the retirement age; but,

1 each at the end of his first seven years of judicial tenure
2 shall stand for election to his respective judicial office
3 at the then next following general election. Should he fail
4 of election by a majority vote of the qualified electors,
5 in the case of Supreme Court Judges, of the State of Alaska
6 and, in case of Superior Court Judges, of the respective
7 judicial district for which he is appointed, his term of
8 office shall immediately cease and he shall not be eligible
9 for reappointment to any judicial office for a period of
10 three years. In such event his successor shall be appointed
11 and selected as hereinbefore provided.

12 4. Impeachment proceedings against any Supreme Court Justice
13 or Superior Court Judge may be initiated for cause by either
14 the lower House of the Legislature or by the Alaska Bar Associa-
15 tion or its successor, and shall be tried before the Senate of
16 the Legislature, at which hearing the accused may be represented
17 by counsel. A two-thirds vote of the Senate shall be required
18 to impeach a judge. Upon such vote the term of office of the
19 accused shall immediately end. Inferior Court judges may be
20 removed for cause by the Supreme Court upon complaint of one
21 or more Superior Court judges or of the Alaska Bar Association
22 or its successor. A vacancy in the office of any justice or
23 judge by impeachment or otherwise shall be filled by appoint-
24 ment and selection as hereinbefore provided.

25 5. Trial of all civil cases, unless waived, involving

1 \$500 or more shall be by jury of twelve and shall be heard
2 in the judicial district wherein it arose; but, the Legislature
3 may provide for alternate jurors and for verdict to be returned
4 by less than the full jury of twelve. Trial of all crimes,
5 unless waived and except in cases of Impeachment and in cases
6 of such petit crimes as the Legislature may ordain, shall be
7 by jury of twelve. All criminal cases, except impeachment,
8 shall be tried in the judicial district wherein the accused
9 resides, unless waived. Jurors may be either men or women
10 of such qualification as the Legislature may ordain. No fact
11 tried by a jury shall be otherwise re-examined in any court
12 in the State of Alaska than according to the rules of the
13 common law. Excessive bail shall not be required, nor excessive
14 fines imposed, nor cruel and unusual punishments inflicted.

November 15, 1955

Constitutional Convention of Alaska

PROPOSAL 2

Introduced by Maurice T. Johnson

TO BE INTRODUCED IN BILL OF RIGHTS

RESOLVED, that the following be agreed

upon as part of the Alaska State Constitution.

- 1 1. No law shall be made respecting an establishment of
- 2 religion or prohibiting the free exercise thereof. No money shall
- 3 be drawn from the treasury for the direct or indirect benefit of
- 4 any religious, parochial, or theological institution. There shall
- 5 be complete separation of church and state.

Constitutional Convention of Alaska

PROPOSAL NO. 3

Introduced by R. E. Robertson

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TAXATION

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

- 1 1. The power of taxation shall never be surrendered, sus-
2 pended, given or contracted away.
- 3 2. The land and other property belonging to or owned by
4 United States citizens residing without the State of Alaska
5 shall never be taxed at a higher rate than the lands and
6 other property belonging to or owned by residents of the
7 State.
- 8 3. Income, gross, sales; service, occupation, and all
9 other taxes, licenses and fees, which are in any manner either
10 based upon or measured by either gross receipts or
11 either gross or net income, shall not exceed, when combined
12 together in an aggregate sum, 25% of the total gross receipts
13 from all sources of the tax-payer in any one calendar or
14 fiscal year.

Referred to Committee on
Finance and Taxation

November 16⁷, 1955

Constitutional Convention of Alaska

PROPOSAL NO. 4

Introduced by R.E. Robertson

Finance: To limit the amount of current, bonded, and other indebtednesses to which the State, Municipalities, School Districts, Public Utility Districts, and other Taxing Authority Districts shall be subjected or which they may incur.

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

- 1 1. The State shall not incur or subject itself to current,
2 bonded, and other indebtednesses the total whereof in effect at
3 any one time, whether due or not due, is in excess of 25% of the
4 total assessed valuation of all of the taxable property in the State.
- 5 2. No city, town, village, municipality, school district, public
6 utility district, highway or road district, or other taxing author-
7 ity area or district shall incur or subject itself to current,
8 bonded, and other indebtednesses the total whereof in effect at
9 any one time, whether due or not due, shall exceed 15% of the total
10 assessed valuation of all of the taxable property in the respective
11 city, town, village, municipality, school district, public utility
12 district, highway or road district, or other taxing authority area
13 or district wherein it is located. The assessed valuation of
14 property shall be used only once as a factor in computing the total
15 indebtednesses when that property is situated within two or more
16 taxing authority areas or districts.
- 17 3. Property shall be assessed at its full and actual value.

Referred to Committee
on Resources
November 17, 1955

Constitutional Convention of Alaska

Proposal No. 5

Introduced by H. W. Robertson

DEFINITION OF NATURAL RESOURCES, AND THEIR CONTROL

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

- 1 1. Natural resources are the land and the sea and all things
2 animate, inanimate, solid, liquid and gaseous, naturally in,
3 on or of them, either upon or under the surface, and the atmo-
4 sphere and all things in or on it, and all waters that stand or
5 fall upon or that flow across, through or under the land or that
6 flow, empty into or fall upon the sea or any other body of water,
7 and all wild animals, fowl, and fish. Things, waters, animals,
8 fowl and fish which have been reduced to private ownership are
9 not natural resources.
- 10 2. Natural resources shall be controlled, managed, conserved,
11 restored, and utilized for the best interests of the State, and
12 shall be subject to disposal by sale and lease upon such terms
13 and conditions as the Legislature may ordain. Such natural re-
14 sources as are required for the State's own use or which are
15 required for use in common by the public shall not be disposed
16 of by sale or lease, except they may be temporarily leased. Sale
17 of natural resources shall be so conditioned that use or nonuse
18 thereof shall not injure or destroy any other natural resources
19 or private possession.

1 3. Control, management, restoration, conservation, utiliza-
2 tion, and regulation of natural resources may be in such
3 commissions as the Legislature may ordain, but joint control
4 of wildlife resources shall not be combined with commercial
5 utilization and development of natural resources.

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.

Referred to
Committee on Resources
November 18, 1955

Constitutional Convention of Alaska

PROPOSAL No. 7

Introduced by Maurice T. Johnson

Dealing with Wildlife Conservation

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

1 Sec. 1. The control, management, restoration, conservation
2 and regulation of the bird, game fish, game, fur, and all wild-
3 life resources of the State, including hatcheries, sanctuaries,
4 refuges, reservations and all other property owned, acquired, or
5 used for such purposes and the acquisition and establishment
6 thereof, and the administration or all laws pertaining thereto
7 shall be vested in a wildlife commission consisting of four
8 members appointed by the governor, not more than two of whom
9 shall be of the same political party. The Legislature shall
10 fix the qualifications, terms and compensation of the members
11 of the commission.

12 Sec. 2. The commission may acquire by purchase, gift, eminent
13 domain, or otherwise, all property necessary, useful or con-
14 venient for its purposes.

15 Sec. 3. The commission shall appoint a director of conserva-
16 tion who, with its approval, shall appoint the assistants and
17 other employees deemed necessary by the commission. The commiss-
18 ion shall fix the qualifications and salaries of the director

1 and all appointees and employees, and none of its members shall
2 be an appointee or employee.

3 Sec. 4. The fees, moneys or funds arising from the operation
4 and transactions of the commission and from the application
5 and the administration of the laws and regulations pertaining
6 to the bird, game fish, game, and wildlife resources of the
7 State and from the sale of property used for said purposes,
8 shall be expended and used by the commission for the control,
9 management, restoration, conservation and regulation of the
10 bird, game fish, game, fur, and wildlife resources of the State,
11 including the purchase or other acquisition of property for said
12 purposes, and for the administration of the laws pertaining
13 thereto, and for no other purpose.

14 Sec. 5. The rules and regulations of the commission not relating
15 to its organization and internal management shall become eff-
16 ective not less than ten days after being filed with the Secret-
17 ary of State, and such final rules and regulations shall be
18 subject to judicial review.

/s/ Maurice T. Johnson

Referred to Committee on Judiciary
Branch and Committee on Suffrage,
Elections, and Apportionment

November 18, 1955

Constitutional Convention of Alaska

PROPOSAL NO. 8

Introduced by R. E. Robertson

Legislature: To create a Legislature with qualifications of its members, and to establish legislative and sub-legislative districts, and representation therefrom, and to require decennial reapportionment.

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

1 1. All legislative powers shall vest in the Legislature of
2 Alaska, which shall consist of a Senate and a House of Representatives.

3 2. All legislators shall be United States and Alaskan citizens
4 and bona fide residents for not less than two years of the State,
5 and Senators shall be not less than 25 years old and Representatives
6 shall be not less than 21 years old. They may be either male or
7 female.

8 3. The Senate shall be composed of four Senators from each
9 legislative district, elected by popular vote, and each shall have
10 one vote. After the announcement of the results of the Federal
11 1960 national decennial census, they shall be reapportioned, so
12 that each legislative district shall thereafter have two Senators
13 for the first 10,000 population, or fraction thereof, and one
14 additional Senator for each additional 20,000 people or fraction
15 thereof, to take effect first in the 1962 general elections.

16 4. The House of Representatives shall be composed of one Repre-
17 sentative from each sub-legislative district, elected by popular vote,
18 and each shall have one vote. After the announcement of the Federal

1 1960 national census, they shall be reapportioned so that a sub-
2 legislative district with less than 1,000 population shall be made
3 a part of such adjacent sub-legislative district as has the lowest
4 population of all adjacent sub-legislative districts and combined
5 they shall have one Representative if combined they have a popula-
6 tion of 1000 or more. If not, they shall be combined with such
7 other and further adjacent sub-legislative districts until a total
8 combined population of 1,000 or more is reached for representation
9 by one Representative. Combination with a sub-legislative district
10 which already has a population of 1,000 or more shall not entitle
11 the combined sub-legislative districts to another Representative.
12 Such reapportionment shall be effective at the 1962 general elections.
13 If a municipality of 5,000 people or more is situated within any
14 sub-legislative district, that district shall be entitled to elect
15 one representative who resides within the district but outside the
16 boundaries of the municipality and one representative who resides
17 within the boundaries of both the municipality and the district.

18 5. Senators and Representatives shall be permanent residents
19 of the respective legislative or sub-legislative district from which
20 they are respectively elected.

21 6. The First Legislative District shall comprise the area defined
22 by the present boundaries of the First Judicial Division of the
23 Territory of Alaska; the Second Legislative District, of the Second
24 Judicial Division; the Third Legislative District, of the Third
25 Judicial Division; the Fourth Legislative District, of the Fourth
26 Judicial Division. Each area defined by the boundaries of the
27 present recording districts or precincts shall comprise a sub-legis-
28 lative district, except when the present area is less than 200 square

1 miles it shall be combined with the adjacent recording precinct area
2 whose population is next lowest to its to comprise one sub-legisla-
3 tive district.

4 7. The Legislature shall reapportion upon the basis of population
5 its membership at the end of each Federal national decennial census.
6 Should the Legislature fail at its next regular session after the
7 announcement of the results of such national census to reapportion
8 its membership, the Governor shall promptly appoint a non-partisan
9 commission of five Alaskan citizens to make it, which reapportionment
10 shall be in force and effect thence-forth until the next reapportion-
11 ment is made in accordance herewith. The first reapportionment shall
12 be made after the announcement of the results of the Federal 1960
13 national census.

14 8. Each House shall be the judge of the elections, returns and
15 qualifications of its own members; and a majority of each shall con-
16 stitute a quorum to do business; but a smaller number may adjourn
17 from day to day, and may be authorized to compel the attendance of
18 absent members, in such manner, and under such penalties, as each
19 House may provide. Each House may determine the rules of its pro-
20 ceedings; punish its members for disorderly behavior, and, with the
21 concurrence of two-thirds, expel a member. Each House shall keep a
22 journal of its proceedings, and from time to time publish the same,
23 excepting such parts as may in their judgment require secrecy; and
24 the yeas and nays of the members of either House on any question
25 shall, at the desire of one-fifth of those present, be entered on
26 the journals.
27

Constitutional Convention of Alaska

PROPOSAL NO. 9

Introduced by Victor Fischer

AN ARTICLE ON EDUCATION, HEALTH
AND WELFARE

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

- 1 1. Public Education. The State shall provide for a system
2 of public schools which shall be open to all children of the
3 State and may provide for other public educational institu-
4 tions. They shall be free from sectarian control.
- 5 2. Public Health. The State shall provide for the pro-
6 tection and promotion of the public health.
- 7 3. Public Welfare. The State may provide assistance for
8 ... persons unable to maintain a standard of living compatible
9 with decency and health.
- 10 4. Slum Clearance. The State may provide for and assist
11 in slum clearance, development and rehabilitation of sub-
12 standard areas, and housing for persons of low income.
- 13 5. Public Sightliness and Good Order. The State may con-
14 serve and develop the natural beauty, objects and places
15 of historic or cultural interest, sightliness and physical
16 good order of the State, and for that purpose private pro-
17 perty shall be subject to regulation.

Victor Fischer
November 21, 1955

Constitutional Convention of Alaska

PROPOSAL No. 10

Introduced by Victor Fischer

INTERGOVERNMENTAL RELATIONS

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

- 1 1. The Legislature may provide for cooperation on the
2 part of the State and its political subdivisions with
3 the United States and with other states and their pol-
4 itical subdivisions in matters affecting the public
5 health, safety and general welfare.

Victor Fischer
November 21, 1955

Referred to Committee
on Legislative Branch
November 21, 1955

CONSTITUTIONAL CONVENTION

PROPOSAL NO. 11

Introduced by: Thomas Harris

LOCATION OF THE STATE CAPITAL

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

The location of the permanent seat of the Govern-
ment of Alaska shall be selected by a majority
vote of all the qualified electors of Alaska
voting on the question.

NOTE: If the above proposal is approved, an ordinance should be
prepared prescribing when and by what procedure the qualified
electors of Alaska shall select the permanent seat of the govern-
ment of Alaska and the period within which the move to the new
capital should be effected, should a site other than Juneau be
selected.

November 21, 1955

Constitutional Convention of Alaska

PROPOSAL NO. 12

Introduced by Edward V. Davis

Pertaining to that section of the constitution relative to the establishment of the Judicial Branch of the government of the State of Alaska.

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

1 Section I

2 1. The Judicial power of the State of Alaska shall be vested
3 in a supreme court, a district court and in such inferior courts
4 as the legislature may establish from time to time.

5 2. The several courts of the State of Alaska shall have
6 original and appellate jurisdiction as may be provided by law.
7 Inferior courts and their jurisdiction may be established,
8 altered or abolished from time to time by law as the need thereof
9 may arise.

10 Section II

11 The Supreme Court of Alaska shall be the highest court of
12 the State and shall exercise appellate jurisdiction as the
13 court of last resort of the state in civil and criminal matters.
14 It shall consist of not less than three justices and until
15 otherwise provided by the legislature the number of such justices
16 shall be three. The Justices of the Supreme Court shall elect one
17 of their number to preside as Chief Justice in such manner and

1 under such terms and conditions as they may provide by rules and
2 regulations to be adopted by them. The Supreme Court is hereby
3 empowered to make rules and regulations governing the administra-
4 tion of the other courts of the State, and governing the practice
5 and procedure in civil and criminal cases in all of the courts
6 of the state. Any rules of practice and procedure adopted by
7 the Supreme Court pursuant to authority here given shall have the
8 force and effect of law until and unless they are changed by vote
9 of at least two-thirds of both houses of the legislature and such
10 change approved by the governor, and thereafter except as so
11 changed.

12 Section III

13 The District Court shall be a court of general jurisdiction,
14 throughout the state, in civil and in criminal matters. It shall
15 have such other and further powers and duties as may be provided
16 by law. It shall operate under the general supervision of the
17 Supreme Court and according to rules of practice and procedure
18 to be prescribed by the Supreme Court.

19 Until otherwise provided by law the number of District Judges
20 shall be four. Such Judges shall serve for such term as may be
21 prescribed by law and according to assignment to be made by the
22 Supreme Court from time to time as the need shall arise.

23 Section IV

24 As used in this Article the word "Judge" shall include Justices
25 of the Supreme Court of Alaska, Judges of the District Court of

1 Alaska and all Judges of the inferior or subordinate Courts
2 which may be prescribed by the legislature. The word "Judge"
3 likewise shall be deemed to include the feminine gender as well
4 as the masculine and the plural as well as the singular
5 wherever applicable.

6 Section V

7 All Judges of the State of Alaska shall be appointed on a
8 nonpartisan basis from the best available candidates. Such Judges
9 likewise shall be continued as Judges subject to periodic elections
10 to be conducted by separate ballot and on a nonpartisan basis.
11 Details of such appointment and tenure of office are to be provided
12 by law. Among other things such law is to provide for all Judges
13 of Alaska to be appointed by the governor of Alaska from a panel of
14 names of eligible persons to be furnished to the governor by a
15 Judicial council. Such Judicial council is to be composed of at
16 least two members appointed by the governor from the public at
17 large by and with the consent of the Senate, and of at least two
18 members named by the Alaska Bar Association or its successor.
19 The membership of the Judicial council may be increased from time
20 to time but the number of members to be appointed from the public
21 at large and the number of members to be named by the Alaska Bar
22 Association shall always remain equal. The Chief Justice of the
23 Supreme Court, after his appointment and qualification, shall be
24 an ex-officio member of the Judicial council. All Judges after
25 appointment, and at a time and in a manner to be prescribed by

1 the legislature, shall stand election. Under such procedure,
2 a majority of the persons voting at a general election may vote to
3 retain or to reject such Judges. The law shall prescribe a manner
4 for periodic elections as to retention or rejection of such judges
5 depending on the terms prescribed by law for such Judges.

6 Section VI

7 No Justice of the Supreme Court and no Judge of the District
8 Court shall hold any other office or position of profit under the
9 State of Alaska or the United States of America. This prohibition
10 shall not be construed to prevent such parties from performing
11 such administrative duties as may be assigned by the Supreme Court
12 and shall not disqualify the Chief Justice of the Supreme Court
13 from serving as a member of the Judicial council as herein
14 provided.

15 Section VII

16 No person shall be eligible to hold the office of Justice of
17 the Supreme Court or District Judge unless he shall have been
18 admitted to practice law before the Supreme Court of Alaska for
19 a period of at least five years before his appointment or who has
20 not been engaged in the active practice of law for at least three
21 of the last five years before such appointment. Admission to
22 practice law, and the practice of law, in the Courts of the
23 Territory of Alaska for the prescribed periods or a combination
24 of such Territorial and State practice for such time shall be
25 deemed to satisfy the requirements of this section.

1 Section VIII

2 Any Justice of the Supreme Court or any Judge of the District
3 Court who shall become a candidate for any elective public office
4 shall thereby forfeit his Judicial office.

5 Section IX

6 Justices of the Supreme Court and Judges of the District
7 Court shall not, while in office, engage in the practice of law.
8 Other Judges may engage in the practice of law subject to such
9 limitations and restrictions as may be provided by law.

10 Section X

11 Judges shall receive for their services such compensation as
12 may be provided by law from time to time. Such compensation shall
13 not be decreased as to any Judge during his term in office.

14 Section XI

15 Judges shall be subject to any applicable retirement law
16 of the State of Alaska and shall be retired at the age pre-
17 scribed by such law. This section shall not prevent the utili-
18 zation of retired Judges as Judges or Judicial officers under
19 temporary assignment by the Supreme Court.

20 Section XII

21 Whenever the Supreme Court shall certify to the governor that
22 it appears that any Judge of Alaska is so incapacitated, either
23 mentally or physically, as to substantially prevent him from per-
24 forming his duties, the governor shall appoint a commission of
25 three persons to inquire into the circumstances. On the

1 recommendation of such commission the governor may retire such
2 Judge from office on such pension as may be provided by law.

3 Section XIII

4 Any Judge of Alaska shall be subject to impeachment in the
5 same manner and with like effect as provided in this constitution,
6 or as may be provided by law, as to other officers of the State
7 of Alaska. Any Judge so impeached shall not exercise his office
8 until acquitted.

Referred to
Committee on Preamble
and Bill of Rights
November 21, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL No. 13

Introduced by Maurice T. Johnson

Defining Inherent Rights

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

1 Sec. 1. The people of the State of Alaska declare that all men
2 are by nature free and independent, and have certain inherent
3 and inalienable rights - among these are life, liberty, prop-
4 erty and the pursuit of happiness. To secure these rights the
5 State of Alaska is created, deriving its just powers from the
6 consent of the governed.

Referred to Committee
on Executive Branch
November 21, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO. 14

INTRODUCED BY MAURICE T. JOHNSON

THE EXECUTIVE

1 SECTION 1. The executive power of the State is vested in
2 a governor.

3 The governor is elected by the qualified voters of this
4 State at a general election. The person receiving the highest
5 number of votes shall be the governor. In case of a tie vote,
6 the selection of the governor shall be determined in accordance
7 with law.

8 The term of office of the governor shall begin at noon on
9 the first Monday in December next following his election and
10 end at noon on the first Monday in December, four years there-
11 after.

12 No person shall be eligible to the office of governor un-
13 less he shall be a qualified voter, have attained the age of
14 thirty-five years and have been a citizen of the United States
15 for twenty years and a resident of this State for five years
16 next preceding his election.

17 The governor shall not hold any other office or employment
18 of profit under the State or the United States during his term
19 of office.

20 SECTION 2. There is a lieutenant governor, who shall have

1 the same qualifications as the governor. He is elected at the
2 same time, for the same term, and in the same manner, as
3 the governor. He shall perform such duties as may be pre-
4 scribed by law.

5 SECTION 3. The compensation of the governor and of the
6 lieutenant governor shall be prescribed by law. Such compen-
7 sation shall not be increased or diminished for their respec-
8 tive terms, unless by general law applying to all salaried
9 officers of the State. When the lieutenant governor succeeds
10 to the office of governor, he shall receive the compensation
11 for that office.

12 SECTION 4. When the office of governor is vacant, the
13 lieutenant governor shall become governor. In the event of the
14 absence of the governor from the State, or his inability to
15 exercise and discharge the powers and duties of his office,
16 such powers and duties shall devolve upon the lieutenant gover-
17 nor during such absence or disability.

18 When the office of lieutenant governor is vacant, or in
19 the event of the absence of the lieutenant governor from the
20 State, or his inability to exercise and discharge the powers
21 and duties of his office, such powers and duties shall devolve
22 upon such officers in such order of succession as may be pro-
23 vided by law.

24 In the event of the impeachment of the governor or of the
25 lieutenant governor, he shall not exercise the powers of his

1 office until acquitted.

2 SECTION 5. The governor is responsible for the faithful
3 execution of the laws. He is the commander in chief of the
4 armed forces of the State and may call out such forces to ex-
5 ecute the laws, suppress or prevent insurrection or lawless
6 violence or repel invasion. He shall, at the beginning of
7 each session, and may, at other times, give to the Legisla-
8 ture information concerning the affairs of the State and re-
9 commend to its consideration such measures as he shall deem
10 expedient.

11 The governor may grant reprieves, commutations and par-
12 dons, after conviction, for all offenses, subject to regula-
13 tion by law as to the manner of applying for the same. The
14 legislature may, by general law, authorize the governor to
15 grant pardons before conviction, to grant pardons for impeach-
16 ment and to restore civil rights denied by reason of convic-
17 tion of offenses by tribunals other than those of this State.

18 The governor shall appoint an administrative director
19 to serve at his pleasure.

20 SECTION 6. All executive and administrative offices, de-
21 partments and instrumentalities of the state government and
22 their respective functions, powers and duties shall be located
23 by law among and within not more than twenty principal depart-
24 ments in such manner as to group the same according to major
25 purposes so far as practicable. Temporary commissions or

1 agencies for special purposes may be established by law and
2 need not be allocated within a principal department.

3 Each principal department shall be under the supervision
4 of the governor and, unless otherwise provided in this consti-
5 tution or by law, shall be headed by a single executive. Such
6 single executive shall be appointed by the Governor and shall
7 serve at his pleasure. All other appointments provided by law
8 shall be by the Governor and appointees shall serve at his
9 pleasure.

10 All officers appointed under the provisions of this sec-
11 tion shall be citizens of the United States, and of this State
12 and shall have been residents of the State for at least three
13 years next preceding their appointment.

Referred to
Committee on Executive
Branch
November 21, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL No. 15

Introduced by W. O. Smith

To Make Provisions of Constitution Mandatory

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

- 1 1. Constitution Mandatory: The provisions of this Constitu-
- 2 tion are mandatory, unless by express words they are declared
- 3 to be otherwise.

Referred to Committee on
Preamble & Bill of Rights
November 22, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO. 16

INTRODUCED BY MAURICE T. JOHNSON

A SUGGESTED PREAMBLE

1 We, the People of the State of Alaska, to preserve
2 freedom of worship, equality under law, life, liberty,
3 property and the pursuit of happiness, with the help of
4 Almighty God, do hereby ordain this Constitution.

Referred to Committee on
Preamble & Bill of Rights
November 22, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO. 17

INTRODUCED BY WARREN A. TAYLOR

PUBLIC WELFARE

1 Section 1. Public Education.

2 The Legislature of the State of Alaska shall provide for
3 the maintenance, operation and support of a system of free com-
4 mon schools, wherein all children of the State may be educated,
5 and of such other educational institutions, including institu-
6 tions of higher learning as may be deemed desirable.

7 Section 2. Public Health.

8 The protection and promotion of the health of the inhabit-
9 ants of the State are matters of public concern and provision
10 shall be made by the state and by such of its civil departments
11 and in such manner and by such means as the legislature shall
12 from time to time determine.

13 Section 3. Public Relief.

14 The maintenance and distribution, at reasonable rates,
15 or free of charge, of a sufficient supply of food, fuel, cloth-
16 ing and other common necessities of life, and the providing of
17 shelter, for the needy, are public functions, and the state and

1 its civil divisions shall provide the same for their inhabitants
2 in such manner and by such means as may be prescribed by law.

3 Section 4. Inspection of Private Institutions and Agencies.

4 The State shall have the power to provide for the inspec-
5 tion by such state departments, offices or agencies, and in such
6 manner as the legislature may determine, of all private institu-
7 tions and agencies in the state, whether incorporated or not in-
8 corporated which are engaged in charitable, correctional, or
9 health activities.

10 Section 5. Public Housing.

11 The state may provide for low rent housing for persons of
12 low income as defined by law, or for the clearance, replanning,
13 reconstruction and rehabilitation of substandard or unsanitary
14 areas, or for both such purposes, and for recreational and other
15 facilities incidental and appurtenant thereto, in such manner,
16 by such means, and upon such terms and conditions as may be
17 prescribed elsewhere in this constitution, or as may be pre-
18 scribed by law.

19 Section 6. Conservation.

20 The conservation, development, and utilization of the
21 agricultural, mineral, forest, water and other natural resources
22 of the state are public functions, and the legislature shall
23 have the power to provide for the same and to enact legislation

1 necessary, requisite and expedient therefor.

2 Section 7. Scenic Beauty and Historical Association.

3 The natural beauty, historic associations, and the physical
4 good order of the state and its parts contribute to the general
5 welfare and shall be conserved and developed as a part of the
6 patrimony of the people, and to that end private property shall
7 be subject to reasonable regulation and control.

8 Section 8. General Powers of the State.

9 The enumeration in this article of specified functions
10 shall not be construed as a limitation upon the powers of the
11 state government. The state government shall have full power
12 to act for the government and good order of the state and for
13 the health, safety, and welfare of its citizens, by all nec-
14 essary and convenient means, subject to the limitations pre-
15 scribed in the Constitution of the United States.

Referred to Committee
on Resources

November 23, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 18

Introduced by Truman C. Emberg and John S. Hellenthal

Natural Resources: Maximum publicity and public hearing
after notice, where disposal of natural resources involved.
RESOLVED, that the following be agreed upon as part of the
Alaska State Constitution.

1 The Legislature shall provide that no disposal of the natural
2 resources including lands be made, unless, after public hearing
3 on written application therefor, and after written report and
4 recommendations of government agency involved, and preliminary
5 comprehensive findings and decision of said agency, and later
6 final public hearing and decision. Notice by publication
7 throughout Alaska shall be given of all hearings.

Referred to Committee on
Preamble and Bill of Rights
November 25, 1955

Constitutional Convention of Alaska

PROPOSAL NO. 19

Introduced by Maurice T. Johnson

Dealing with the Distribution of Powers

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

1 Section 1. The powers of the government of this State are
2 divided into three separate departments -- legislative,
3 executive and judicial; no person, or collection of persons,
4 being one of these departments, shall exercise any power
5 properly belonging to either of the others, except as herein
6 permitted.

Referred to Committee on
Finance and Taxation
November 25, 1955

Constitutional Convention of Alaska

PROPOSAL NO. 20

Introduced by Jack Hinckel

To limit the assessed valuation of a single family dwelling, occupied by the owner as a home and place of residence, and thus enable the unrestricted improvement of such property as the fancy and ability of the owner permits; without fear that changes in classification, methods of assessment, fluctuations in monetary values or retirement of the owner on fixed income would preclude the possibility of retention of the property as a home after years of planning and creation.

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

1 Neither the State, nor any civil division thereof, shall
2 place a valuation for tax assessment purposes on any non-income,
3 single family dwelling and a reasonable amount of contiguous
4 land in excess of a figure to be fixed by the State Legislature,
5 during such time as the property is maintained by the owner
6 as a place of residence; nor may the millage rate of taxation
7 on such property be above a figure also set by the State
8 Legislature, except for assessments for special benefits when
9 approved by the majority of property owners in the district

1 to be so assessed. The assessment maximum thus set by the
2 Legislature shall be such that payment of the property tax will
3 be possible by a person of moderate circumstances and income.
4 Reaffirmation or revision of the valuation and millage maximums
5 so set shall take place every ten years, or at any session of
6 the legislature upon petition.

Note: It is the contention of the proposer of the above that all residents of the State of Alaska would benefit by adoption of this or some similar proposal. It is also contended that no community would suffer from loss of taxes by the adoption of such a measure as the actual difference in taxes collected would be small in comparison to the benefits to the populace in security and peace of mind. Increased building and general improvement of properties would also result.

I have personally known people who, after spending all their working days improving their homes and making them just what they wanted them to be for their days of retirement, on retirement have been forced to sell their homes because deflation of the dollar or inflation of property values has increased the assessment value to the point that retention of the property was beyond their means. I have known others whose property has been rezoned into a business district and the property values trebled overnight. If a person improves his property he is not only enhancing the value of it but he is usually employing other people in making the improvement, making the community a more attractive place and benefiting the area as a whole. I think that such improvement should be encouraged and people should be assured that by making extensive improvement they are not taking the chance of later losing their property.

I do not think that anyone should feel that the person who may have a more pretentious home than himself is being shown a preference in this method of assessment. Even if his own home does not have a value above the maximum assessment figure set he will be assured of a maximum rate and the security offered in the clauses on zoning and classification.

I think that the attitude should be as was expressed by Abraham Lincoln on March 21, 1864:

"Property is the fruit of labor. Property is desirable. That some should become rich shows that others may become rich, and hence is just encouragement to industry and enterprise. Nor let him who is homeless pull down the home of another; but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built."

Referred to Committee on
Preamble and Bill of Rights
November 25, 1955

Constitutional Convention of Alaska

PROPOSAL NO. 21

Introduced by Thomas C. Harris

Right of Self-determination

1 All men are by nature free and independent, and have certain
2 inherent and inalienable rights--among these are life, liberty,
3 the enjoyment of privacy within his home, and the pursuit of
4 happiness. There shall be no abridgment of any man's rights--
5 by reason of sex, color, creed, membership or lack of membership
6 in any social, fraternal, religious or labor organization--to
7 his way of life, in the pursuit of happiness, and, or the choice
8 of his vocation.

Constitutional Convention
Delegate Proposal No. 22
Referred to Committee on
Judiciary Branch
November 25, 1955

Constitutional Convention of Alaska
PROPOSAL NO. 22
Introduced by Warren A. Taylor

JUDICIAL BRANCH

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

- 1 Sect. 1 The Judicial power of the State of Alaska shall be vested
2 in one Supreme Court, one Superior Court, Probate Courts, and
3 Justices of the Peace. Probate Courts and Justices of the Peace
4 may be combined in one judge. The Legislature may also establish
5 courts, for municipal purposes only, in incorporated cities and
6 towns.
- 7 Sect. 2 The Supreme Court shall consist of a Chief Justice and
8 two associate Judges, a majority of whom shall constitute a quorum;
9 provided that the Legislature, by a majority of all the members
10 elected to each branch thereof, may provide for the election of
11 two additional associate justices, and if so increased three shall
12 constitute a quorum. The concurrence of a majority of the whole
13 court shall be necessary to render a decision.
- 14 Sect. 3 The justices of Supreme Court and Superior Court shall be
15 appointed by the Governor of the State by appointing one of three
16 persons possessing the qualifications for such office, who shall
17 be nominated and whose names shall be submitted to the Governor by
18 non-partisan judicial commission established and organized as
19 hereinafter provided.

1 Sect. 4 Tenure of Judges--Declaration of Candidacy--

2 Form of Judicial Ballot - Rejection and Retention

3 Each Judge appointed pursuant to the provisions of Section
4 3, hereof, shall hold office in a term ending December 31st
5 following the next general election after the expiration of
6 twelve months in the office. Not less than sixty days prior to
7 the holding of the general election next preceding the expiration
8 of his term of office, any judge whose office is subject to the
9 provisions hereto may file in the office of the Secretary of State
10 a declaration of Candidacy for election to succeed himself. If
11 such declaration is not so filed by any judge, the vacancy result-
12 ing from the expiration of his term of office shall be filled
13 by appointment as herein provided. If such declaration is filed,
14 his name shall be submitted at the next general election to the
15 voters eligible to vote within the geographic jurisdictional
16 limit of his court, or Superior Court if his office is that of a
17 Superior Judge, on a separate judicial ballot, without party
18 designation, which ballot shall state that the said judge seeks
19 to be retained in office for the term of his particular office
20 as herein provided. If a majority of those voting on the question
21 vote against retaining him in office, a vacancy shall exist which
22 shall be filled by appointment as provided herein; otherwise, said
23 judge shall, unless removed for cause, remain in office for the
24 number of years after December 31st following such election as is
25 provided for the full term of such office, and at the expiration

1 of each such term shall be eligible for retention in office by
2 election in the manner herein prescribed.

3 Sect. 5 Terms of Judges: Judges of the Supreme Court shall
4 be selected for terms of nine years and Superior Courts for terms
5 of seven years. Judges of probate, justice and magistrate courts
6 shall hold office for such terms as shall be established by law.

7 Sect. 6 Qualifications - age limit - legal training and
8 experience: Judges of the Supreme Court shall have been citizens
9 of the United States for at least fifteen years and shall have
10 been residents and qualified voters of this state for ten years
11 next preceding their selection. Such judges shall be at least
12 thirty-five years of age and shall have been in the general
13 practice of law for ten years, five years of which shall have
14 been in the courts of this state. Such judges shall not continue
15 to hold office after attaining the age of seventy years. Superior
16 Court judges shall have been citizens of the United States for
17 at least twelve years and qualified voters of this state for
18 six years next preceding their selection, and be not less than
19 thirty years of age and residents of the judicial district to
20 which they shall be appointed. They shall have been in the
21 general practice of law for a period of eight years next pre-
22 ceding their selection, five of which shall have been in the
23 courts of the Territory of Alaska or the State of Alaska. The
24 appointment age, qualifications, term of office and removal of
25 Justices of the Peace, Judges of Probate and Magistrates shall

1 be established by law.

2 Sect. 7 Retirement of Judges: Any judge of a court of record
3 or magistrate who is unable to discharge the duties of his office
4 with efficiency by reason of continued illness or physical or
5 mental infirmity shall be retired from the office by order of a
6 committee composed of two judges of the Supreme Court and three
7 superior judges, after notice and a fair hearing and on a finding
8 of three-fifths of the committee that the disability is permanent.
9 The judge so retired shall receive one-half his regular compen-
10 sation until the end of his term of office. The Supreme Court shall
11 prescribe rules of procedure under this section.

12 Sect. 7 (Alternative Method of Retiring Judges for Disability)
13 Whenever the Supreme Court shall certify to the Governor that it
14 appears that any Justice of the Supreme Court or Judge of the
15 Superior Court is so incapacitated as substantially to prevent
16 him from performing his judicial duties, the Governor shall appoint
17 a commission of three persons to inquire into the circumstances,
18 and, on their recommendation that the said judge is incapable of
19 efficiently performing his judicial duties, the Governor shall
20 retire the Justice or Judge from office, on pension as may be
21 provided by law.

22 Sect. 8 Impeachment: The Justices of the Supreme Court and
23 the Judges of the Superior Court shall be subject to impeachment,
24 and any judicial officer impeached shall not exercise his office
25 until acquitted.

1 Sect. 9 (Salary of Judges): The Justices of the Supreme
2 Court and the Judges of the Superior Court shall receive for their
3 services such salaries as may be provided by law, which shall not
4 be diminished during the term of their appointment. They shall not,
5 while in office, engage in the practice of law or other gainful
6 pursuit. They shall hold no other office or position of profit
7 under this state or the United States. Any Justice or Judge who
8 shall become a candidate for an elective public office shall
9 thereby forfeit his judicial office.

10 Sect. 10 The Chief Justice of the Supreme Court shall be the
11 Administrative head of the courts of the state. He may assign
12 judges from one Judicial District to another for temporary service.
13 With the approval of the Supreme Court he shall appoint an
14 administrative director to serve at his pleasure.

15 Sect. 11 Promulgation of Rules: The Supreme Court shall
16 establish rules of practice and procedure for all courts. The
17 rules shall not change substantive rights, or the law relating to
18 evidence, the oral examination of witnesses, juries, the right
19 of trial by jury, or the right of appeal. The Court shall publish
20 the rules and fix a day on which they take effect, but no rule
21 shall take effect before six months after its publication. Any
22 rule may be annulled or amended by a law limited to that purpose.

23 Sect. 12 (Jurisdiction of Supreme Court): The Supreme Court
24 shall have exclusive appellate jurisdiction in all cases involv-
25 ing the construction of the Constitution of the United States or of

1 this state, the validity of a treaty or statute of the United
2 States, or any authority exercised under the laws of the United
3 States, the construction of the revenue laws of this state, the
4 title to any office under this state, the title to real estate,
5 in all civil cases where the state or political subdivision of
6 the state or any state officer as such is a party, in all cases of
7 felony, in all other classes of cases provided by law and until
8 otherwise provided by law, on all cases where the amount in
9 dispute, exclusive of costs, exceeds the sum of three thousand
10 dollars.

11 Sect. 13 (Jurisdiction of Superior Courts): The Superior
12 Courts shall have jurisdiction over all criminal cases not other-
13 wise provided by law, exclusive jurisdiction in all civil cases
14 not otherwise provided for by law, and concurrent and appellate
15 jurisdiction as provided by law. The Superior Courts shall sit
16 at times and places in each judicial district as prescribed by
17 law.

18 Sect. 14 Judicial Districts (Establishment): The state
19 shall be divided into three judicial districts, which, until
20 revised or amended by law shall be constituted as follows:

21 Judicial District No. One shall consist of that part of the
22 state situated in what is known as Division No. One; Judicial
23 Division No. Two shall consist of that part of the state situated
24 in what are known as Divisions Nos. Two and Four; and Judicial
25 Division No. Three shall consist of that part of the state

1 citizen, not a member of the bar, from the residents of each
2 judicial district; the term of office of the members of such
3 commission shall be fixed by the Supreme Court and may be changed
4 from time to time, but not so as to shorten or lengthen the term
5 of any member then in office. No member of any such commission
6 other than the chairman shall hold any public office, and no
7 member shall hold any official position in a political party.
8 Such commission shall act only by concurrence of a majority of
9 its members. The members of said commission shall receive no
10 salary for their services, but they shall receive their necessary
11 traveling and other expenses or per diem incurred while actually
12 engaged in the discharge of their official duties. All elections
13 provided for under this section shall be held and regulated, under
14 such rules as the Supreme Court shall promulgate.

15 Sect. 16 (Review of Action of Administrative Agencies):

16 All final decisions, findings, rules and orders of any administra-
17 tive officer or body existing under the Constitution or by law,
18 which are judicial or quasi-judicial and affect private rights,
19 shall be subject to direct review by the courts as provided by
20 law; and such review shall include the determination whether the
21 same are authorized by law, and in cases in which a hearing is
22 required by law, whether the same are supported by competent and
23 substantial evidence upon the whole record.

24 Sect. 17 (Election of Chief Justice): The Justices of the Supreme
25 Court shall elect a Chief Justice to preside over the court en banc.

1 situated in what is known as Division No. Three. That the
2 headquarters of the Superior Court for the First Judicial District
3 shall be at Juneau, Alaska, and one judge shall be assigned thereto;
4 that the headquarters of Judicial District Number Two shall be at
5 Fairbanks, Alaska, and two judges shall be assigned thereto; that
6 the headquarters of Judicial District No. Three shall be at
7 Anchorage, Alaska, and two judges shall be assigned thereto.

8 The judges shall hold court from time to time in other localities
9 within their judicial districts, when in their opinion, the same
10 will promote justice, and expedite litigation. The Judicial
11 Districts may be changed or abolished by law as public convenience
12 may require, but no judge shall be removed thereby from office
13 during his term. Any Superior Judge may sit in another judicial
14 district at the request of a judge thereof, or upon the direction
15 of the Chief Justice of the Supreme Court.

16 Sect. 15 Judicial Commission: There shall be established a non-
17 partisan commission whose duty it shall be to nominate and submit
18 to the Governor, names of persons for appointment to fill vacancies
19 in the Supreme Court and Superior Court. The Judicial Commission
20 shall consist of seven members, one of whom shall be the Chief
21 Justice of the Supreme Court who shall act as chairman, and the
22 remaining six members shall be chosen in the following manner: The
23 members of the bar of this state residing in each Judicial District
24 shall elect one of their number to serve as a member of said
25 commission, and the Governor shall appoint one

Constitutional Convention
Delegate Proposal/23
Referred to Committee on
Legislative Branch
November 26, 1955

Constitutional Convention of Alaska
PROPOSAL NO.23
Introduced by R.E. Robertson

Legislature: To create a Legislature with qualifications of its members, and to establish legislative and sub-legislative districts, and representation therefrom, and to require decennial reapportionment.

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

- 1 1. All legislative powers shall vest in the Legislature of
2 Alaska, which shall consist of a Senate and a House of
3 Representatives.
- 4 2. All legislators shall be United States and Alaskan citizens
5 and bona fide residents for not less than two years of the State,
6 and Senators shall be not less than 25 years old and Representatives
7 shall be not less than 21 years old. They may be either male or
8 female.
- 9 3. The Senate shall be composed of four Senators from each
10 legislative district, elected by popular vote, and each shall have
11 one vote. After the announcement of the results of the Federal
12 1960 national decennial census, they shall be reapportioned, so
13 that each legislative district shall thereafter have two Senators
14 for the first 10,000 population, or fraction thereof, and,

1 commencing with the 1962 general elections, one additional Senator,
2 for the 1962-1972 decennium, for each additional 20,000 people or
3 fraction thereof; for the 1972-1982 decennium, for each additional
4 40,000 people or fraction thereof; and, for the 1982-1992 decennium,
5 for each additional 60,000 people or fraction thereof. Not more
6 than 25 Senators shall hold office at any one time. Each Senator
7 shall be elected for a term of six years, other than, as selected
8 by lot, the terms of two of them from each legislative district
9 for the first election shall serve only four years.

10 4. The House of Representatives shall be composed of one
11 Representative from each sub-legislative district, elected by
12 popular vote, and each shall have one vote. After the announcement
13 of the Federal 1960 national census, they shall be reapportioned
14 so that a sub-legislative district with less than 1,000 population
15 shall be made a part of such adjacent sub-legislative district as
16 has the lowest population of all adjacent sub-legislative districts
17 and combined they shall have one Representative if combined they
18 have a population of 1,000 or more. If not, they shall be com-
19 bined with such other and further adjacent sub-legislative dis-
20 tricts until a total combined population of 1,000 or more is reached
21 for representation by one Representative. Combination with a sub-
22 legislative district which already has a population of 1,000 or
23 more shall not entitle the combined sub-legislative districts to
24 another Representative. Such reapportionment shall be effective
25 at the 1962 general elections. If a municipality of 5,000 people

1 or more is situated within any sub-legislative district, that
2 district shall be entitled to elect one representative who resides
3 within the district but outside the boundaries of the municipality
4 and one representative who resides within the boundaries of both
5 the municipality and the District, provided, commencing with the
6 1962 general elections, a sub-legislative district shall have one
7 representative for each 20,000 people or fraction thereof, but
8 representation shall be apportioned between sub-legislative
9 district and municipalities therein having 5,000 or more people as
10 hereinbefore stated. Representatives shall be elected for a term
11 of four years. Not more than 41 Representatives shall hold office
12 at any one time.

13 5. Senators and Representatives shall be permanent residents
14 of the respective legislative or sub-legislative district from
15 which they are respectively elected.

16 6. The First Legislative District shall comprise the area
17 defined by the present boundaries of the First Judicial Division
18 of the Territory of Alaska; the Second Legislative District, of the
19 Second Judicial Division; the Third Legislative District, of the
20 Third Judicial Division; the Fourth Legislative District, of the
21 Fourth Judicial Division. Each area defined by the boundaries of
22 the present recording districts or precincts shall comprise a
23 sub-legislative district, except when the present area is less than
24 200 square miles it shall be combined with the adjacent recording
25 precinct area whose population is next lowest to its to comprise

1 one sub-legislative district.

2 7. The Legislature shall reapportion upon the basis of popula-
3 tion its membership at the end of each Federal national decennial
4 census. Should the Legislature fail at its next regular session
5 after the announcement of the results of such national census to
6 reapportion its membership, the Governor shall promptly appoint
7 a non-partisan commission of five Alaskan citizens to make it,
8 which reapportionment shall be in force and effect thenceforth
9 until the next reapportionment is made in accordance herewith.
10 The first reapportionment shall be made after the announcement
11 of the results of the Federal 1960 national census.

12 8. Each House shall be the judge of the elections, returns and
13 qualifications of its own members; and a majority of each shall
14 constitute a quorum to do business; but a smaller number may
15 adjourn from day to day, and may be authorized to compel the
16 attendance of absent members, in such manner, and under such
17 penalties, as each House may provide. Each House may determine the
18 rules of its proceedings; punish its members for disorderly behavior,
19 and, with the concurrence of two-thirds, expel a member. Each House
20 shall keep a journal of its proceedings, and from time to time
21 publish the same, excepting such parts as may in their judgment
22 require secrecy; and the yeas and nays of the members of either
23 House on any question shall, at the request of any member present,
24 be entered on the journals. Neither house shall appoint or transact
25 business through a Conference Committee or sit as a Committee of the
26 Whole.

Constitutional Convention
Delegate Proposal/24
Referred to Committee on
Resolutions and Recommendations
November 26, 1955

Constitutional Convention of Alaska
PROPOSAL No. 24
Introduced by Warren A. Taylor
SEAT OF GOVERNMENT

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

1 Section 1. State Capital, Location of: The legislature shall
2 have no power to change, or to locate the seat of government of
3 this state; but the question of the permanent location of the
4 seat of government of the state shall be submitted to the electors
5 of the state at an election to be held within 120 days following the
6 adjournment of the first state legislature. A majority of the votes
7 cast at said election, upon said question, shall be necessary to
8 determine the permanent location of the seat of government for the
9 state; and no place shall ever be the seat of government which
10 shall not receive a majority of the votes cast on the matter. In
11 case there shall be no choice of location at the first election,
12 another election shall be held at the next succeeding general elec-
13 tion thereafter, the question of choice between the three places
14 for which the highest number of votes shall have been cast at the
15 first election. Said legislature shall provide further that in
16 case there shall be no choice of location at said second election,
17 the question of choice between the two places for which the highest
18 number of votes shall have been cast, shall be submitted in like
19 manner to the qualified electors of the state at the next ensuing

PROPOSAL NO. 24

1 general election; Provided, until the seat of government shall have
2 been permanently located as herein provided, the temporary location
3 shall remain at the city of Juneau.

4 Section 2. Change of capital: When the seat of government shall
5 have been located as herein provided, the location thereof shall
6 not thereafter be changed except by a vote of two-thirds of all the
7 qualified electors voting on that question, at a general election,
8 at which the question of location of the seat of government shall
9 have been submitted by the legislature.

10 Section 3. Restriction of Appropriations: The legislature shall
11 make no appropriations or expenditures for capital buildings or
12 grounds, except to keep Territory buildings and grounds in repair,
13 and for necessary additions thereto, until the seat of government
14 shall have been permanently located and the public buildings are
15 erected at the permanent capital in pursuance of law.

Constitutional Convention
Delegate Proposal/25
Referred to Legislative
Branch
November 26, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 25

Introduced by Robert J. McNealy

LEGISLATURE TO DELEGATE AUTHORITY TO, AND RESTRICT, AGENCIES

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

1 Where necessary for implementation or effectuation of
2 legislative policy, the legislature may delegate the auth-
3 ority to make and promulgate reasonable rules and regula-
4 tions which shall have, upon publication thereof, as the
5 Legislature may provide, the force and effect of law; but
6 no such authority shall be delegated unless such legisla-
7 tive policy is expressed in clear, definite and precise
8 standards by which any such rule or regulation may be
9 tested for validity; and provided, further, that no per-
10 son, agency, commission or department in which said auth-
11 ority has been vested shall sit in judgment on alleged
12 violations of its own rules or regulations or otherwise
13 exercise any judicial or quasi-judicial powers.

DELEGATE PROPOSAL NO. 25

Constitutional Convention
Delegate Proposal No. 26
Referred to the Committee
on Resources
November 25, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

DELEGATE PROPOSAL NO. 26

Introduced by M. R. Marston

DISFOSAL OF STATE LANDS TO ACHIEVE CERTAIN SOCIAL
AND ECONOMICALLY BENEFICIAL PURPOSES

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

1 1. The present social and economic gains by Alaskans of
2 Indian, Aleut, and Eskimo ancestry must to no degree be lost
3 or abridged. As a partial means of accomplishing this pur-
4 pose, the State of Alaska shall make its initial selection
5 from lands granted by the Congress of the United States in
6 such manner that it in turn will be able to grant immediately
7 to the head of each household full title to two parcels of
8 land as follows:

9 (a) lands now occupied as homesites or headquarters
10 within established communities; and

11 (b) lands used seasonally as fishing, hunting, or
12 trapping headquarters and camps.

13 These grants shall be made without direct or indirect
14 cost to the grantees.

15 2. Alaskans of Indian, Aleut, or Eskimo ancestry shall
16 be given every opportunity and encouragement to participate

1 in and benefit from the future development of the State of
2 Alaska as full and equal partners with all other Alaskans.
3 As a means of providing them with a stake in this future,
4 the State of Alaska shall by use of land script, or other
5 simple means to be determined by the legislature, permit
6 the head of each household to select from and acquire title
7 to State lands not otherwise reserved, not to exceed an aggre-
8 gate of one hundred and sixty acres.

9 3. These grants are made in the spirit of recognition
10 of past advancement and as a token of participation in future
11 development and are in no way to be considered as settlement
12 in whole or part or to otherwise prejudice prior claims made
13 by these Alaskans to hold and own lands by right of aboriginal
14 occupancy or use.

15 4. To encourage the development and expansion of estab-
16 lished communities, the State of Alaska upon application shall
17 make grants from State lands to established communities for re-
18 creational areas, (industrial development areas) community ex-
19 pansion and other social and economic purposes. The legisla-
20 ture shall prescribe the manner in which these grants shall be
21 made.

Constitutional Convention
Delegate Proposal #27
Referred to Committee on
Suffrage, Elections and
Apportionment
November 28, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 27

Introduced by R. J. McNealy

ELECTION IN DISTRICT OTHER THAN PLACE OF RESIDENCE

RESOLVED, that the following be agreed upon

as part of the Alaska State Constitution:

1 No law shall be made prohibiting a qualified candidate for
2 public office from filing and standing for election in any
3 political subdivision, regardless of his or her place of
4 residence within the state.

Constitutional Convention
Delegate Proposal/28
Referred to Committee on
Resolutions
November 29, 1955

Constitutional Convention of Alaska

PROPOSAL NO. 28
Introduced by R. E. Robertson

ESTABLISHING THE SEAT OF GOVERNMENT

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

1. The seat of government shall be in Juneau, which is hereby established as the capital of the State.

Constitutional Convention
Delegate Proposal No. 29
Referred to Committee on
Direct Legislation, Amendment,
and Revision
December 1, 1955

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:

ARTICLE I

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

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

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.

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.

Constitutional Convention
Delegate Proposal No. 30
Referred to Committee on
Resources
December 1, 1955

CONSTITUTIONAL CONVENTION

DELEGATE PROPOSAL NO. 30

Introduced by James J. Hurley

STATE LANDS AND NATURAL RESOURCES

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

1 Section 1. Lands belonging to the State may be sold, grant-
2 ed or leased under such general laws as the Legislature may pre-
3 scribe. Each sale or grant shall contain a reservation to the
4 State of all minerals, oil and gas. Mineral, oil and gas de-
5 posits may be leased by the State under such general laws as the
6 Legislature may prescribe.

7 Section 2. The State shall not sell, or lease for a period
8 of more than 50 years, more than 2660 acres of State land to any
9 one individual, association or corporation.

10 Section 3. All natural resources shall be utilized for the
11 benefit of all of the people of the State. Resources which by
12 their nature are reproduceable shall be utilized on a sustained
13 yield basis. Resources which by their nature are not reproduce-
14 able shall be utilized so as to realize their greatest potential.

15 Section 4. No law shall be passed restricting the right of
16 all of the people of the State to fish, hunt or trap for non-com-

1 mercial domestic use, except that regulations pertaining thereto
2 may be made in the interest of conservation or the public safety.

3 Section 5. The navigable waters of the State shall be open
4 to free use by citizens of the State or of the United States ex-
5 cept that the Legislature may by general law regulate such use
6 when the interest of the State may require.

7 Section 6. The Legislature shall provide for the adminis-
8 tration of State Lands and natural resources by one or more admin-
9 istrative boards, appointed in a manner that will assure represent
10 ation from major economic areas of the State without regard to
11 political affiliations.

Constitutional Convention
Delegate Proposal No. 31
Referred to Committee on
Preamble and Bill of Rights
December 5, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 31

Introduced by R. E. Robertson

BILL OF RIGHTS

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

1 Section 1. Every person is granted the enjoyment of the
2 right to work, and every two or more persons are granted the
3 enjoyment of the right to collective labor bargaining.

DELEGATE PROPOSAL NO. 31

Constitutional Convention
Delegate Proposal No. 32
Referred to Committee on
Resources
December 5, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 32

Introduced by R. E. Robertson

STATE LANDS AND NATURAL RESOURCES

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

1 Section 1. Public lands, sold or leased, shall revert
2 to the State unless utilization of the land is made within
3 a time specified by the Legislature.

DELEGATE PROPOSAL NO. 32

Constitutional Convention
Delegate Proposal #33
Referred to Committee on
Resources
December 5, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO. 33

Introduced by Eldor Lee

ABOLITION OF FISH TRAPS

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

- 1 The use of fish traps for the taking of salmon for
- 2 commercial purposes is hereby prohibited in all waters of
- 3 the state of Alaska.

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
Delegate Proposal No. 35
Referred to Committee on Suffrage
Elections, and Apportionment on
December 5, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

DELEGATE PROPOSAL NO. 35

Introduced by George D. Cooper

QUALIFICATION OF VOTERS

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

1 Section 1. Every citizen of the United States, who shall
2 have attained the age of twenty years, have been a resident of
3 this State not less than one year next preceding the election,
4 and a resident of the Election District 30 days next preceding
5 the election and be a voter registered in accordance with law,
6 shall be qualified to vote in any state or local election. No
7 person shall be qualified to vote unless he is also able,
8 except for physical disability, to speak, read and write the
9 English language.

Constitutional Convention
Delegate Proposal/36
Referred to Committee on Suffrage,
Elections & Apportionment
December 6, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 36

Introduced by Dora M. Sweeney

MEMBERSHIP OF THE STATE SENATE

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

1 Section 1. The Senate shall be composed of twenty members, who
2 shall be elected by the qualified voters of the respective
3 senatorial districts. The districts, and the number of senators
4 to be elected from each, shall be as follows:

5 First senatorial district: The first judicial division as
6 constituted for the Territory of Alaska, 4 senators.

7 Second senatorial district: The second judicial division
8 as constituted for the Territory of Alaska, 4 senators.

9 Third senatorial district: The third judicial division as
10 constituted for the Territory of Alaska, 4 senators.

11 Fourth senatorial district: The fourth judicial division
12 as constituted for the Territory of Alaska, 4 senators.

13 Fifth Senatorial district: The State of Alaska, 4 senators.

Constitutional Convention
Delegate Proposal No. 37
Referred to Committee on
Suffrage, Elections and
Apportionment
December 7, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

DELEGATE PROPOSAL NO. 37

Introduced by Maynard D. Londborg

SENATE APPORTIONMENT

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

Section 1. The Senate of the State of Alaska shall be composed of twenty members, who shall be elected by qualified voters of the respective senatorial districts. The districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: That portion of Alaska which was known as the first Judicial Division, Territory of Alaska, four;

Second senatorial district: that portion of Alaska which was known as the second Judicial Division, Territory of Alaska, four;

Third senatorial district: that portion of Alaska which was known as the third Judicial Division, Territory of Alaska, four;

Fourth senatorial district: that portion of Alaska which was known as the fourth Judicial Division, Territory of Alaska, four;

Fifth senatorial district; that portion of Alaska which includes both the first and third senatorial districts, two;
Sixth senatorial district: that portion of Alaska which includes both the second and fourth senatorial districts, two.

Constitutional Convention
Delegate Proposal No. 38
Referred to Committee on
Preamble and Bill of Rights
December 7, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 38

Introduced by Warren A. Taylor

BILL OF RIGHTS

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

- 1 1. There shall be no imprisonment for debt, except in
2 cases of absconding debtors.
- 3 2. Excessive bail shall not be required, excessive fines
4 imposed nor cruel or unusual punishment inflicted.
- 5 3. In criminal prosecutions, the accused shall have the
6 right to appear and defend in person, and by counsel, to
7 demand the nature and cause of the accusation against him, to
8 have a copy thereof, to testify in his own behalf, to meet the
9 witnesses against him face to face, to have compulsory process
10 to compel the attendance of witnesses in his own behalf, to
11 have a speedy public trial by an impartial jury in the
12 judicial district, division, or political subdivision in
13 which the offense is alleged to have been committed; and the
14 right of appeal in all cases; provided, the route traversed
15 by any railway coach, train, or public conveyance, and the
16 water traversed by any boat, shall be criminal districts; and

1 the jurisdiction of all public offenses committed on any
2 such railway car, coach, train, boat or other public con-
3 veyance, or at any station or depot upon such route,
4 shall be in any judicial district, division or political
5 subdivision through which said car, coach, train, boat
6 or other public conveyance may pass during the trip or
7 voyage, or in which the trip or voyage may begin or ter-
8minate; and in no instance, shall any accused person
9 before final judgement be compelled to advance money or
10 fees to secure the rights herein guaranteed; nor shall
11 any person be required to pay the costs of a criminal
12 action against him.

Constitutional Convention
Delegate Proposal No. 39
Referred to Committee on
Ordinances and Transitional
Measures
December 7, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 39

Introduced by Maurice T. Johnson

TRANSITORY PROVISIONS

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

1 Section 1. When this Constitution goes into effect all laws
2 not inconsistent therewith shall continue in full force until
3 amended or repealed, or until they expire by their own terms.

4 Unless otherwise provided by this Constitution, civil and
5 criminal liabilities, rights, franchises, concessions, privileges,
6 claims, actions, causes of action, contracts, and civil, criminal
7 and administrative proceedings shall continue unaffected.

8 Section 2. All officers who are in office by election or
9 appointment on the date this Constitution takes effect shall
10 continue to hold their offices and to perform the functions
11 thereof in a manner not inconsistent with this Constitution,
12 unless the functions of their offices are abolished or until
13 their successors are selected and qualify in accordance with
14 this Constitution and laws enacted pursuant thereto.

15 Section 3. Notwithstanding the age limit fixed by this Con-
16 stitution for compulsory retirement, all the judges of the courts

1 of Alaska who are holding office on the date this Constitution
2 takes effect shall continue to hold their judicial offices until
3 the expiration of the terms for which they were appointed.

4 Section 4. The State of Alaska shall be the successor of the
5 Territory of Alaska for all purposes, including without limita-
6 tion the collection and payment of debts and liabilities in
7 accordance with their terms.

8 Section 5. When this Constitution goes into effect, the term
9 "citizen of the State of Alaska" shall replace the term "citizen
10 of Alaska" as previously used.

11 Section 6. Political parties shall continue to enjoy all
12 rights recognized by the election law.

13 Section 7. The Legislative Assembly may enact the laws neces-
14 sary to supplement and make effective these transitory provisions
15 in order to assure the functioning of the government until the
16 officers provided for by this Constitution are elected or appointed
17 and qualify, and until this Constitution takes effect in all
18 respects.

19 Section 8. Requirements as to residence citizenship or other.
20 status or qualifications in or under the State prescribed by this
21 constitution shall be satisfied by corresponding residence, citi-
22 zenship or other status or qualifications under the Territory.
23 Compensation for service in the State Militia or the armed forces
24 of the United States is not "profit" as that term is used in this
25 constitution.

1 Section 9. In case the people of the Territory ratify this
2 constitution and the same is approved by the duly constituted
3 authority of the United States whose approval thereto may be
4 required, the governor of the Territory shall, within thirty
5 days after receipt of the official notification of such approval,
6 issue a proclamation for primary and final elections, as herein-
7 after provided, at which officers for all state elective offices
8 provided for by this constitution shall be nominated and elected.

9 Section 10. Upon the issuance by the President of a proclama-
10 tion announcing the results of said election and the admission
11 of this State to the Union, the officers elected and qualified
12 shall proceed to exercise and discharge the powers and duties
13 pertaining to their respective offices.

14 Section 11. This constitution shall take effect and be in full
15 force immediately upon the admission of Alaska into the Union as
16 a State.

17 Done in Convention, at the University of Alaska, on
18 the _____ day of _____, in the year one thousand
19 nine hundred fifty-six, and of the Independence of the
20 United States of America the one hundred and eightieth.

Constitutional Convention
Delegate Proposal/40
Referred to Committee on Suffrage,
Elections, and Apportionment
December 8, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 40

Introduced by Frank Barr

COMPOSITION OF THE SENATE

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

1 The Senate shall consist of sixteen members, four from each
2 election District established for the election of Senators, each
3 of whom shall have at the time of his election the qualifications
4 of an elector in the State of Alaska, and shall have been a res-
5 ident and an inhabitant in the District from which he is elected
6 for at least two years prior to the time of his election. The
7 term of office of each member of the Senate shall be four years;
8 two from each District shall be elected each alternate biennium.
9 There shall be established four Districts for the election
10 of Senators, the boundaries of which shall coincide with the
11 boundaries of the four Judicial Divisions established by the
12 Congress for the Territory of Alaska.

DELEGATE PROPOSAL NO. 40

Constitutional Convention
Delegate Proposal/41
Referred to Committee on Finance
and Taxation
December 8, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 41

Introduced by Truman Emberg

REVERSION OF FUNDS ORIGINATING FROM DISPOSAL OF
NATURAL RESOURCES TO SOURCE AREAS

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

1 A fair and reasonable share of the wealth produced from
2 Alaska's natural resources shall be retained and used in the
3 regions and areas in which the resources are located for economic
4 and socially beneficial purposes. To serve this end, it is
5 provided that wherever a unit of Local Government is organized
6 12½ percent of the revenues derived by the State from the sale,
7 grant, deed, patent, or lease of public lands, mineral deposits,
8 water, submerged and tidal lands, forest lands, and other
9 natural resources located within the boundaries of that unit
10 shall be refunded to it for use in financing its local functions.

DELEGATE PROPOSAL NO. 41

Constitutional Convention
Delegate Proposal/42
Referred to Committee on Suffrage,
Elections and Apportionment
December 8, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 42

Introduced by Jack Hinckel

MEMBERSHIP IN STATE SENATE

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

- 1 1. The Senate shall be composed of twenty members.
- 2 2. The State shall be divided into sixteen senatorial
- 3 districts comprised of legislative districts, as follows:
- 4 A. Prince of Wales Island, Ketchikan, Hyder
- 5 B. Wrangle, Petersburg.
- 6 C. Sitka
- 7 D. Juneau, Skagway, Haines.
- 8 E. Cordova, Chitna-McCarthy, Valdez.
- 9 F. Kenai, Homer, Seldovia, Illiamna, Seward
- 10 G. Anchorage, Whittier, Palmer, Wasilla, Talkeetna.
- 11 H. Kodiak, Aleutians.
- 12 I. Kvichak, Bristol Bay, Bethel.
- 13 J. Kuskokwim, Mt. McKinley, Innoka.
- 14 K. Nunalto, Ft. Gibbon, Rampart, Hot Springs, Nenana.
- 15 L. Fairbanks North

1 M. Fairbanks South

2 N. Wade Hampton

3 O. Cape Nome, Fairhaven

4 P. Noatak-Kobuk

5 3. Each Senatorial district shall be entitled to one Senator
6 elected by the qualified electors of the district.

7 4. Four Senators shall be elected by the qualified electors
8 of the State at large.

9 5. The legislature is empowered at its first session to
10 appoint a commission to study the possible relocation of legisla-
11 tive and senatorial boundries to conform to geographic character-
12 istics and economic areas. The legislature is further authorized
13 to adopt such changes in boundaries of the sixteen senatorial
14 districts as may be recommended and to make additional or combine
15 legislative districts by relocation of boundaries.

Constitutional Convention
Delegate Proposal/43
Referred to Committee on
Bill of Rights
December 14, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 43

Introduced by Irwin L. Metcalf

PROTECTION OF PRIVATE ENTERPRISE

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

- 1 No State Property may be used directly or indirectly in
- 2 competition with any Private Enterprise heretofore licensed
- 3 by the state.

Constitutional Convention
Delegate Proposal/44
Referred to Committee on
the Executive Branch
January 9, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

DELEGATE PROPOSAL NO. 44

Introduced by Frank Barr

DEPARTMENT OF LABOR

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

1 A Department of Labor is hereby created to be under the
2 supervision of a Commissioner of Labor who shall be elected
3 by the qualified electors of the state at the same times and
4 places as the Governor, and his term of office shall be four
5 years. He shall be responsible to the governor and to the
6 Legislature for the faithful performance of his duties, and
7 shall submit to them any reports that may be required. His
8 duties and compensation shall be provided by law, and his
9 compensation shall not be diminished nor increased during his
10 term of office.

Constitutional Convention
Delegate Proposal/45
Referred to the Committee
on the Executive Branch
and to the Committee on
the Judiciary
January 9, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

DELEGATE PROPOSAL NO. 45

Introduced by Frank Barr

OFFICE OF THE ATTORNEY GENERAL

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

1 Section 1. An Attorney General shall be elected at
2 the same time and in the same manner as the Governor, and
3 his term of office shall be four years. He shall be the
4 chief law officer of the State, shall represent the State
5 in all courts of law, and shall see that all laws are uni-
6 formly and adequately enforced throughout the State.

7 Section 2. He shall be legal advisor to the Legislature
8 and all State officers, and shall ~~perform~~ such other duties
9 as may be prescribed by law. He shall be responsible to the
10 Governor and the Legislature for the faithful performance
11 of his duties.

12 Section 3. The Attorney General shall receive for his
13 services a compensation fixed by the Legislature which shall
14 not be increased or diminished during his term of office. He
15 shall devote his full time to his office and shall not re-
16 ceive any salary, fees or other compensation from any other
17 source.

1 Section 4. In case of vacancy in the office of Attorney
2 General for any cause, the Governor shall appoint his
3 successor to complete the term of office with the consent
4 of a majority of both Houses of the Legislature in joint
5 session assembled, or, when not in session, a poll of the
6 members may be taken by mail by the President of the Senate
7 and Speaker of the House.

Constitutional Convention
Delegate Proposal/46
Referred to Committee on
Ordinances and Transitional
Measures
January 9, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

DELEGATE PROPOSAL NO. 46

Introduced by Victor C. Rivers

ORDINANCE

TITLE: The legislature shall establish one or more agencies of State government to regulate public utilities in the public interest.

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

1 Section 1. The legislature shall provide for the
2 establishment of one or more agencies as may be required
3 for the regulation, in the public interest, of public
4 utilities and privately owned utilities serving the public.
5 Such agency, or agencies shall be authorized and empowered
6 to issue permits as may be required by the public conven-
7 ience and necessity, determine and establish fair and
8 just service rates or approve or disapprove service rate
9 schedules of such utilities, determine limits of service
10 areas and establish service or system boundaries from
11 time to time as circumstances may require and to exercise
12 such additional powers and duties as may be prescribed by
13 law. Decisions of such an agency or agencies shall be con-
14 ditioned upon adequate studies of the circumstances involved
15 and upon public hearings which shall provide and allow for
16 intervention by all parties in interest in the case or cases
17 under consideration.