

CONSTITUTIONAL CONVENTION 420.16
Style & Drafting Reports As Amended on
the Floor

February 3, 1956

Mr. Sundborg presented the report from the Committee on Style and Drafting on the complete constitution.

Mr. Sundborg asked unanimous consent for the adoption of the following changes in the report:

Page 38, strike sections 18 and 19 and renumber the succeeding sections in that article.

Page 39, Section 24, change "voter" to "voters".

Page 28, Section 2, strike the last sentence.

There being no objection, the changes were adopted.

Mr. Hilscher moved that the Committee on Style and Drafting explain the changes made and the rearrangement of sections. Mr. R. Rivers seconded. There being no objection, it was so ordered.

Mr. Sundborg asked unanimous consent that the following changes made by the Committee be adopted:

Page 3, Section 16, line 3, insert the words "of twelve".

Page 6, Section 14, line 4, insert the word "three".

Page 15, change Article XV to read Article XIV in Sections 1 and 2 and on page 16; Section 7 make the same change.

Page 22, Section 8, change "catastrophes" to "disasters".

Page 35, Election District 23 substitute "That part" for "All".

Page 27, Section 6, change the first sentence into two sentences.

Page 28, Section 5, change commas to parentheses around "or affirm".

Page 30, Section 2 approve language as changed.

Page 37, Section 10, change Article XV to Article XIV two places in the section.

Page 38, Section 17, "subject to applicable acts of Congress" was changed to "except as otherwise provided by law".

There being no objection, the amendments were ordered adopted.

Mr. Sundborg asked unanimous consent that the rules be suspended, that Article XV be returned to second reading for the purpose of the following specific amendment: Add new section 24 as follows:

"Section 24. Ordinance No. 1 on ratification of the constitution, Ordinance No. 2 on the Alaska-Tennessee Plan, and Ordinance No. 3 on the abolition of fish traps, adopted by the Alaska Constitutional Convention and appended to this constitution, shall be submitted to the voters and if ratified shall become effective as provided in each ordinance."

There being no objection, the rules were suspended. Mr. Sundborg asked unanimous consent for the adoption of the amendment. There being no objection, the amendment was ordered adopted.

Mr. Hellenthal asked unanimous consent to change the "S" in "State" to lower case in Section 25 on page 39. There being no objection, it was so ordered.

Mr. Sundborg asked unanimous consent to adopt the language used by the Style and Drafting Committee in Section 4 on page 41. There being no objection, it was so ordered.

Mr. Sundborg asked unanimous consent for the adoption of the following changes made by Style and Drafting:

Page 42, change Article XIV to Article XV.

Page 42, Section 15 the reference to Section 27 should be "Section 25".

Article XIII, Section 1, strike the word "general" and insert the word "statewide".

Page 40 typographical error, word "ordinances" should be "Ordinances".

There being no objection, the changes were ordered adopted.

Mr. Smith asked for a two-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. Davis asked unanimous consent for the adoption of the action taken by the committee in changing the wording. There being no objection, the language was adopted.

Mr. Sundborg asked unanimous consent for the adoption of the following changes in the report which were merely omissions by the printer:

Page 20, Section 11, after word "permits" insert "leases, and",
Section 11, page 20, strike "s" from "patents".

There being no objection, the language was ordered inserted.

Mr. V. Fischer explained the changes in arrangements made by the Committee on Style and Drafting.

Mr. Sundborg asked unanimous consent for the approval of the order arrangement as suggested by the Style and Drafting Committee.

After discussion the report of the Style and Drafting Committee as to the arrangement of the constitution was ordered adopted.

Mr. Sundborg explained that in order to get the constitution printed and ready for signing on Sunday the corrected copy should be returned to the printer no later than late tonight, and consequently suggested that the constitution be read in full tonight so that corrections could be noted.

Mr. White moved and asked unanimous consent that the Convention recess until 7:30 at which time the Chief Clerk would read the constitution. Mr. Kilcher objected. Mrs. Hermann seconded. On voice vote the convention recessed until 7:30 p.m.

AFTER RECESS

Mr. White asked unanimous consent for the approval of the journal for the 65th Convention day subject to the following corrections:

Page 1, third paragraph from the bottom, change "consideration" to "reconsideration"; page 10, paragraph 4, strike "s" from "Mr. Kilcher". Page 11, fifth paragraph from the bottom, in the next to the last line after "be adopted" insert "without objection, it was so ordered." Page 13, second paragraph between "substantive" and "phraseology" insert "or".

There being no objection, the journal was ordered approved as corrected.

Mr. White asked unanimous consent for the approval of the journal for the 66th Convention day subject to the following corrections:

Page 1, third paragraph from the bottom, insert "R." before "Rivers". Page 3, paragraph one, second line, change "Miss Sweeney" to "Mrs. Sweeney". Page 13, paragraph five, insert "to Article III" after "amendment".

There being no objection, the journal for the 66th Convention day was ordered approved as corrected.

Mr. Sundborg suggested that the Chief Clerk read the constitution an article at a time so questions and corrections could be made after each article. There being no objection, it was so ordered.

The Preamble and Article I were read.

Mr. Sundborg asked unanimous consent to insert a comma after "opportunities" in Section 1 and after "civil" in the Preamble. There being no objection, it was so ordered.

Article II was read.

Mr. Hurley asked unanimous consent to insert the following commas: after "elected" in Section 5; after "going to" in Section 6; after "secretary of state" in Section 5; after "revising" in Section 13. There being no objection, it was so ordered.

Article III was read.

Mr. Hurley asked unanimous consent to insert commas as follows: Section 6, after "the state"; Section 10, after "resigns"; Section 14, after "duties"; Section 16, after "duty" and after "department"; Section 21, after "commutations"; Section 22, after "powers" and "quasi-judicial".

Mr. McCutcheon asked unanimous consent that the rules be suspended that the constitution be returned to third reading and then to second reading for the purpose of a specific Legislative Committee amendment as follows:

Page 6, Section 12 of Article II, at the end of line 4, delete the period after "members" and add "and may expel a member with the concurrence of two-thirds of its members."

There being no objection, the rules were suspended.

Mr. McCutcheon moved the adoption of the amendment. Mrs. Nordale seconded. After discussion by Mr. McCutcheon, Mr. Johnson, Mr. Gray, Mr. Doogan, Mr. Coghill, Mr. V. Rivers, Mrs. Nordale, Mr. R. Rivers, Mr. Kilcher, Mr. Barr, Mr. Cooper, Mrs. Sweeney and Mr. Lee, the question was called.

The question being "Shall the amendment to Section 12 of Article II be adopted?", the roll was called with the following result:

Yeas: 27 - Armstrong, Awes, Boswell, Buckalew, Coghill, Doogan, Emberg, V. Fischer, Hellenthal, Hermann, Hilscher, Hinckel, Laws, Lee, McCutcheon, McNealy, McNees, Marston, Metcalf, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Smith, Sundborg, and Walsh

Nays: 18 - Barr, Cooper, Gray, Harris, Hurley, Johnson, Kilcher, Knight, McLaughlin, Nerland, Nolan, Poulsen, Rosswog, Stewart, Sweeney, VanderLeest, White, and Wien

Absent: 10 - Collins, Cross, Davis, H. Fischer, King, Londborg, Reader, Robertson, Taylor, and Mr. President

and so the amendment was adopted.

Mr. V. Rivers asked unanimous consent for the suspension of the rules to return the constitution to second reading for the purpose of offering a specific Executive Committee amendment to Section 12 of Article III as follows:

Substitute the word "office" for the words "the state" in the first sentence.

There being no objection the rules were suspended.

Mr. V. Rivers asked unanimous consent for the adoption of the amendment. Mr. Harris objected. Mr. V. Rivers so moved. Mr. Buckalew seconded. Mr. Harris withdrew his objection. There being no objection, the amendment was ordered adopted.

Article IV was read.

Mr. Hurley asked unanimous consent to insert a comma in Section 14, after "the State". There being no objection, it was so ordered.

Mr. R. Rivers asked unanimous consent to suspend the rules to return the constitution to second reading for the purpose of the following specific amendment:

Section 4, line 3, insert "resident" between "and" and "or".

Mr. Harris objected. Mr. R. Rivers so moved. Mr. V. Rivers seconded. The question being "Shall the rules be suspended?", the roll was called with the following result:

Yeas: 34 - Awes, Barr, Boswell, Buckalew, Coghill, Cooper, Doogan, Emberg, V. Fischer, Gray, Hellenthal, Hilscher, Hinckel, Hurley, McCutcheon, McLaughlin, McNealy, McNees, Marston, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Riley, R. Rivers, V. Rivers, Rosswog, Smith, Stewart, Sundborg, VanderLeest, Walsh, and White

Nays: 11 - Armstrong, Harris, Hermann, Johnson, Kilcher, Knight, Laws, Lee, Metcalf, Sweeney, and Wien

Absent: 10 - Collins, Cross, Davis, H. Fischer, King, Londborg, Reader, Robertson, Taylor, and Mr. President

and so the rules were not suspended.

Mr. McLaughlin moved and asked unanimous consent that the rules be suspended and the constitution be returned to second reading for the purpose of the following specific amendment:

Section 6 of Article IV, line 3, after the word "ballot", insert "in the manner provided by law".

There being no objection the rules were suspended.

Mr. McLaughlin asked unanimous consent for the adoption of the amendment. Mr. Johnson objected. Mr. McLaughlin moved and Mr. Metcalf seconded. After discussion by Mr. McLaughlin, Mr. V. Fischer, Mr. McLaughlin, and Mr. Hurley, Mr. Cooper requested a one-minute recess. There being no objection, it was so ordered.

AFTER RECESS

Mr. McLaughlin asked unanimous consent to withdraw his amendment.

Mr. McLaughlin asked unanimous consent to return the constitution to second reading for the purpose of the following specific amendment:

Section 6, Article IV, after the word "shall", insert ",in the manner provided by law,".

There being no objection, the rules were suspended. Mr. McLaughlin asked unanimous consent for the adoption of the amendment. There being no objection, it was so ordered.

Article V was read.

Article VI was read.

Mr. Sundborg asked unanimous consent that the following typographical error be corrected in Section 1 of Article VI: word "Under" should be "Until".

Mr. R. Rivers asked unanimous consent for the suspension of the rules to return the constitution to second reading for the purpose of the following specific amendment:

Section 10, at end of section change period to a comma and add "and thereafter until changed."

Mr. V. Fischer objected. Mr. R. Rivers moved. Mr. Metcalf seconded.

Mr. R. Rivers asked to explain the amendment. There being no objection, Mr. R. Rivers was allowed to speak on the amendment. Mr. V.

Fischer asked to be allowed to explain his objection. There being no objection, Mr. V. Fischer was allowed to speak.

The President declared a short recess.

AFTER RECESS

Mr. R. Rivers asked unanimous consent to withdraw his request for a suspension of the rules. There being no objection, it was so ordered.

Mr. Poulsen moved and asked unanimous consent that the Convention recess for twenty minutes. There being no objection, it was so ordered.

AFTER RECESS

President Egan took the chair.

Mr. Knight moved and asked unanimous consent to expunge from the record of the previous day's journal all reference to Committee Proposal No. 17z, since it was never formally introduced the previous day. Mr. Hellenthal objected. Mr. Knight so moved. Mr. Buckalew seconded. After discussion by Mr. Hellenthal, Mr. Kilcher, Mr. Rosswog, Mr. McNees and Mr. R. Rivers, the question was called. The question being "Shall all reference to C. P. 17z be expunged from yesterday's journal?", the roll was called with the following result:

Yeas: 7 - Awes, Buckalew, Knight, Nordale, Riley, Smith, and White

Nays: 38 - Armstrong, Barr, Boswell, Coghill, Cooper, Doogan, Emberg, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, Kilcher, Laws, Lee, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Peratrovich, Poulsen, R. Rivers, V. Rivers, Rosswog, Stewart, Sundborg, Sweeney, Walsh, Wien, and Mr. President

Absent: 10 - Collins, Cross, Davis, H. Fischer, King, Londborg, Reader, Robertson, Taylor, and VanderLeest

and so the motion failed.

Mr. Marston advised that he had received information from Dr. Patty that the Board of Regents of the University of Alaska had voted at their November 30th meeting that the name of the Student Union Building would be changed to "Constitution Hall".

Article VII was read.

Article VIII was read.

Mr. Hurley asked unanimous consent that on page 18, Section 3, a comma be inserted after "wildlife". There being no objection, it was so ordered.

Mr. Johnson requested a short recess. There being no objection, it was so ordered.

AFTER RECESS

Articles IX, X and XI were read.

Article XII was read.

Mr. Sundborg requested a short recess so that the Committee on Style and Drafting could meet to draw up an amendment for Article XV. There being no objection, it was so ordered.

AFTER RECESS

Article XIII and XIV were read.

Article XV was read.

Mr. Sundborg asked unanimous consent for a suspension of the rules to return the constitution to second reading for the purpose of the following specific committee amendment:

Page 37, Section 10, strike last sentence.

Page 37, Section 11, strike section and substitute the following:

"Terms of Section 11. The first state legislators shall hold
First State office for a term beginning with the day on which
Legislators they assume office and ending at noon on the fourth
Monday in January after the next general election,
except that senators elected for four-year terms
shall serve an additional two years thereafter. If
the first general election is held in an even-numbered
year, it shall be deemed to be the general election
for that year."

There being no objection, the rules were suspended. Mr. Sundborg moved the adoption of the amendment. Mr. V. Rivers seconded. Mr. V. Fischer explained the necessity for submitting the amendment and asked unanimous consent for the adoption of the amendment. There being no objection, the amendment was ordered adopted.

Mr. Sundborg asked unanimous consent to return the constitution to second reading for the purpose of a specific committee amendment:

Section 9 of Article XV, third line, strike the word "qualify" and substitute the words "assume office".

There being no objection, the rules were suspended. Mr. Sundborg asked unanimous consent for the adoption of the amendment. There being no objection, the amendment was ordered adopted.

The President stated that the record should show that since there had been no objection the constitution had been automatically returned to third reading after the rules had been suspended for the specific amendments.

Mr. Sundborg asked unanimous consent to correct a typographical error in Section 16 of Article XV as follows: Insert a comma after "filled", strike the "and" and strike "is appointed, he". There being no objection, it was so ordered.

Mr. Sundborg asked unanimous consent to make the following correction on page 40 under "Alaska-Tennessee Plan": change period to a colon at the end of Section 1.

Mr. Sundborg asked whether the delegates would accept the type used in the heading of the constitution. After discussion, Mrs. Hermann moved that the type remain as shown. Mr. Knight seconded. On voice vote the motion was adopted.

Mr. Sundborg asked for the opinion of the delegates as to centering the Article titles over the sections or as they were, on the middle of the page. Mr. V. Fischer moved that the titles be centered over the sections. Mr. Barr seconded. On voice vote the motion failed.

Mr. Sundborg requested a recess for the purpose of having the Style and Drafting Committee bring in a recommendation for the phrase to be inserted just before the signatures. There being no objection, it was so ordered.

AFTER RECESS

Mr. Sundborg submitted the following suggestion of the Committee on Style and Drafting:

"Agreed upon by the delegates to the Alaska Constitutional Convention at the University of Alaska, this fifth day of February, in the year of Our Lord one thousand nine hundred and fifty-six, and of the Independence of the United States, the one hundred and eightieth."

Mrs. Hermann moved that the recommendation of the Style and Drafting Committee be adopted. Mr. Hilscher seconded. Mr. Buckalew asked unanimous consent. Miss Awes and Mr. Johnson objected.

After discussion by Mr. R. Rivers, Miss Awes, Mr. Johnson, Mr. Kilcher, Mrs. Hermann, and Mr. Barr, Mr. Kilcher moved that the sentence be amended by inserting "and done" after "agreed upon". Mr. R. Rivers seconded. After discussion by Mr. Kilcher, Mr. V. Fischer and Mr. Johnson, the question was called. On voice vote the amendment to the motion failed.

Mr. Johnson moved to amend the sentence by striking the words "agreed upon" and substituting the word "done". Mr. McNealy seconded. On voice vote the amendment failed.

Mr. Nerland moved to strike "the" and substitute "these" on the first line. Mr. McCutcheon seconded. After hearing from Mrs. Hermann, Mr. Nerland asked unanimous consent to withdraw his amendment. There being no objection, it was so ordered.

Mr. Hinckel moved the adoption of the following amendment:

Insert "Done and" before "agreed upon".

Mr. R. Rivers seconded. On voice vote the amendment failed.

Mr. McCutcheon moved the previous question. Mr. Buckalew seconded. On voice vote the motion failed.

Mr. V. Rivers moved the adoption of the following amendment:

Strike "to the Alaska" and insert "in" and insert "assembled" after "Convention".

Mr. Barr seconded. The roll was called with the following result:

Yeas: 32 - Armstrong, Awes, Barr, Boswell, Coghill, Doogan, Emberg, Gray, Harris, Hinckel, Hurley, Johnson, Kilcher, Laws, McCutcheon, McNealy, McNees, Marston, Nerland, Nolan, Peratrovich, Poulsen, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, Walsh, White, Wien, and Mr. President

Nays: 13 - Buckalew, Cooper, V. Fischer, Hellenthal, Hermann, Hilscher, Knight, Lee, McLaughlin, Metcalf, Nordale, Riley, and Rosswog

Absent: 10 - Collins, Cross, Davis, H. Fischer, King, Londborg, Reader, Robertson, Taylor, and VanderLeest

and so the amendment was adopted.

The question being "Shall the proposed language offered by the Style and Drafting Committee as amended be adopted?", on voice vote the language was adopted.

Mr. Sundborg asked unanimous consent that the report of the Committee on Style and Drafting as concerned the final language of the Alaska State Constitution be accepted and that the changes made in the document as they have been agreed upon be adopted. There being no objection, it was so ordered.

Mr. White reported that the Chief Clerk reading in a "dignified" manner had read the Constitution in one hour and 26 minutes.

Mr. Riley asked that in view of Rule 50 the constitution should be ordered to the Committee on Style and Drafting.

The President referred the constitution to the Committee on Style and Drafting for a final report.

Mr. Barr moved that the Convention adjourn until 1:30 p.m.

Mr. R. Rivers asked that before adjournment he would like to move to extend a vote of gratitude to the Committee on Style and Drafting for a diligent, brilliant and valiant service. There being no objection, it was so ordered.

Mr. Sundborg stated that speaking for the Committee he did not believe the Committee on Style and Drafting had worked any harder than any of the substantive committees; that each committee had done a wonderful job, but the Style and Drafting Committee appreciated the kind thoughts of the delegates nevertheless.

Mr. Barr asked unanimous consent that the Convention stand adjourned until 2 p.m.

Mr. Coghill announced that the Administration Committee would meet at 11 a.m.

Mr. White announced that two planeloads of Anchorage residents sponsored by Operation Statehood would arrive in Fairbanks Saturday morning to visit the Convention and witness the signing ceremonies.

There being no objection to the unanimous consent request the Convention adjourned at 1:15 a.m. Saturday until 2 p.m.

THOMAS B. STEWART
Secretary

Attested:

WILLIAM A. EGAN
President

REPORT OF COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Style and Drafting/Constitution
February 3, 1956

ALASKA CONSTITUTIONAL CONVENTION

Constitution of the State of Alaska

PREAMBLE

We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the Union of States, do ordain and establish this constitution for the State of Alaska.

ARTICLE I

DECLARATION OF RIGHTS

**Inherent
Rights**

SECTION 1. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

**Source of
Government**

SECTION 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

Civil Rights

SECTION 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, or national origin. The legislature shall implement this section.

**Freedom of
Religion**

SECTION 4. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

**Freedom of
Speech**

SECTION 5. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

**Assembly;
Petition**

SECTION 6. The right of the people peaceably to assemble, and to petition the government shall never be abridged.

Due Process

SECTION 7. No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed.

Grand Jury

SECTION 8. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused. In that case the prosecution shall be by information. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.

**Jeopardy
and Self-
Incrimination**

SECTION 9. No person shall be put in jeopardy twice for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

Treason

SECTION 10. Treason against the State consists only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

**Rights of
Accused**

SECTION 11. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve, except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for capital offenses when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

**Excessive
Punishment**

SECTION 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and upon the need for protecting the public.

Habeas Corpus

SECTION 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or actual or imminent invasion, the public safety requires it.

**Searches and
Seizures**

SECTION 14. The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated. No warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Prohibited
State Action**

SECTION 15. No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

**Civil Suits;
Trial by Jury**

SECTION 16. In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury, and in courts not of record, may provide for a jury of not less than six or more than twelve.

**Imprisonment
For Debt**

SECTION 17. There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

**Eminent
Domain**

SECTION 18. Private property shall not be taken or damaged for public use without just compensation.

**Right To
Bear Arms**

SECTION 19. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

**Quartering
Soldiers**

SECTION 20. No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

Construction

SECTION 21. The enumeration of rights in this constitution shall not impair or deny others retained by the people.

ARTICLE II

THE LEGISLATURE

**Legislative
Power;
Membership**

SECTION 1. The legislative power of the State is vested in a legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

**Members:
Qualifications**

SECTION 2. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

**Election
And Terms**

SECTION 3. Legislators shall be elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives shall be two years, and the term of senators, four years. One-half of the senators shall be elected every two years.

Vacancies

SECTION 4. A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made, the governor shall fill the vacancy by appointment.

Disqualifications

SECTION 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any per-

son from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

Immunities

SECTION 6. Legislators may not be held to answer before any other tribunal for any statement made in the exercise of their legislative duties while the legislature is in session. Members attending, going to or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

Salary and Expenses

SECTION 7. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

Regular Sessions

SECTION 8. The legislature shall convene each year on the fourth Monday in January, but the month and day may be changed by law.

Special Sessions

SECTION 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session or to subjects presented by him. Special sessions are limited to thirty days.

Adjournment

SECTION 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

Interim Committees

SECTION 11. There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

Rules

SECTION 12. The houses of each legislature shall adopt uniform rules of procedure. Each house may choose its officers and employees. Each is the judge of the election and qualifications of its members. Each shall keep a journal of its proceedings. A majority of the membership of each house constitutes a quorum to do business, but a smaller number may adjourn from day to day and may compel attendance of absent members. The legislature shall regulate lobbying.

and may expel a member with the concurrence of two-thirds of its members

Form of Bills

SECTION 13. Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

Passage of Bills

SECTION 14. The legislature shall establish the procedure for enactment of bills into law. No bill may become law unless it has passed three readings in each house on three separate days, except that any bill may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it. No bill may become law without an affirmative vote of a majority of the membership of each house. The yeas and nays on final passage shall be entered in the journal.

Veto

SECTION 15. The governor may veto bills passed by the legislature. He may by veto, strike or reduce items in appropriation bills. He shall return any vetoed bill, with a statement of his objections, to the house of origin.

Action Upon Veto

SECTION 16. Upon receipt of a veto message, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

Bills Not Signed

SECTION 17. A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after its delivery to him, the bill becomes law.

Effective Date

SECTION 18. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date.

Local or Special Acts

SECTION 19. The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

Impeachment

SECTION 20. All civil officers of the State are subject to impeachment by the legislature. Impeachment shall originate in the senate and must be approved by a two-thirds vote of its members. The motion for impeachment shall list fully the basis for the proceeding. Trial on impeachment shall be conducted by the house of representatives. A supreme court justice designated by the court shall preside at the trial. Concurrence of two-thirds of the members of the house is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

Suits Against The State

SECTION 21. The legislature shall establish procedures for suits against the State.

ARTICLE III

THE EXECUTIVE

Executive Power

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

Governor: Qualifications

SECTION 2. The governor shall be at least thirty years of age and a qualified voter of the State. He

shall have been a resident of Alaska at least seven years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years.

Election

SECTION 3. The governor shall be chosen by the qualified voters of the State at a general election. The candidate receiving the greatest number of votes shall be governor.

Term of Office

SECTION 4. The term of office of the governor is four years, beginning at noon on the first Monday in December following his election and ending at noon on the first Monday in December four years later.

Limit on Tenure

SECTION 5. No person who has been elected governor for two full successive terms shall be again eligible to hold that office until one full term has intervened.

Dual Office Holding

SECTION 6. The governor shall not hold any other office or position of profit under the United States, the State or its political subdivisions.

Secretary Of State: Duties

SECTION 7. There shall be a secretary of state. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor.

Election

SECTION 8. The secretary of state shall be nominated in the manner provided by law for nominating candidates for other elective offices. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for secretary of state running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected secretary of state.

Acting Governor

SECTION 9. In case of the temporary absence of the governor from office, the secretary of state shall serve as acting governor.

**Succession:
Failure To
Qualify**

SECTION 10. If the governor-elect dies, resigns, or is disqualified, the secretary of state elected with him shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the secretary of state elected with him shall serve as acting governor, and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term.

Vacancy

SECTION 11. In case of a vacancy in the office of governor for any reason, the secretary of state shall succeed to the office for the remainder of the term.

Absence

officer

SECTION 12. Whenever for a period of six months, a governor has been continuously absent from the State or has been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining absence and disability shall be prescribed by law.

**Further
Succession**

SECTION 13. Provision shall be made by law for succession to the office of governor and for an acting governor in the event that the secretary of state is unable to succeed to the office or act as governor. No election of a secretary of state shall be held except at the time of electing a governor.

**Title and
Authority**

SECTION 14. When the secretary of state succeeds to the office of governor, he shall have the title, powers, duties, and emoluments of that office.

Compensation

SECTION 15. The compensation of the governor and the secretary of state shall be prescribed by law and shall not be diminished during their term of office, unless by general law applying to all salaried officers of the State.

**Governor:
Authority**

SECTION 16. The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right by any officer, department, or agency of the State or any of its political subdivisions. This author-

ity shall not be construed to authorize any action or proceeding against the legislature.

**Convening
Legislature**

SECTION 17. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

**Messages to
Legislature**

SECTION 18. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

**Military
Authority**

SECTION 19. The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

**Martial
Law**

SECTION 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

**Executive
Clemency**

SECTION 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

**Executive
Branch**

SECTION 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers, and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

Reorganization

SECTION 23. The governor may make changes in the organization of the executive branch or in the

assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

Supervision

SECTION 24. Each principal department shall be under the supervision of the governor.

**Department
Heads**

SECTION 25. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the secretary of state. The heads of all principal departments shall be citizens of the United States.

**Boards and
Commissions**

SECTION 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

**Recess
Appointments**

SECTION 27. The governor may make appointments to fill vacancies occurring during a recess of the legislature, in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.

ARTICLE IV

THE JUDICIARY

**Judicial
Power and
Jurisdiction**

SECTION 1. The judicial power of the State is vested in a supreme court, a superior court, and the courts established by the legislature. The jurisdic-

tion of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

Supreme Court

SECTION 2. The supreme court shall be the highest court of the State, with final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

Superior Court

SECTION 3. The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

Qualifications Of Justices And Judges

SECTION 4. Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

Nomination And Appointment

SECTION 5. The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

Approval or Rejection

SECTION 6. Each supreme court justice and superior court judge shall ~~be~~ subject to approval or rejection on a nonpartisan ballot at the first general election held more than three years after his appointment. Thereafter, each supreme court justice shall be subject to approval or rejection in a like manner every tenth year, and each superior court judge every sixth year.

in the manner provided by law

Vacancy

SECTION 7. The office of any supreme court justice or superior court judge becomes vacant ninety days after the election at which he is rejected by a majority of those voting on the question, or for which he fails to file his declaration of candidacy to succeed himself.

**Judicial
Council**

SECTION 8. The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Three non-attorney members shall be appointed for six-year terms by the governor subject to confirmation by a majority of the members of the legislature in joint session. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration to area representation and without regard to political affiliation. The chief justice of the supreme court shall be ex officio the seventh member and chairman of the judicial council. No member of the judicial council, except the chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

**Additional
Duties**

SECTION 9. The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.

**Incapacity
Of Judges**

SECTION 10. Whenever the judicial council certifies to the governor that a supreme court justice appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a board of three persons to inquire into the circumstances, and may on the board's recommendation retire the justice. Whenever a judge of another court appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the judicial council shall recommend to the supreme court that the judge be placed under early retirement. After notice and hearing, the supreme court by majority vote of its members may retire the judge.

Retirement

SECTION 11. Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.

Impeachment SECTION 12. Impeachment of any justice or judge for malfeasance or misfeasance in the performance of his official duties shall be according to procedure prescribed for civil officers.

Compensation SECTION 13. Justices, judges, and members of the judicial council shall receive compensation as prescribed by law. Compensation of justices and judges shall not be diminished during their terms of office, unless by general law applying to all salaried officers of the State.

Restrictions SECTION 14. Supreme court justices and superior court judges while holding office may not practice law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions. Any supreme court justice or superior court judge filing for another elective public office forfeits his judicial position.

Rule-making Power SECTION 15. The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house.

Court Administration SECTION 16. The chief justice of the supreme court shall be the administrative head of all courts. He may assign judges from one court or division thereof to another for temporary service. The chief justice shall, with the approval of the supreme court, appoint an administrative director to serve at his pleasure and to supervise the administrative operations of the judicial system.

ARTICLE V

SUFFRAGE AND ELECTIONS

Qualified Voters SECTION 1. Every citizen of the United States who is at least nineteen years of age, who meets registration requirements which may be prescribed by law, and who is qualified to vote under this article, may vote in any state or local election. He shall have been, immediately preceding the election, for one year a resident of Alaska and for thirty days a

resident of the election district in which he seeks to vote. He shall be able to read or speak the English language as prescribed by law, unless prevented by physical disability. Additional voting qualifications may be prescribed by law for bond issue elections of political subdivisions.

Disqualifications

SECTION 2. No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

Methods of Voting; Election Contests

SECTION 3. Methods of voting, including absentee voting, shall be prescribed by law. Secrecy of voting shall be preserved. The procedure for determining election contests, with right of appeal to the courts, shall be prescribed by law.

Voting Precincts; Registration

SECTION 4. The legislature may provide a system of permanent registration of voters, and may establish voting precincts within election districts.

General Elections

SECTION 5. General elections shall be held on the second Tuesday in October of every even-numbered year, but the month and day may be changed by law.

ARTICLE VI

LEGISLATIVE APPORTIONMENT

Election Districts

SECTION 1. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. ~~Under reapportionment,~~ *Until* election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

Senate Districts

SECTION 2. Members of the senate shall be elected by the qualified voters of the respective senate districts. Senate districts shall be as set forth in Section 2 of Article XIV, subject to changes authorized in this article.

Reapportionment Of House

SECTION 3. The governor shall reapportion the house of representatives immediately following the official reporting of each decennial census of the United States. Reapportionment shall be based upon

civilian population within each election district as reported by the census.

Method

SECTION 4. Reapportionment shall be by the method of equal proportions, except that each election district having the major fraction of the quotient obtained by dividing total civilian population by forty shall have one representative.

**Combining
Districts**

SECTION 5. Should the total civilian population within any election district fall below one-half of the quotient, the district shall be attached to an election district within its senate district, and the reapportionment for the new district shall be determined as provided in Section 4 of this article.

Redistricting

SECTION 6. The governor may further redistrict by changing the size and area of election districts, subject to the limitations of this article. Each new district so created shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area. Each shall contain a population at least equal to the quotient obtained by dividing the total civilian population by forty. Consideration may be given to local government boundaries. Drainage and other geographic features shall be used in describing boundaries wherever possible.

**Modification
Of Senate
Districts**

SECTION 7. The senate districts, described in Section 2 of Article XIV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter.

**Reapportionment
Board**

SECTION 8. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central and Northwestern Senate Districts. Appointments shall be made without regard to political affiliation. Board members shall be compensated.

Organization

SECTION 9. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.

**Reapportionment
Plan and
Proclamation**

SECTION 10. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

Enforcement

SECTION 11. Any qualified voter may apply to the superior court to compel the governor, by mandamus or otherwise, to perform his reapportionment duties or to correct any error in redistricting or reapportionment. Application to compel the governor to perform his reapportionment duties must be filed within thirty days of the expiration of either of the two ninety-day periods specified in this article. Application to compel correction of any error in redistricting or reapportionment must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed by the supreme court upon the law and the facts.

ARTICLE VII

HEALTH, EDUCATION AND WELFARE

**Public
Education**

SECTION 1. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

**State
University**

SECTION 2. The University of Alaska is hereby established as the state university and constituted a

body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

Board of Regents

SECTION 3. The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

Public Health

SECTION 4. The legislature shall provide for the promotion and protection of public health.

Public Welfare

SECTION 5. The legislature shall provide for public welfare.

ARTICLE VIII

NATURAL RESOURCES

Statement Of Policy

SECTION 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

General Authority

SECTION 2. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Common Use

SECTION 3. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Sustained Yield

SECTION 4. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Facilities And Improvements

SECTION 5. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

**State Public
Domain**

SECTION 6. Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

**Special
Purpose
Sites**

SECTION 7. The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

Leases

SECTION 8. The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from non-compliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

**Sales and
Grants**

SECTION 9. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damage.

Public Notice

SECTION 10. No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

**Mineral
Rights**

SECTION 11. Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these

leases, and

minerals and also a prior right to permits, transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

Leases and Permits

SECTION 12. The legislature shall provide for the issuance, types and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

Water Rights

SECTION 13. All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

Access to Navigable Waters

SECTION 14. Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

**No Exclusive
Right of
Fishery**

SECTION 15. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State.

**Protection
Of Rights**

SECTION 16. No person shall be involuntarily divested of his right to the use of waters, his interests in lands, or improvements affecting either, except for a superior beneficial use or public purpose and then only with just compensation and by operation of law.

**Uniform
Application**

SECTION 17. Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

**Private
Ways of
Necessity**

SECTION 18. Proceedings in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization of resources. Just compensation shall be made for property taken or for resultant damages to other property rights.

ARTICLE IX

FINANCE AND TAXATION

Taxing Power

SECTION 1. The power of taxation shall never be surrendered. This power shall not be suspended or contracted away, except as provided in this article.

**Non-
discrimination**

SECTION 2. The lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to the residents of the State.

**Assessment
Standards**

SECTION 3. Standards for appraisal of all property assessed by the State or its political subdivisions shall be prescribed by law.

Exemptions

SECTION 4. The real and personal property of the State or its political subdivisions shall be exempt from taxation under conditions and exceptions which may be provided by law. All, or any portion of, property used exclusively for non-profit religious, charitable, cemetery, or educational purposes, as defined by law, shall be exempt from taxation. Other

exemptions of like or different kind may be granted by general law. All valid existing exemptions shall be retained until otherwise provided by law.

**Interests in
Government
Property**

SECTION 5. Private leaseholds, contracts, or interests in land or property owned or held by the United States, the State, or its political subdivisions, shall be taxable to the extent of the interests.

**Public
Purpose**

SECTION 6. No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose.

**Dedicated
Funds**

SECTION 7. The proceeds of any state tax or license shall not be dedicated to any special purpose, except when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this constitution by the people of Alaska.

State Debt

SECTION 8. No state debt shall be contracted unless authorized by law for capital improvements and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective.

Local Debts

SECTION 9. No debt shall be contracted by any political subdivision of the State, unless authorized for capital improvements by its governing body and ratified by a majority vote of those qualified to vote and voting on the question.

**Interim
Borrowing**

SECTION 10. The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year, but all debt so contracted shall be paid before the end of the next fiscal year.

Exceptions

SECTION 11. The restrictions on contracting debt do not apply to debt incurred through the issuance of revenue bonds by a public enterprise or public corporation of the State or a political subdivision, when the only security is the revenues of the enterprise or corporation. The restrictions do not apply to indebtedness to be paid from special assessments on the benefited property, nor do they apply to refunding indebtedness of the State or its political subdivisions.

Budget

SECTION 12. The governor shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of the State. The governor, at the same time, shall submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

Expenditures

SECTION 13. No money shall be withdrawn from the treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void.

**Legislative
Post-audit**

SECTION 14. The legislature shall appoint an auditor to serve at its pleasure. He shall be a certified public accountant. The auditor shall conduct post-audits as prescribed by law and shall report to the legislature and to the governor.

ARTICLE X

LOCAL GOVERNMENT

**Purpose and
Construction**

SECTION 1. The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

**Local
Government
Powers**

SECTION 2. All local government powers shall be vested in boroughs and cities. The State may delegate taxing powers to organized boroughs and cities only.

Boroughs

SECTION 3. The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible. The legislature shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law.

Assembly

SECTION 4. The governing body of the organized borough shall be the assembly, and its composition shall be established by law or charter. Each city of the first class, and each city of any other class designated by law, shall be represented on the assembly by one or more members of its council. The other members of the assembly shall be elected from and by the qualified voters resident outside such cities.

Service Areas

SECTION 5. Service areas to provide special services within an organized borough may be established, altered, or abolished by the assembly, subject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of this article, the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. The assembly may authorize the levying of taxes, charges, or assessments within a service area to finance the special services.

Unorganized Boroughs

SECTION 6. The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough.

Cities

SECTION 7. Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located. Cities shall have the powers and functions conferred by law or charter. They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law.

Council

SECTION 8. The governing body of a city shall be the council.

Charters

SECTION 9. The qualified voters of any borough of the first class or city of the first class may adopt, amend, or repeal a home rule charter in a manner provided by law. In the absence of such legislation, the governing body of a borough or city of the first class shall provide the procedure for the preparation and adoption or rejection of the charter. All charters, or parts or amendments of charters, shall be submitted to the qualified voters of the borough or city, and shall become effective if approved by a majority of those who vote on the specific question.

Extended Home Rule

SECTION 10. The legislature may extend home rule to other boroughs and cities.

Home Rule Powers

SECTION 11. A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.

Boundaries

SECTION 12. A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.

Agreements; Transfer of Powers

SECTION 13. Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any local government with any other local government, with the State, or with the United States unless otherwise provided by law or charter. A city may transfer to the borough in which it is located any of its powers or functions unless prohibited by law or charter, and may in like manner revoke the transfer.

**Local
Government
Agency**

SECTION 14. An agency shall be established by law in the executive branch of the state government to advise and assist local governments. It shall review their activities, collect and publish local government information, and perform other duties prescribed by law.

**Special
Service
Districts**

SECTION 15. Special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law.

ARTICLE XI

INITIATIVE, REFERENDUM AND RECALL

**Initiative
and
Referendum**

SECTION 1. The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum.

Application

SECTION 2. An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the secretary of state. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

Petition

SECTION 3. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the secretary of state for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the secretary of state.

**Initiative
Election**

SECTION 4. An initiative petition may be filed at any time. The secretary of state shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

**Referendum
Election**

SECTION 5. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The secretary of state shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

Enactment

SECTION 6. If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The secretary of state shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

Restrictions

SECTION 7. The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

Recall

SECTION 8. All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

ARTICLE XII

GENERAL PROVISIONS

**State
Boundaries**

SECTION 1. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, included in the Territory of Alaska upon the date of ratification of this constitution by the people of Alaska.

**Intergovernmental
Relations**

SECTION 2. The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest. The respective legislative bodies may make appropriations for this purpose. ~~The governor shall act as the agent of the State in all intergovernmental relations involving the State.~~

**Office of
Profit**

SECTION 3. Service in the armed forces of the United States or of the State is not an office or position of profit as the term is used in this constitution.

**Disqualification
For Disloyalty**

SECTION 4. No person who advocates, or who aids or belongs to any party or organization or association which advocates, the overthrow by force or violence of the government of the United States or of the State shall be qualified to hold any public office of trust or profit under this constitution.

**Oath of
Office**

SECTION 5. All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, and that I will faithfully discharge my duties as _____ to the best of my ability." The legislature may prescribe further oaths or affirmations.

**Merit
System**

SECTION 6. The legislature shall establish a system under which the merit principle will govern the employment of persons by the State.

**Retirement
Systems**

SECTION 7. Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired.

**Residual
Power**

SECTION 8. The enumeration of specified powers in this constitution shall not be construed as limiting the powers of the State.

**Provisions
Self-executing**

SECTION 9. The provisions of this constitution shall be construed to be self-executing whenever possible.

Interpretation

SECTION 10. Titles and subtitles shall not be used in construing this constitution. Personal pronouns used in this constitution shall be construed as including either sex.

**Law-making
Power**

SECTION 11. As used in this constitution, the terms "by law" and "by the legislature," or variations of these terms, are used interchangeably when related to law-making powers. Unless clearly inapplicable, the law-making powers assigned to the legislature may be exercised by the people through the initiative, subject to the limitations of Article XI.

**Disclaimer
and
Agreement**

SECTION 12. The State of Alaska and its people forever disclaim all right and title in or to any property belonging to the United States, or subject to its disposition, and not granted or confirmed to the State or its political subdivisions, by or under the act admitting Alaska to the Union. The State and its people further disclaim all right or title in or to any property, including fishing rights, the right or title to which may be held by or for any Indian, Eskimo, or Aleut, or community thereof, as that right or title is defined in the act of admission. The State and its people agree that, unless otherwise provided by Congress, the property, as described in this section, shall remain subject to the absolute disposition of the United States. They further agree that no taxes will be imposed upon any such property, until otherwise provided by the Congress. This tax exemption shall not apply to property held by individuals in fee without restrictions on alienation.

**Consent to
Act of
Admission**

SECTION 13. All provisions of the act admitting Alaska to the Union which reserve rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property, are consented to fully by the State and its people.

ARTICLE XIII

AMENDMENT AND REVISION

Amendments

SECTION 1. Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The secretary of state shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next ~~general~~ election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the secretary of state.

statewide

Convention

SECTION 2. The legislature may call constitutional conventions at any time.

**Call by
Referendum**

SECTION 3. If during any ten-year period a constitutional convention has not been held, the secretary of state shall place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" If a majority of the votes cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the question are in the affirmative, delegates to the convention shall be chosen at the next regular statewide election, unless the legislature provides for the election of the delegates at a special election. The secretary of state shall issue the call for the convention. Unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955, including, but not limited to, number of members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury.

Powers

SECTION 4. Constitutional conventions shall have plenary power to amend or revise the constitution, subject only to ratification by the people. No call for a constitutional convention shall limit these powers of the convention.

ARTICLE XIV

APPORTIONMENT SCHEDULE

**Election
Districts**

SECTION 1. Members of the house of representatives shall, until reapportionment, be elected from the election districts and in the numbers shown below:

Number of District	Name of District	Number of Representatives
1	Prince of Wales	1
2	Ketchikan	2
3	Wrangell-Petersburg	1
4	Sitka	2
5	Juneau	2
6	Lynn Canal-Icy Straits	1
7	Cordova-McCarthy	1
8	Valdez-Chitina-Whittier	1
9	Palmer-Wasilla-Talkeetna	1
10	Anchorage	8
11	Seward	1
12	Kenai-Cook Inlet	1
13	Kodiak	2
14	Aleutian Islands	1
15	Bristol Bay	1
16	Bethel	1
17	Kuskokwim	1
18	Yukon-Koyukuk	1
19	Fairbanks	5
20	Upper Yukon	1
21	Barrow	1
22	Kobuk	1
23	Nome	2
24	Wade Hampton	1

**Senate
Districts**

SECTION 2. Members of the senate shall be elected from the senate districts and in the number shown below:

Name of District	Composed of Election Districts	Number of Senators
A. Southeastern	1, 2, 3, 4, 5, and 6	2
B. Ketchikan-Prince of Wales	1 and 2	1
C. Wrangell-Petersburg-Sitka	3 and 4	1
D. Juneau-Yakutat	5 and 6	1
E. Southcentral	7, 8, 9, 10, 11, 12, 13 and 14	2

F. Cordova-Valdez	7 and 8	1
G. Anchorage-Palmer	9 and 10	1
H. Seward-Kenai	11 and 12	1
I. Kodiak-Aleutians	13 and 14	1
J. Central	15, 16, 17, 18, 19, and 20	2
K. Bristol Bay-Bethel	15 and 16	1
L. Yukon-Kuskokwim	17 and 18	1
M. Fairbanks-Fort Yukon	19 and 20	1
N. Northwestern	21, 22, 23, and 24	2
O. Barrow-Kobuk	21 and 22	1
P. Nome-Wade Hampton	23 and 24	1

**Description
Of Election
Districts**

SECTION 3. The election districts set forth in Section 1 shall include the following territory:

1. **Prince of Wales:** All of Prince of Wales, Dall, Forrester, Suemez, Baker, Lulu, Noyes, Warren, Kosciusko and the Kashevarof Islands as well as adjacent off-shore islands.

2. **Ketchikan:** That area of the mainland drained by streams flowing into Revillagigedo Channel, Behm Canal, Burroughs Bay and east side of Clarence Strait from the southernmost point of the Alaska-British Columbia boundary line to and including Lemesurier Point, and those islands south of Ernest Sound and east of Clarence Strait including Revillagigedo, Gravina, Annette and Duke Islands and other adjacent smaller islands.

3. **Wrangell-Petersburg:** That area of the mainland north of Election District No. 2 and south of and including the area draining into Frederick Sound to Cape Fanshaw on the north and partly bounded on the north by a line drawn between Cape Fanshaw and the north side of Pybus Bay, that area of Admiralty Island drained by streams flowing into Frederick Sound, that area of Baranof Island drained by streams flowing into Chatham Strait to but not including that area drained by streams flowing into Peril Strait, and including Kupreanof, Mitkof, Kuiu and Coronation Islands and other smaller adjacent islands.

4. **Sitka:** Those parts of Admiralty, Chichagof, and Baranof Islands not included in Election Districts No. 3, 5 and 6 and Kruzof Island and other smaller adjacent islands.

5. **Juneau:** The mainland north of Election District No. 3 up to and including the area drained by streams flowing into Berners Bay on the north, and that area of Admiralty Island north of Election District No. 3 and drained by streams flowing into Stephens Passage, Seymour Canal, Lynn Canal and their tributaries and including Douglas, Shelter and Benjamin Islands, and other smaller adjacent islands.

6. **Lynn Canal-Icy Straits:** That part of the mainland not included in Election District No. 5 drained by streams flowing into Lynn Canal, Glacier Bay, Icy Strait, Cross Sound and their tributaries and the Pacific Ocean to and including the area drained into Icy Bay to the west, those parts of Ad-

miralty and Chichagof Islands drained by streams flowing into Icy Strait, Cross Sound and their tributaries, and Yakobi, Lemesurier and Pleasant Islands and other smaller adjacent islands.

7. **Cordova-McCarthy:** That area draining into the Gulf of Alaska and Prince William Sound from but not including that area draining into the south side of Icy Bay on the east to Knowles Head on the west including Hawkins, Hinchinbrook, Kayak and Middleton Islands and other smaller adjacent islands, and that area drained by the Copper River and its tributaries up to and not including the Tielke River on the west; and up to and including the Chitina River on the east.

8. **Valdez-Chitina-Whittier:** That area drained by all streams flowing into Prince William Sound from Cape Junken on the west to Knowles Head on the east including Montague, Latouche, and Knight Islands and adjacent smaller islands and all of the area drained by the Copper River and its tributaries above and including the Tielke River on the west, and above but not including the Chitina River on the east.

9. **Palmer-Wasilla-Talkeetna:** That area from and including Susitna on the south, drained by the Susitna River and its tributaries and that area drained by the Little Susitna River from and including Flat Lake on the south; and that area draining into Knik Arm from and including Fish Creek and its tributaries on the west side of Knik Arm to and including the area draining into the Knik River from the north and from the south to the highway bridge.

10. **Anchorage:** That area around Turnagain Arm and east of Knik Arm drained by streams flowing into Turnagain Arm and Knik Arm from and including Placer River on the south to and including the Knik River highway bridge on the north; that area east of Knik Arm and north of Cook Inlet drained by Goose Creek and its tributaries on the east and the Little Susitna River south of Flat Lake and the Susitna River south of but not including Susitna; the area west of Cook Inlet drained by Ivan, Lewis, Theodore Rivers and their tributaries to but not including Beluga River on the south.

11. **Seward:** That part of Kenai Peninsula draining into the Gulf of Alaska from Gore Point on the west to Cape Junken on the east and the area draining into Turnagain Arm from and including the drainage of Resurrection Creek on the west to but not including Placer River on the east; and to and including the confluence of the Kenai and Russian Rivers on the west.

12. **Kenai-Cook Inlet:** That area of Kenai Peninsula drained by streams flowing into the Gulf of Alaska, Cook Inlet and Turnagain Arm, from and including the area drained into Port Dick on the south to Gore Point to but not including Resurrection Creek on the north and the area east of the confluence of the Kenai and Russian Rivers; and that area west of Cook Inlet drained by all streams flowing into Cook Inlet from Cape Douglas on the south to and including the Beluga River, including Elizabeth Island and adjacent islands in Cook Inlet.

13. **Kodiak:** The part of the Alaska Peninsula drained by all streams flowing into the Pacific Ocean from Cape Douglas on the east to but not including Kujulik Bay on the west

and all adjacent off-shore islands, including the Semidi Islands and Kodiak, Afognak, Trinity, Chirikof Islands, and other smaller islands in the immediate vicinity such as the Barren Islands and the Chugach Islands.

14. **Aleutian Islands:** The part of the Alaska Peninsula west of and including the drainage of Meshik River and Kujulik Bay and all of the Aleutian and Pribilof Islands and adjacent off-shore islands west of and excluding the Semidi Islands and Sutwik Island.

15. **Bristol Bay:** The area drained by all streams flowing into Bristol Bay from Cape Newenham on the west to but not including the Meshik River on the south.

16. **Bethel:** The area drained by all streams flowing into Baird Inlet, Etolin Strait and Kuskokwim Bay, that area drained by the Kuskokwim River and its tributaries up to and including the area drained by the Tuluksak River on the east bank of the Kuskokwim River and the area drained by tributaries up to the opposite point on the west bank of the Kuskokwim River and including Nunivak Island and St. Matthew Island and adjacent islands.

17. **Kuskokwim:** The area drained by the Kuskokwim River and its tributaries above and not including the area drained by the Tuluksak River on the east bank and the area drained by tributaries above the opposite point on the west bank of the Kuskokwim River; and the area drained by the Yukon River from Tuckers Slough to but not including the area drained by the Khotol River.

18. **Yukon-Koyukuk:** The area drained by all streams and their tributaries flowing into the Yukon River from and including Khotol River on the west to and including Hess Creek on the east and that area drained by the Tanana River and its tributaries up to but not including Clear Creek, near Blair Lakes, on the east and that part of Goldstream Creek up to but not including Nugget Creek and Spinach Creek and that portion drained by the Chatanika River up to but not including Vault Creek.

19. **Fairbanks:** That area drained by the Tanana River and its tributaries from and including Clear Creek, near Blair Lakes, on the west to the Alaska-Canada boundary on the east, and also that area drained by Goldstream Creek and its tributaries up stream from and including Nugget Creek and Spinach Creek and that portion drained by the Chatanika River and its tributaries up stream from and including Vault Creek.

20. **Upper Yukon:** That area drained by the Yukon River and its tributaries from but not including Hess Creek on the west to the Alaska-Canada boundary and that area drained by streams flowing into the Arctic Ocean from but not including Kuparuk River on the west to the Alaska boundary.

21. **Barrow:** The area drained by all streams flowing into the Arctic Ocean from Cape Lisburne on the west to and including the area drained by the Kuparuk River and its tributaries on the east.

22. **Kobuk:** The area drained by all streams flowing into the Arctic Ocean and Kotzebue Sound from Cape Lisburne on the north to and including the area drained by the Goodhope River and its tributaries on the south.

23. **Nome:** That part of the Seward Peninsula and adjacent areas drained by all streams flowing into the Kotzebue Sound, Bering Strait and Norton Sound from but not including the area drained by the Goodhope River and its tributaries on the north to but not including the area drained by the Pastolik River on the south; and King, Little Diomedé, St. Lawrence, Sledge, and Stuart Islands, as well as adjacent offshore islands.

24. **Wade Hampton:** The area drained by the lower Yukon River and its tributaries from Tuckers Slough to the mouth at the Bering Sea, and the area drained by all streams flowing into the Bering Sea and Norton Sound from and including Hazen Bay on the south to and including the Pastolik River on the north.

ARTICLE XV

SCHEDULE OF TRANSITIONAL MEASURES

To provide an orderly transition from a territorial to a state form of government, it is declared and ordained:

**Continuance
of Laws**

SECTION 1. All laws in force in the Territory of Alaska on the effective date of this constitution and consistent therewith shall continue in force until they expire by their own limitation, are amended, or repealed.

**Saving of
Existing
Rights and
Liabilities**

SECTION 2. Except as otherwise provided in this constitution, all rights, titles, actions, suits, contracts, and liabilities and all civil, criminal, or administrative proceedings shall continue unaffected by the change from territorial to state government, and the State shall be the legal successor to the Territory in these matters.

**Local
Government**

SECTION 3. Cities, school districts, health districts, public utility districts, and other local subdivisions of government existing on the effective date of this constitution shall continue to exercise their powers and functions under existing law, pending enactment of legislation to carry out the provisions of this constitution. New local subdivisions of government shall be created only in accordance with this constitution.

**Continuance
of Office**

SECTION 4. All officers of the Territory, or under its laws, on the effective date of this constitution shall continue to perform the duties of their offices in a manner consistent with this constitution until they are superseded by officers of the State.

**Corresponding
Qualifications**

SECTION 5. Residence, citizenship, or other qualifications under the Territory may be used toward the fulfillment of corresponding qualifications required by this constitution.

**Governor to
Proclaim Election**

SECTION 6. When the people of the Territory ratify this constitution and it is approved by the duly constituted authority of the United States, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation and take necessary measures to hold primary and general elections for all state elective offices provided for by this constitution.

**First State
Elections**

SECTION 7. The primary election shall take place not less than forty nor more than ninety days after the proclamation by the governor of the Territory. The general election shall take place not less than ninety days after the primary election. The elections shall be governed by this constitution and by applicable territorial laws.

**United States
Senators and
Representative**

SECTION 8. The officers to be elected at the first general election shall include two senators and one representative to serve in the Congress of the United States, unless senators and a representative have been previously elected and seated. One senator shall be elected for the long term and one senator for the short term, each term to expire on the third day of January in an odd-numbered year to be determined by authority of the United States. The term of the representative shall expire on the third day of January in the odd-numbered year immediately following his assuming office. If the first representative is elected in an even-numbered year to take office in that year, a representative shall be elected at the same time to fill the full term commencing on the third day of January of the following year, and the same person may be elected for both terms.

**First
Governor and
Secretary of
State: Terms**

SECTION 9. The first governor and secretary of state shall hold office for a term beginning with the day on which they qualify and ending at noon on the first Monday in December of the even-numbered year following the next presidential election. This term shall count as a full term for purposes of determining eligibility for reelection only if it is four years or more in duration.

assume office

**Election of
First Senators**

SECTION 10. At the first state general election, one senator shall be chosen for a two-year term from each of the following senate districts, described in Section 2 of Article XIV: A, B, D, E, G, I, J, L, N, and O. At the same election, one senator shall be chosen for a four-year term from each of the following senate districts, described in Section 2 of Article XIV: A, C, E, F, H, J, K, M, N, and P. ~~If the first state general election is held in an odd-numbered year, the terms set forth in this section shall be increased by one year.~~

Terms of

~~**Election of First
Representatives**~~

First State Legislators

~~SECTION 11. If the first state general election is held in an odd-numbered year, the term of members chosen for the house of representatives at this election shall be three years.~~

*See p. 18, Journal,
Feb. 3, 1956*

**Election
Returns**

SECTION 12. The returns of the first general election shall be made, canvassed, and certified in the manner prescribed by law. The governor of the Territory shall certify the results to the President of the United States.

**Assumption
Of Office**

SECTION 13. When the President of the United States issues a proclamation announcing the results of the election, and the State has been admitted into the Union, the officers elected and qualified shall assume office.

**First Session of
Legislature**

SECTION 14. The governor shall call a special session of the first state legislature within thirty days after the presidential proclamation unless a regular session of the legislature falls within that period. The special session shall not be limited as to duration.

**First Legislators:
Office Holding**

SECTION 15. The provisions of Section 5 of Article II shall not prohibit any member of the first state legislature from holding any office or position created during his first term.

**First
Judicial
Council**

SECTION 16. The first members of the judicial council shall, notwithstanding Section 8 of Article IV, be appointed for terms as follows: three attorney members for one, three, and five years respectively, and three non-attorney members for two, four, and

six years respectively. The six members so appointed shall, in accordance with Section 5 of Article IV, submit to the governor nominations to fill the initial vacancies on the superior court and the supreme court, including the office of chief justice. After the initial vacancies on the superior and supreme courts are filled, ~~and the chief justice is appointed, he~~ shall assume his seat on the judicial council.

**Transfer of
Court
Jurisdiction**

SECTION 17. Until the courts provided for in Article IV are organized, the courts, their jurisdiction, and the judicial system shall remain as constituted on the date of admission unless otherwise provided by law. When the state courts are organized, new actions shall be commenced and filed therein, and all causes, other than those under the jurisdiction of the United States, pending in the courts existing on the date of admission, shall be transferred to the proper state court as though commenced, filed, or lodged in those courts in the first instance, except as otherwise provided by law.

**Separability
And Amendment
Of Schedule**

SECTION 18. If the Congress of the United States rejects any provision in the schedule of this constitution, the constitution and the remainder of the schedule shall not be impaired. If any change in the schedule is required by the Congress, the territorial legislature may, by a two-thirds vote of each house, make such change.

*Indef. postponed
(17z)*

**Orderly
Transition**

SECTION 19. The territorial legislature and the appropriate officials, federal and territorial, shall take necessary action to insure the orderly transition from territorial to state government.

**Territorial
Assets and
Liabilities**

SECTION ¹⁸~~20~~. The debts and liabilities of the Territory of Alaska shall be assumed and paid by the State, and debts owed to the Territory shall be collected by the State. Assets and records of the Territory shall become the property of the State.

**First
Reapportionment**

SECTION ¹⁹~~21~~. The first reapportionment of the house of representatives shall be made immediately following the official reporting of the 1960 decennial census, or after the first regular legislative session if the session occurs thereafter, notwithstanding the provision as to time contained in Section 3 of Article

VI. All other provisions of Article VI shall apply in the first reapportionment.

State Capital SECTION ²⁰~~22~~. The capital of the State of Alaska shall be at Juneau.

Seal SECTION ²¹~~23~~. The seal of the Territory, substituting the word "State" for "Territory," shall be the seal of the State.

Flag SECTION ²²~~24~~. The flag of the Territory shall be the flag of the State.

Special Voting Provision SECTION ²³~~25~~. Citizens who legally voted in the general election of November 4, 1924, and who meet the residence requirements for voting, shall be entitled to vote notwithstanding the provisions of Section 1 of Article V.

Ordinances SECTION ²⁴~~26~~. Ordinance No. 1 on ratification of the constitution, Ordinance No. 2 on the Alaska-Tennessee Plan, and Ordinance No. 3 on the abolition of fish traps, adopted by the Alaska Constitutional Convention and appended to this constitution, shall be submitted to the voters and if ratified shall become effective as provided in each ordinance.

Effective Date SECTION ²⁵~~27~~. This constitution shall take effect immediately upon the admission of Alaska into the Union as a State.

ORDINANCE NO. 1

RATIFICATION OF CONSTITUTION

Election SECTION 1. The Constitution for the State of Alaska agreed upon by the delegates to the Alaska Constitutional Convention on February 5, 1956, shall be submitted to the voters of Alaska for ratification or rejection at the territorial primary election to be held on April 24, 1956. The election shall be conducted according to existing laws regulating primary elections so far as applicable.

Ballot SECTION 2. Each elector who offers to vote upon this constitution shall be given a ballot by the election judges which will be separate from the ballot on which candidates in the primary election are listed. Each of the propositions offered by the Alaska Con-

*Inert:-
pp. 19-20,
Journal Feb. 3, 1956*

stitutional Convention shall be set forth separately, but on the same ballot form. The first proposition shall be as follows:

“Shall the Constitution for the State of Alaska prepared and agreed upon by the Alaska Constitutional Convention be adopted?”

Yes
No

Canvass

SECTION 3. The returns of this election shall be made to the governor of the Territory of Alaska, and shall be canvassed in substantially the manner provided by law for territorial elections.

**Acceptance
and
Approval**

SECTION 4. If a majority of the votes cast on the proposition favor the constitution, then the constitution shall be deemed to be ratified by the people of Alaska to become effective as provided in the constitution.

**Submission of
Constitution**

SECTION 5. Upon ratification of the constitution, the governor of the Territory shall forthwith transmit a certified copy of the constitution to the President of the United States for submission to the Congress, together with a statement of the votes cast for and against ratification.

ORDINANCE NO. 2

ALASKA-TENNESSEE PLAN

**Statement
Of Purpose**

SECTION 1. The election of senators and a representative to serve in the Congress of the United States being necessary and proper to prepare for the admission of Alaska as a State of the Union, the following sections are hereby ordained, pursuant to Chapter 46, SLA 1955, :

Ballot

SECTION 2. Each elector who offers to vote upon the ratification of the constitution may, upon the same ballot, vote on a second proposition, which shall be as follows:

“Shall Ordinance Number Two (Alaska-Tennessee Plan) of the Alaska Constitutional Convention, calling for the immediate election of two United States Senators and one United States Representative, be adopted?”

Yes
No

Approval

SECTION 3. Upon ratification of the constitution by the people of Alaska and separate approval of this ordinance by a majority of all votes cast for and against it, the remainder of this ordinance shall become effective.

**Election of
Senators and
Representative**

SECTION 4. Two United States senators and one United States representative shall be chosen at the 1956 general election.

Terms

SECTION 5. One senator shall be chosen for the regular term expiring on January 3, 1963, and the other for an initial short term expiring on January 3, 1961, unless when they are seated the Senate prescribes other expiration dates. The representative shall be chosen for the regular term of two years expiring January 3, 1959.

Qualifications

SECTION 6. Candidates for senators and representative shall have the qualifications prescribed in the Constitution of the United States and shall be qualified voters of Alaska.

**Other Office
Holding**

SECTION 7. Until the admission of Alaska as a state, the senators and representative may also hold or be nominated and elected to other offices of the United States or of the Territory of Alaska, provided that no person may receive compensation for more than one office.

**Election
Procedure**

SECTION 8. Except as provided herein, the laws of the Territory governing elections to the office of Delegate to Congress shall, to the extent applicable, govern the election of the senators and representative. Territorial and other officials shall perform their duties with reference to this election accordingly.

**Independent
Candidates**

SECTION 9. Persons not representing any political party may become independent candidates for the offices of senator or representative by filing applications in the manner provided in Section 38-5-10, ACLA 1949, insofar as applicable. Applications must be filed in the office of the director of finance of the Territory on or before June 30, 1956.

**Party
Nominations**

SECTION 10. Party nominations for senators and representative shall, for this election only, be made by party conventions in the manner prescribed in

Section 38-4-11, ACLA 1949, for filling a vacancy in a party nomination occurring after a primary election. The names of the candidates nominated shall be certified by the chairman and secretary of the central committee of each political party to the director of finance of the Territory on or before June 30, 1956.

Certification

SECTION 11. The director of finance shall certify the names of all candidates for senators and representative to the clerks of court by July 15, 1956. The clerks of court shall cause the names to be printed on the official ballot for the general election. Independent candidates shall be identified as provided in Section 38-5-10, ACLA 1949. Candidates nominated at party conventions shall be identified with appropriate party designations as is provided by law for nominations at primary elections.

**Ballot Form;
Who Elected**

SECTION 12. The ballot form shall group separately the candidates seeking the regular senate term, those seeking the short senate term, and candidates for representative. The candidate for each office receiving the largest number of votes cast for that office shall be elected.

**Duties and
Emoluments**

SECTION 13. The duties and emoluments of the offices of senator and representative shall be as prescribed by law.

**Convention
Assistance**

SECTION 14. The president of the Alaska Constitutional Convention, or a person designated by him, may assist in carrying out the purposes of this ordinance. The unexpended and unobligated funds appropriated to the Alaska Constitutional Convention by Chapter 46, SLA 1955, may be used to defray expenses attributable to the referendum and the election required by this ordinance.

**Alternate
Effective
Dates**

SECTION 15. If the Congress of the United States seats the senators and representative elected pursuant to this ordinance and approves the constitution before the first election of state officers, then Section ~~27~~ ²⁵ of Article XV shall be void and shall be replaced by the following:

“The provisions of the constitution applicable to the first election of state officers shall take effect immediately upon the admission of Alaska

into the Union as a State. The remainder of the constitution shall take effect when the elected governor takes office."

ORDINANCE NO. 3

ABOLITION OF FISH TRAPS

Ballot

SECTION 1. Each elector who offers to vote upon the ratification of the constitution may, upon the same ballot, vote on a third proposition, which shall be as follows:

"Shall Ordinance Number Three of the Alaska Constitutional Convention, prohibiting the use of fish traps for the taking of salmon for commercial purposes in the coastal waters of the State, be adopted?"

Yes

No

Effect of Referendum

SECTION 2. If the constitution shall be adopted by the electors and if a majority of all the votes cast for and against this ordinance favor its adoption, then the following shall become operative upon the effective date of the constitution:

"As a matter of immediate public necessity, to relieve economic distress among individual fishermen and those dependent upon them for a livelihood, to conserve the rapidly dwindling supply of salmon in Alaska, to insure fair competition among those engaged in commercial fishing, and to make manifest the will of the people of Alaska, the use of fish traps for the taking of salmon for commercial purposes is hereby prohibited in all the coastal waters of the State."