

310.12X - CONSTITUTIONAL CONVENTION

C/P No. 12 - General and

1) Miscellaneous Provisions *original*

Dec. 15, 1955

2) Enrolled

Jan. 23, 1956 (C/P's 15 & 16
added)

3) *Jan. 30, 1956*

ACE 585118

Constitutional Convention
Committee Proposals/12/15 & 16
Style and Drafting/Article XII
January 30, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Article on General and Miscellaneous for consideration by the Convention.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale

REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Committee Proposal/12
Style and Drafting/Article XII
January 30, 1956

ALASKA CONSTITUTIONAL CONVENTION

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

ARTICLE XII

GENERAL AND MISCELLANEOUS

Civil Service 1 Section 1. The legislature shall establish a
2 system under which the merit principle will govern
3 the employment of persons by the State.

Retirement 4 Section 2. Membership in employee retirement
Systems 5 systems of the State or its political subdivisions
6 shall constitute a contractual relationship. Accrued
7 benefits of these systems shall not be diminished or
8 impaired.

Disqualifi- 9 Section 3. No person who advocates, or who aids
cation for 10 or belongs to any party or organization or associa-
Disloyalty 11 tion which advocates, the overthrow by force or
12 violence of the government of the United States or
13 of the State shall be qualified to hold any public
14 office of trust or profit under this constitution.

Oath of Office

1 Section 4. All public officers, before entering
2 upon the duties of their offices, shall take and
3 subscribe to the following oath or affirmation:
4 "I do solemnly swear, or affirm, that I will support
5 and defend the Constitution of the United States
6 and the Constitution of the State of Alaska, and
7 that I will faithfully discharge my duties as _ _ _ _
8 to the best of my ability". The legislature may
9 prescribe further oaths or affirmations.

Inter-governmental Relations

10 Section 5. The State and its political sub-
11 divisions may cooperate with the United States and
12 its territories and with other states and their
13 political subdivisions on matters of common interest.
14 The respective legislative bodies may make appro-
15 priations for this purpose. The governor shall act
16 as the agent of the State in all intergovernmental
17 relations involving the State.

Interpretation

18 Section 6. Titles and subtitles shall not be
19 used in construing this constitution. Personal
20 pronouns used in this constitution shall be con-
21 strued as including persons of both sexes.

General Power

22 Section 7. The enumeration of specified powers
23 in this constitution shall not be construed as
24 limiting the powers of the State.

Provisions

25 Section 8. The provisions of this constitution

Self-executing 1 shall be construed to be self-executing whenever
2 possible.

Law-Making 3 Section 9. As used in this constitution, the
Powers 4 terms "by law" and "by the legislature", or varia-
5 tions of these terms, are used interchangeably
6 when related to law-making powers. Unless clearly
7 inapplicable, the law-making powers assigned to
8 the legislature may be exercised by the people
9 through the initiative, subject to the limitations
10 of Article XI.

Office of 11 Section 10. Service in the armed forces of
Profit 12 the United States or of the State is not an office
13 or position of profit as the term is used in this
14 constitution.

Consent to 15 Section 11. All provisions of the act admitting
Enabling Act 16 Alaska to the Union which reserve rights or powers
17 to the United States, as well as those prescribing
18 the terms or conditions of the grants of lands or
19 other property, are consented to fully by the State
20 and its people.

State 21 Section 12. The University of Alaska is hereby
University 22 established as the state university and constituted
23 a body corporate. It shall have title to all real
24 and personal property now or hereafter set aside
25 for or conveyed to it. Its property shall be

Board of
Regents

1 administered and disposed of according to law. !
2 Section 13. The University of Alaska shall
3 be governed by a board of regents. The regents
4 shall be nominated and appointed by the governor,
5 subject to confirmation by a majority of the mem-
6 bers of the legislature in joint session. The
7 board shall, in accordance with law, formulate
8 policy and appoint the president of the university.
9 He shall be the executive officer of the board.

Constitutional Convention
Committee Proposal/12
December 15, 1955

ALASKA CONSTITUTIONAL CONVENTION

Report of the Committee on Executive Branch

Honorable William A. Egan
President, Alaska Constitutional Convention

Dear Mr. President:

The Committee on the Executive Branch presents for consideration and adoption by the Convention the attached article entitled General and Miscellaneous Provisions; although these provisions are of particular interest to this committee, they were not included in the proposed Article on the Executive Branch because they have application also to the other branches of government.

A commentary is also attached which explains the purpose of each section.

Respectfully submitted,
Victor Rivers, Chairman
Frank Barr
John C. Boswell
Thomas C. Harris
Maynard D. Londborg
Katharine Nordale
H. R. VanderLeest

ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 12

Introduced by Committee on Executive Branch

Article Containing General and Miscellaneous Provisions

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

Merit 1 Section 1. The legislature shall provide for a
Principle 2 system under which the employment of persons by the
 3 State shall be governed by the merit principle.

Employees 4 Section 2. Membership in any employees' retire-
Retirement 5 ment system of the State or any political subdivision
 6 thereof shall be a contractual relationship, the
 7 accrued benefits of which shall not be diminished or
 8 impaired.

Disquali- 9 Section 3. No person who advocates, or who
fication 10 aids or belongs to any party, organization or
for Dis- 11 association which advocates, the overthrow by force
loyalty 12 or violence of the government of this State or of
 13 the United States shall be qualified to hold any
 14 public office or employment.

Oath of 15 Section 4. All public officers, before entering
Office 16 upon the duties of their respective offices, shall
 17 take and subscribe to the following oath or affirmation

1 "I do solemnly swear (or affirm) that I will support
2 and defend the Constitution of the United States,
3 and the Constitution of the State of Alaska, and
4 that I will faithfully discharge my duties as _____
5 _____ to the best of my ability".
6 The legislature may prescribe further oaths or
7 affirmations.

Inter- 8 Section 5. The State and its political sub-
Governmental 9 divisions may cooperate with the United States and
Relations 10 its territories and with other states and their
11 political subdivisions on matters of common interest
12 and, to the extent consistent with the laws of the
13 United States, with foreign nations. The respective
14 legislative bodies may appropriate such sums as may
15 be necessary for this purpose. In all intergovern-
16 mental relations involving the state, the Governor
17 shall act as the agent of the state.

Constitutional Convention
Committee Proposal/12
December 16, 1955

CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 12

Commentary on the Article on General and Miscellaneous Provisions

Section 1. Merit Principle: Only employment in certain Federally aided programs of the Territory is now governed by the merit principle. This section would call upon the legislature to establish a system under which employment generally by the state would be governed by the merit principle. A system governed by the merit principle would be one, for example, which comprehended professional, technical, clerical, and administrative positions of the state government. The positions comprehended within the system would be classified according to duties and responsibilities. Salary ranges would be established for the various classes of positions. Appointments would be made according to merit and fitness which would be ascertained, so far as practicable, by competitive examinations.

Section 2. Employee's Retirement. This will assure state and municipal employees who are now tied into various retirement plans that their benefits under these plans will not be diminished or impaired when the Territory becomes a state.

Section 3. Disqualification for Disloyalty. This conforms with the language of the Congressional enabling bills.

Section 4. Oath of Office. The oath is self-explanatory.

Section 5. Intergovernmental Relations. This provision is recommended mainly in order to make it clear that the state can participate in cooperative programs such as the Western Interstate Compact on Higher Education even though such programs may involve the expenditure of public funds outside the state. Some states have had to amend their constitutions in order to participate in such programs.

This provision would also authorize local government units in Alaska to cooperate with Federal agencies on grant-in-aid programs such as housing and airport construction. Local government units could maintain direct relations with Federal agencies, but the Governor would serve as agent for the state in developing the intergovernmental relations of state agencies.

In view of the close relationships which Alaska will have with the neighboring Canadian provinces, explicit authority is granted to the state to cooperate with foreign nations to the extent consistent with the laws of the United States.

F I R S T E N R O L L E D C O P Y

Constitutional Convention
Committee Proposal/12/Enrolled
January 23, 1956

ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 12

Introduced by Committee on Executive Branch

Article Containing General and Miscellaneous Provisions

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

GENERAL AND MISCELLANEOUS PROVISIONS

Merit 1 Section 1. The legislature shall provide for a
Principle 2 system under which the employment of persons by the State
3 shall be governed by the merit principle.

Employees 4 Section 2. Membership in any employees' retirement
Retirement 5 system of the State or any political subdivision thereof
6 shall be a contractual relationship, the accrued benefits
7 of which shall not be diminished or impaired.

Disqualifi- 8 Section 3. No person who advocates, or who aids or
cation for 9 belongs to any party, organization or association which
Disloyalty 10 advocates the overthrow by force or violence of the gov-
11 ernment of this State or of the United States shall be
12 qualified to hold any public office of trust or profit
13 under this constitution.

Oath of 14 Section 4. All public officers, before entering
Office 15 upon the duties of their respective offices, shall take

1 and subscribe to the following oath or affirmation "I
2 do solemnly swear (or affirm) that I will support and
3 defend the Constitution of the United States, and the
4 Constitution of the State of Alaska, and that I will
5 faithfully discharge my duties as _____
6 to the best of my ability". The legislature may pre-
7 scribe further oaths or affirmations.

Inter- 8 Section 5. The State and its political subdivi-
Governmental 9 sions may cooperate with the United States and its
Relations 10 territories and with other states and their political
11 subdivisions on matters of common interest. The res-
12 pective legislative bodies may appropriate such sums
13 as may be necessary for this purpose. In all inter-
14 governmental relations involving the state, the Gover-
15 nor shall act as the agent of the state.

The Univer- 16 Section 6. The University of Alaska is hereby
sity of 17 established as the state university and constituted
Alaska 18 as a body corporate. It shall have title to all the
19 real and personal property now or hereafter set aside
20 for or conveyed to it, to be administered and disposed
21 of according to law. There shall be a board of regents
22 of the University of Alaska, the members of which shall
23 be nominated and appointed by the Governor, by and with
24 the advice and consent of a majority of the members of
25 both houses of the Legislature in joint session. The

1 Board shall have power, in accordance with law, to
2 formulate policy, and to appoint the President of the
3 University, who shall be its executive officer.

Rules of 4 Section 7. Titles, subtitles and marginal titles
Interpre- 5 are not to be used for purposes of interpreting this
tation 6 Constitution.

7 Section 8. In this Constitution the personal pronoun
8 is to be interpreted to include persons of both sexes.

9 Section 9. The enumeration in this Constitution of
10 specified powers is not to be interpreted as a limitation
11 upon the powers of the state government.

12 Section 10. The provisions of this Constitution are
13 to be interpreted as self-executing whenever possible.

Office of 14 Section 11. Service in the armed forces of the
Profit 15 United States or of the State is not an office or position
16 of profit as the term is used in this Constitution.

Disclaim- 17 Section 12. The state of Alaska and its people do
er Regard 18 agree that they forever disclaim all right and title to
ing 19 any lands or other property not granted or confirmed to
Native 20 the State or its political subdivisions by or under the
Lands 21 authority of the Act of Admission of this state, the
22 right or title to which is held by the United States or
23 is subject to disposition by the United States, and to
24 any lands or other property (including fishing rights) the
25 right or title to which may be held by any Indians,

1 Eskimos, or Aleuts (hereinafter called natives) or is
2 held by the United States in trust for said natives; that
3 all such lands or other property, belonging to the United
4 States or which may belong to said natives, shall be and
5 remain under the absolute jurisdiction and control of the
6 United States until disposed of under its authority, ex-
7 cept to such extent as the Congress has prescribed or may
8 hereafter prescribe and except when held by individual
9 natives in fee without restrictions on alienation; and
10 that no taxes shall be imposed by the State upon any lands
11 or other property now owned or hereafter acquired by the
12 United States or which, as hereinabove set forth, may
13 belong to said natives, except to such extent as the Con-
14 gress has prescribed or may hereafter prescribe, and ex-
15 cept when held by individual natives in fee without re-
16 striction on alienation.

Consent
to
Enabling
Act

17 Section 13. All provisions of the Act admitting
18 Alaska to the Union which reserves rights or powers to
19 the United States, as well as those prescribing the terms
20 or conditions of the grants of lands or other property
21 made to Alaska, are consented to fully by the state of
22 Alaska and its people.