

FOLDER NO.

131

Constitutional Convention
Convention/14
December 10, 1955

CONVENTION COMMITTEES

SUMMARY PROGRESS REPORT NO.3

DECEMBER 4 THROUGH DECEMBER 10

I. COMMITTEE ON RULES

The Committee recommended to the Convention an amendment to the Permanent Convention Rules by which there would be established a Committee on Engrossment and Enrollment. The Amendment was adopted December 8.

II. COMMITTEE ON ADMINISTRATION

The Committee drew up a resolution providing for a fifteen-day recess from December 20 through January 3, inclusive, for the purpose of holding hearings in various communities throughout Alaska. The Committee presented to the Convention, along with the resolution, an estimate of recess costs.

The Committee agreed to establish a uniform set of rules regarding the distribution of Convention documents outside the Convention, and voted to set aside \$9,000 for printing and ratifying the Constitution.

III. COMMITTEE ON STYLE AND DRAFTING

The Committee has prepared a check-list of matters which have been included in other constitutions and will determine whether those which appear appropriate for inclusion in the Alaska Constitution are actually under consideration by some committee of the Convention.

IV. COMMITTEE ON ORDINANCES AND TRANSITIONAL MEASURES

The Transitory measures listed in the first Summary Progress Report are in the drafting stage or are being compared with Court decisions to assure legality, since the majority of attacks on State constitutions are directed against the transitory ordinances. One of the most important matters to be dealt with by this committee is the Tennessee Plan, so called because Tennessee was the first of many states to elect Senators and Representatives to Congress prior to the passage of an enabling act of Congress. The Committee has unanimously approved that an ordinance be submitted to the Convention providing for the election of two Senators and one Representative, and if approved by the Convention this ordinance will be submitted to the people for ratification on the same ballot with that calling for the ratification of the Constitution.

V. COMMITTEE ON PREAMBLE AND BILL OF RIGHTS

The Committee has prepared a preliminary Preamble and Bill of Rights to work with, and has been discussing its various sections most of the week. The Committee dealt likewise with several of the proposals referred to it by the Convention. The Committee voted that Proposal No. 19, on the Distribution of Powers, was not a matter appropriate for inclusion in the Constitution, and will refer to other committees portions of Proposal No. 6, on Education which are not properly the business of this committee. Dr. James Ryan and John Coghill attended the Saturday meeting of the Committee to discuss Education.

VI. COMMITTEE ON SUFFRAGE, ELECTIONS, AND APPORTIONMENT

The Committee has submitted to the Convention its proposals on Suffrage and Elections, which have been placed on the Calendar for second reading immediately after the discussion of the Judiciary Article. The Committee is currently devoting all its time to the matters of apportionment, reapportionment, districting, and creating and empowering a redistricting agency for both houses of the Legislature.

VII. COMMITTEE ON LEGISLATIVE BRANCH

The Article on the Legislative Branch will be reported out of Committee early next week. The Committee has spent the week making final changes in the preliminary draft. The few additions are the provision of an annual salary for legislators at one-third the Governor's salary, with the legislators available for duty throughout the year; a provision allowing the legislature to regulate lobbying; and the [original] statement to vest [of] the legislative power [vested] in a two-house legislature.

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The Committee made additional changes in its draft article and began work on a commentary to accompany its proposal. The principal task now is to ensure that all subjects which should be dealt with in this article are included. The final draft of the Committee Proposal is now in process of preparation for submission.

IX. COMMITTEE ON JUDICIARY BRANCH

Two more replies have been received to the letter sent out inviting suggestions on the Judiciary Article - from Mr. John Connelly, an Anchorage Attorney, and from Mr. William Boggess, City Attorney of Fairbanks. The Committee decided to draft a running commentary to submit with its Article as a report to the Convention. Accordingly, the Article was placed on the Calendar for Friday, December 9, and the commentary was distributed with the Proposed Article. The Convention has finished second reading of the Committee's Proposed Article, and the work of the Committee is completed.

X. COMMITTEE ON RESOURCES

Dr. Ernest Patty, President of the University of Alaska, presented to the Committee his views on school lands, and specifically pointed out that the traditional townsite survey method of granting school lands is inappropriate in Alaska. The Committee continues to study the resource regulating provisions of constitutions and to formulate appropriate provisions for the Alaska Constitution. A draft article on resources is being considered by the Committee.

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whether by state or local assessors, and a provision regarding classification for taxation purposes. The Committee is still considering tax incentive measures, which may be affected by classification, and related problems, including a time limit on any incentive program. The Committee has tentatively adopted certain sections of the preliminary draft, and is preparing a Proposed Article for submission soon.

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The Committee is working to achieve a system of local government that will meet the needs of every part of Alaska and will provide self-government and services to people outside the (incorporated cities) urban centers. The units would be formed from areas of common economic interest and social characteristics than solely on the basis of geographical proximity. The Committee tentatively has planned three levels of local government, from the organized city through the unorganized rural areas. The Committee has decided to leave the determination of local government boundaries to the Legislature and will provide Constitutional means to change the boundaries and classifications as soon as they become outdated. At a public hearing Saturday, December 10, it was brought out by questions from the audience that taxes would be collected only from areas receiving services and that there would be no independent taxing jurisdictions. Mr. Slankard, Fairbanks City Manager, testifying in the hearing, said he thought the local government units being considered by the Committee seemed very workable.

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The Committee completed its Articles December 10 and presented them to the Convention. During the week the Committee had studied various drafts before writing the Committee Proposal. One of the points brought out in the last week's work was the necessity for an Attorney General's review of legislation relating to the exercise of the Initiative.

XIV. COMMITTEE ON RESOLUTIONS AND RECOMMENDATIONS

The Committee reported to the Convention on December 7 that Proposal No. 10, on Intergovernmental Relations was not a matter proper for inclusion in the Constitution. Before reporting on the location of the State Capital, the Committee is checking with the Committee on Direct Legislation, Amendment and Revision to ascertain the ease with which such a constitutional provision could be amended, should such action ever become necessary.

Constitutional Convention
Convention/9
December 5, 1955

CONVENTION COMMITTEES

SUMMARY PROGRESS REPORT NO. 2

NOVEMBER 27, 1955 THROUGH DECEMBER 3, 1955

I. COMMITTEE ON RULES

The Committee presented to the Convention a substitute for Mr. White's Resolution on the registration of witnesses. The Convention adopted the Committee on Rules suggestion that witnesses be required to state whether they appear in an individual or representative capacity, and if representative, whom they represent.

II. COMMITTEE ON ADMINISTRATION

The Committee has had charge of the general supervision of the administrative functions of the Convention throughout the week, but no special problems arose.

III. COMMITTEE ON STYLE AND DRAFTING

The Committee is waiting for the submission of articles.

IV. COMMITTEE ON ORDINANCES AND TRANSITIONAL MEASURES.

The Committee has been studying Ordinances relating to many subjects, but, in particular, the Committee has discussed and agreed that an Ordinance should be drawn up providing for the election of Senators and a Congressman, and has decided that the question regarding the adoption of this Ordinance should be put on the same ballot as the question of ratification of the Constitution.

V. COMMITTEE ON PREAMBLE AND BILL OF RIGHTS

The Committee has spent considerable time studying the ways in which various Constitutions prohibit discrimination and segregation. The Committee has taken up a number of proposals referred to it relating to Education, Health, and Welfare, and the inherent rights of citizens, with discussion of slum clearance provision. The Committee has begun the final draft of the Bill of Rights, although there may be further discussion upon meaning of some provisions before Bill of Rights is complete. Dr. Donald Moberg, Professor of History and Political Science at the University of Alaska, has been asked to aid the Committee with its work.

VI. COMMITTEE ON SUFFRAGE, ELECTIONS, AND APPORTIONMENT

The Committee has had the technical help of Mr. George Rogers, of the Office of the Governor, in working out a fair apportionment plan. Subcommittees have drawn up drafts of the proposals which this Committee will submit to the Convention. The Committee plans to submit its proposed Articles during the week of December 5.

VII. COMMITTEE ON LEGISLATIVE BRANCH

At the request of the Committee on Legislative Branch, the Convention met Wednesday evening, November 30, and resolved itself into a Committee of the Whole to debate the issue of unicameralism vs. bicameralism. The Committee has been working on a preliminary draft of the legislative article. Special topics of discussion have been age

limitations and length of residence to be required of Alaska's State Legislators. The Committee has been concerned with the veto power over legislative acts - how it will apply, the extent to which it may be used, and especially whether there will be some way of submitting to the people for referendum vetoed bills that a majority favors. The committee has also considered the desirability of enabling the Governor to place on the ballot the question of whether a proposed law shall be adopted if it is not adopted by a majority of both houses of the Legislature. The Committee expects to have its draft Article on the Convention floor by Wednesday, December 7.

VIII. COMMITTEE ON EXECUTIVE BRANCH

The Committee has prepared a rough draft of the Executive Article, although agreement on some points remains to be reached. The Committee unanimously favors the "strong executive" who has sufficient power to do the things for which he is responsible to the people. The Committee is still working on the manner of selection of high officials other than the Governor.

A public hearing was held Saturday morning, December 3, former Governor Ernest Gruening appeared by invitation of the Committee. He testified that the elective Governor of the State will have more popular support than the appointive Governor of the Territory. Therefore, the Governor would be more responsive to the people by whom he is elected and could be relied upon to exercise judgment in the appointing of executive heads of the principal departments. A radio

from Gov. Frank Heintzelman also supported the principal of the strong executive as indicated by his speech of the opening day of the Convention. His statement was largely to endorse the principles of the Hawaiian Constitution. A stenotyped record of the hearings was kept. Such parts of these records as are desired will be transcribed only if requested. Various of the delegates and private citizens also expressed their views on various sections of the skeleton draft which was under discussion.

Following the hearings the Committee has been engaged in reviewing and putting in final form the original skeleton draft of the Executive section. The review and completion of the skeleton draft in final form is now approximately half completed and it should be in final form in three or four more days.

IX. COMMITTEE ON JUDICIARY BRANCH

In reply to the letter sent out two weeks ago inviting suggestion on Constitutional provisions for the Judiciary Branch, the Committee has received an additional letter, from Mr. Denton Moore, U. S. Commissioner in Kokhanok Bay, Alaska. Much discussion has centered around an advisory Judicial Council and its functions.

X. COMMITTEE ON RESOURCES

The Committee discussed possible Constitutional provisions and the machinery required to regulate fishing and hunting. On November 29, Mr. James Crawford, Vice President and General Manager of U. S. Smelting and Refining, testified before the Committee, protesting the

the provision of the last Congressional enabling act that enjoins the State from selling mineral rights, and provides that they can only be leased. On November 30, Dean Beistline, Dean of the School of Mines of the U. of A. testified before the Committee to the same effect. At a public hearing on Saturday, December 3, several witnesses, including Mrs. Irene Ryan of Anchorage, Mr. Ernest Wolf of Fairbanks, and Col. Marston representing prospectors of the Anchorage area all testified that the leasing provisions seemed to destroy the initiative for prospecting. At the same hearing, Miss Alice Stewart questioned the Committee on the provisions that would be necessary in the Constitution to protect forest land. Professor Vincent Ostrom from Oregon State College, and Mr. Ernest Bartley from the University of Florida have both arrived and are providing technical assistance to the Committee.

XI. COMMITTEE ON FINANCE AND TAXATION.

Throughout the past week the Committee has devoted most of its discussion to debt limitations. Mr. Jack McKay, Consultant from Juneau, took up the problem of "ear-marked" funds with the Committee, especially as they affect federal grants-in-aid. At the Committee's public hearing on Saturday, December 3, a number of people asked the Committee to consider tax incentive programs, which are actually under consideration. Mr. Jack Hinckel of Kodiak testified in support of his proposal (Delegate Proposal No. 20) in which he asked that a limitation be placed on the valuation for tax assessment purposes and on the tax rate applicable to owner-occupied single dwellings.

XII. COMMITTEE ON LOCAL GOVERNMENT

The Committee has been attempting to develop a flexible pattern of local government which possibly will provide needed services for the large, sparsely populated areas and which will be equally fair to organized and unorganized parts of the Territory. The units of local government would control such functions as public welfare, health, education, and police. The Committee has found particular difficulty in formulating a workable relationship between the local government unit and the cities within its jurisdiction. Professor Vincent Ostrom, consultant from Oregon State College, pointed out to the Committee that Alaska faces a special problem in this field and cannot obtain much guidance from other State Constitutions.

XIII. COMMITTEE ON DIRECT LEGISLATION, AMENDMENT AND REVISION

There is as yet no general agreement on whether the procedures for direct legislation shall be left to the Legislature or whether they shall be set forth in the Constitution. The Committee has also discussed the use of the initiative in local and special legislation, and the percentage of the voters' signatures are required on a petition.

XIV. COMMITTEE ON RESOLUTIONS AND RECOMMENDATIONS

The Committee recommended that the Convention postpone action on the proposal introduced by Delegate Yule F. Kilcher that Mt. McKinley be renamed Denali, its ancient Alaskan name, since it is not a Constitutional matter. The Committee, after research, into Delegate Victor Fisher's Proposal No. 10 found that no other constitution be-

sides that of Hawaii has a section on Intergovernmental Relations, and therefore believe that such provision is unnecessary, and might, in some ways prove restrictive. The Committee is studying various proposals (Proposals 11,24, 28, and Resolution No. 4) relating to the capital of Alaska or for an election to determine where the capital should be located.

Constitutional Convention
Convention/6
November 28, 1955

CONVENTION COMMITTEES

SUMMARY PROGRESS REPORT NO. 1

NOVEMBER 15, THROUGH 26, 1955

I COMMITTEE ON RULES

The Committee earlier recommended Rules of Procedure which the Convention amended and adopted (Convention/2). The Committee is studying the desirability of requiring persons who appear in representative capacity before the Convention, or its Committees, to state whom they represent.

II COMMITTEE ON ADMINISTRATION

The Committee recommended a budget (Convention/1) which the Convention amended and approved. Recommended a resolution on the services of technical consultants (Convention 4/) which the Convention amended and adopted. Approved memoranda prepared by the Secretariat on the "Organization for Technical Services" (Secretariat/10) and on the "Organization and Functions of the Administrative Staff" (Secretariat/4/a). Approved terms under which stateside consultants will be employed. Approved library rules, authorized printing of Convention stationery, and acted on other administrative matters.

III COMMITTEE ON STYLE AND DRAFTING

The Committee requested that the services of Mr. Jack McKay, Executive Director of the Legislative Council, be made available

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form of the New Jersey preamble as a guide. Drafts of rights on the following have been prepared: Freedom of speech, press, and communication; habeas corpus; arms - military; speedy trial; and imprisonment for debt. The Committee held public hearings on November 26. Four witnesses testified. Their testimony related mainly to religious freedom, racial discrimination, capital punishment, and the possibility of enabling citizens to test the constitutionality of a law without violating the law.

VI COMMITTEE ON SUFFRAGE, ELECTIONS AND APPORTIONMENT

George Rogers, Office of the Governor, assisted the Committee in assessing the geographic, economic and social aspects of representation, districting and apportionment. Members worked out examples of districting and apportionment based on different assumptions as to the form, nature and size of the legislature. The final result of the committee's work will have to be coordinated with that of the Committee on Legislative Branch regarding the form and size of the legislative body. At the first public hearing held November 26, the public participated in a discussion of the apportionment studies made by the members.

VII COMMITTEE ON LEGISLATIVE BRANCH

The Committee has prepared a tentative legislative article as a basis for discussion and for the preparation of a preliminary draft of a Committee proposal. The committee is considering a suggestion that the question of a unicameral vs. a bicameral legislative body be referred to the Committee of the Whole in order to

arrive at a definite decision on this basic question.

VIII COMMITTEE ON THE EXECUTIVE BRANCH

The Committee agreed in principle on "a strong executive." Mr. Emil J. Sady, consultant from Public Administration Service, was asked to assemble information on various subjects. The Committee developed a check list of the items to be covered in the Article on the Executive Branch. The Committee has tentatively agreed (1) that the Governor should have a four year term and should be eligible for reelection but not more than twice in succession; (2) that the minimum age of the Governor should be 30 years; (3) that the Governor should be a citizen of the U. S. for 20 years and a resident of the state for a number of years, the exact number yet to be decided; and (4) that the Secretary of State should also be elected and should be of the same political party as the Governor. Tentative draft provisions on the above and also on the succession, impeachment and recall, functions, and authority of the Governor have been prepared.

IX COMMITTEE ON JUDICIARY BRANCH

The Chairman sent a letter to the President of the Alaska Bar Association, with copies to each District Judge, U. S. Attorney, Attorney-at-Law, U. S. Commissioner, and local Bar Association in Alaska, inviting them to send by December 1, recommendations on what the judiciary article should contain. Letters on the subject were received from Mr. Robert A. Parrish, Attorney-at-Law, Fairbanks; the Hon. Walter R. Hodge, United States Dist-

riect Judge; The Alaska Bar Association; and the Hon. Wendell Kay, Speaker of the House of Representatives. Proposal No. 1, presented by Delegate Robertson, was adopted by the Committee as a basis for discussion. Amendments to the proposal were suggested, a noteworthy one being the creation of a Judicial Council for making nominations for judicial positions. Proposals No. 12 and 22 affecting the Judiciary, submitted by Delegate Davis and Delegate Taylor were also considered by the Committee. In order to determine the measure of agreement among Committee members on the provisions of the judiciary article, a questionnaire was drawn up for members to fill out. The services of Mr. Sheldon Elliott, of the Institute of Judicial Administration, were requested by the Committee.

X COMMITTEE ON RESOURCES

The Committee has been analyzing in detail the draft resources article suggested in the PAS staff paper. Invitations to present their views have been mailed out to a list of Alaskans familiar with resource management and utilization. On November 22 Delegate E. L. Bartlett appeared before the Committee to present the background of resources provisions of recent Congressional enabling bills. Discussion centered particularly on the matter of mineral rights incident to Federal land grants. The Committee requested that the services of Prof. Vincent Ostrum, Oregon State College, and Prof. Ernest Bartley, University of Florida, be made available to it.

XI COMMITTEE ON FINANCE AND TAXATION

The Committee has studied the background of Alaskan finance under Territorial status, and the finance and taxation provisions of the Model State Constitution and other constitutions as a guide to the preparation of committee proposals. Mr. Jack McKay, Legislative Council, was requested to prepare, and collect material needed for background purposes. A tentative draft of a "powers of taxation" section has been prepared and is being discussed. The Committee agreed that the language in taxation should not prohibit the use of tax exemption incentives for development purposes. It adopted a suggested provision that "All tax revenues shall be deposited in a general fund...", with provision made to allow continuation of existing special funds. The Committee is considering requesting the consulting services of Professor Dayton McKean of the University of Colorado.

XII COMMITTEE ON LOCAL GOVERNMENT

The Committee has been approaching the problem and requirements of local government in Alaska from several points of view. The form and function of existing units of local Government in Alaska and the degree to which they do or do not meet needs were studied, local government in the various States and in Canada were examined to determine their applicability to Alaska's conditions and requirements. Jack McKay was requested to prepare a report on local government in Scandinavia. The Committee asked George Rogers to assist it in its study of the geographic, economic

and social characteristics of local areas in Alaska which might provide the basis for a new approach to local government in the Territory.

XIII COMMITTEE ON DIRECT LEGISLATION, AMENDMENT, AND REVISION.

The Committee has studied and has arrived at tentative conclusions regarding provisions for direct legislation (referendum, initiative and recall) in the Constitution and has considered alternative method of amending and revising the Constitution. The Committee members have been assigned the task of preparing memoranda on the topics to be covered. The Committee agreed that the Constitution should include an article providing for initiative and referendum.

XIV COMMITTEE ON RESOLUTIONS AND RECOMMENDATIONS

The Committee recommended and the Convention adopted a resolution stating "... it is the intent of this convention that the Constitution should be a document of fundamental principles of basic government, and contain the framework for state government." It also recommended to the Convention that a resolution to change the name of Mt. McKinley to Denali was neither a constitutional nor a legislative matter and should therefore be indefinitely postponed. The Committee agreed that Proposal No. 10 relating to intergovernmental relations could serve to restrict the freedom of the State and local governments to cooperate with the United States, the states, and other political entities on matters of common interest. Except for the Hawaiian Constitution, it appears that no

state constitution contains a general provision on intergovernmental relations. The Committee asked Mr. Sady to present his views on the desirability for such a provision in writing and agreed to withhold action on the proposal.

PRELIMINARY DRAFTS

Constitutional Convention
Convention/ 14
December 10, 1955

CONVENTION COMMITTEES
SUMMARY PROGRESS REPORT NO. 3
DECEMBER 4 THROUGH DECEMBER 10

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See 18 9/20/41

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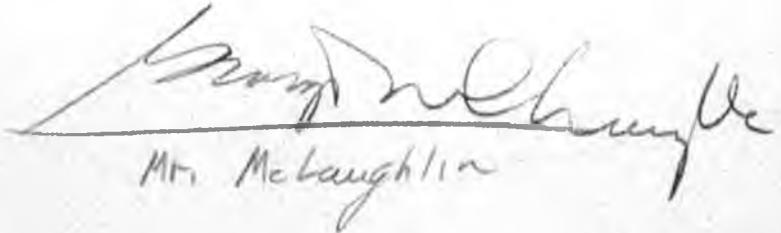
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The final draft ^{of the Committee Report} is now in process of preparation for submission

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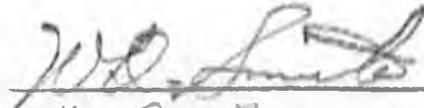
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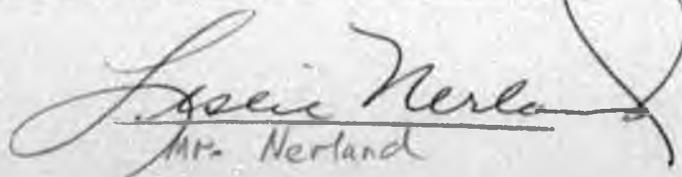
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NOVEMBER 27, 1955 through DECEMBER 3, 1955

I. COMMITTEE ON RULES

The Committee presented to the Convention a substitute for Mr. White's Resolution on the registration of witnesses before the Convention. The Convention ~~was~~ ^{adopted} the Committee on Rules suggestion ~~that~~ that witnesses be required to state whether they appear in an individual or representative capacity, and if representative, whom they represent.

BR

Constitutional Convention
Convention/9
December 5, 1955

CONVENTION COMMITTEES

SUMMARY PROGRESS REPORT NO. 2

NOVEMBER 27, 1955 through DECEMBER 3, 1955

III. COMMITTEE ON STYLE AND DRAFTING

The Committee is waiting for the submission of articles,
~~which the Committee will check for style.~~

*OK
PK*

Constitutional Convention
Convention/9
December 5, 1955

CONVENTION COMMITTEES

SUMMARY PROGRESS REPORT NO. 2

NOVEMBER 27, 1955 through DECEMBER 3, 1955

IV. COMMITTEE ON ORDINANCES AND TRANSITIONAL MEASURES

The Committee has been studying Ordinances relating to many subjects, but, in particular, the Committee has discussed and agreed that an Ordinance should be drawn up providing for the election of Senators and a Congressman, and has decided that the question regarding the adoption of this Ordinance should be put on the same ballot as the question of ratification of the Constitution.

OK *[Signature]*

V. COMMITTEE ON PREAMBLE AND BILL OF RIGHTS

The Committee has spent a ~~large portion of several meetings~~ ^{considerable time} studying the ways in which various Constitutions prohibit discrimination and segregation. The Committee has taken up a number of proposals referred to it relating to Education, Health, and Welfare, and the inherent rights of citizens, with ~~special~~ discussion of slum clearance provision. The Committee has begun ^{the final} ~~to~~ draft ^{there may be further} the Bill of Rights, although members expect to reopen ~~the sections on a penal code and reformation to discussion~~ ^{upon meaning} ~~more~~ ^{of some} ~~when~~ ^{provisions} the Bill of Rights is complete. Dr. Donald Moberg, Professor of History and Political Science at the University of Alaska, has been asked to aid the Committee with its work.

D. Q.

VII. COMMITTEE ON LEGISLATIVE BRANCH

At the request of the Committee on Legislative Branch, the Convention met Wednesday evening, November 30, and resolved itself into a Committee of the Whole to debate the issue of unicameralism vs. bicameralism. The Committee has been working on a preliminary draft of the legislative article. Special topics of discussion have been age limitations and length of residence to be required of Alaska's State Legislators. The Committee has been concerned with the veto power over legislative acts - how it will apply, the extent to which it may be used, and especially whether there will be some way of submitting to the people for referendum vetoed bills that a majority favors. The committee has also considered the desirability of enabling the Governor to place on the ballot the question of whether a proposed law shall be adopted if it is not adopted by a majority of both houses of the Legislature. The Committee expects to have its draft Article on the Convention floor by Wednesday, December 7.

Steve W. Cutler

VIII. COMMITTEE ON EXECUTIVE BRANCH

The Committee has prepared a rough draft of the Executive Article, although agreement on some points remains to be reached.

The Committee unanimously favors the "strong executive" who has sufficient power to do the things for which he is responsible to the people. The Committee is still working on the manner/selection of high officials other than the Governor. ^{P a public hearing was held} ~~In its~~ public hearing

Saturday morning, December 3, former Governor Ernest Gruening appeared by invitation of the Committee. He testified that the elective Governor of the State will have more popular support than

the appointive Governor of the Territory. Therefore, the Governor ~~would be more responsible to the people by whom he is elected and could be relied upon to exercise judgment in the appointing of executive heads of the principal departments. A veto power allowed to appoint the heads of executive agencies who will work with him.~~ ^{This view was also supported by others who spoke at the hearings.} ~~The Governor favored an appointive rather than an elective Gov. Frank Mendelsohn also supported the principal of the Secretary of State, to succeed the Governor in the event of the strong executive as indicated by his speech on the opening Governor's absence or a vacancy in the office. He also favored giving the Governor freedom to appoint the Attorney General, subject only to Senate confirmation. The Committee will soon have a draft of the hearings was kept. Such parts of these records as are desired will be transcribed only if requested.~~

Following the hearings the Committee has been engaged in reviewing and if putting in final form the original skeleton draft of the Executive section. ~~This~~ The review and completion of the skeleton draft in final form is now ^{approximately} ~~about~~ half completed and it should be in final form in three or four more days.

Views of the delegates and private citizens also appear in their views on various sections of the skeleton draft which was under discussion.

IX. COMMITTEE ON JUDICIARY BRANCH

In reply to the letter sent out two weeks ago inviting suggestion on Constitutional provisions for the Judiciary Branch, the Committee has received an additional letter, from Mr. Denton Moore, U.S. Commissioner in Kokhanok Bay, Alaska. Much discussion has centered around an advisory Judicial Council and its functions.

Moore

Mr Smith
OK'd
js

X. COMMITTEE ON RESOURCES

The Committee discussed possible Constitutional provisions and the machinery required to regulate fishing and hunting. On November 29, Mr. James Crawford, Vice President and General Manager of U.S. Smelting and Refining, testified before the Committee, protesting the provision of the last Congressional enabling act that enjoins the State from selling mineral rights, and provides that they can only be leased. On November 30, Dean Beistline, Dean of Mines at the University of Alaska testified before the Committee to the same effect. At a public hearing on Saturday, December 3, several witnesses, including Mrs. Irene Ryan of Anchorage, Mr. Ernest Wolf of Fairbanks, and Col. Marston representing prospectors of the Anchorage area all testified that the leasing provisions seemed to destroy the initiative for prospecting. At the same hearing, Miss Alice Stewart questioned the Committee on the provisions that would be necessary in the Constitution to protect forest land. Professor Vincent Ostrom from Oregon State College, and Mr. Ernest Bartley from the University of Florida have both arrived and are providing technical assistance to the Committee.

XI. COMMITTEE ON FINANCE AND TAXATION

Throughout the past week the Committee has devoted most of its discussion to debt limitations. Mr. Jack McKay, Consultant from Juneau, took up the problem of "ear-marked" funds with the Committee, especially as they affect federal grants-in-aid. At the Committee's public hearing on Saturday, December 3, a number of people asked the Committee to consider tax incentive programs, which are actually under consideration. Mr. Jack Hinckel of Kodiak testified in support of his proposal (Delegate Proposal No. 20) in which he asked that a limitation be placed on the valuation for tax assessment purposes and on the tax rate applicable to owner-occupied single dwellings.

L.H.

XII. COMMITTEE ON LOCAL GOVERNMENT

The Committee has been attempting to develop a flexible pattern of local government which possibly will provide needed services for the large, sparsely populated areas and which will be equally fair to organized and unorganized parts of the Territory. The units of local government would control such functions as public welfare, health, education, and police. The Committee has found particular difficulty in formulating a workable relationship between the local government unit and the cities within its jurisdiction. Professor Vincent Ostrom, consultant from Oregon State College, pointed out to the Committee that Alaska faces a special problem in this field and cannot obtain much guidance from other State Constitutions.

A handwritten signature in dark ink, appearing to be 'J. H. O.', is located in the lower right quadrant of the page. The signature is stylized and somewhat cursive.

XIII. COMMITTEE ON DIRECT LEGISLATION, AMENDMENT, AND REVISION

There is as yet no general agreement on whether the procedures for direct legislation shall be left to the Legislature or whether they shall be set forth in the Constitution. The Committee has also discussed the use of the initiative in local and special legislation, and the percentage of the voters' signatures to be required on a petition.

E. B. Collins
Chairman

XIV. COMMITTEE ON RESOLUTIONS AND RECOMMENDATIONS

The Committee recommended that the Convention postpone action on the proposal introduced by Delegate Yule F. Kilcher that Mt. McKinley be renamed Denali, its ancient Alaskan name, since it is not Constitutional matter. The Committee, after ^{into Delegate Victor Fisher's Proposal #10} research, found that no other constitution besides that of Hawaii has a section on Intergovernmental Relations, and therefore believe that such provision is unnecessary, and might, in some ways, prove restrictive. The Committee is studying various proposals (Proposals 11, 24, 28, and Resolution No. ~~17~~) relating to the capital of Alaska or for an election to determine where the capital should be located.

JMC

type
1 copy
1 page to a
Committee

CONVENTION COMMITTEES

SUMMARY PROGRESS REPORT NO. 2

NOVEMBER 27, 1955 THROUGH DECEMBER 3, 1955

I. COMMITTEE ON RULES

The Committee ~~has~~ presented to the Convention a substitute for Mr. White's Resolution on the registration of witnesses before the ~~the~~ Convention. ~~The Committee on Rules suggested~~ ^(The Committee on Rules suggested) ~~and~~ the Convention ^{voted} ~~that~~ that witnesses be required to state whether they appear in an individual or representative capacity, and if representative, whom ^{they} they represent.

II. Committee ON ADMINISTRATION

The Committee has had charge of the general supervision of the administrative functions of the Convention throughout the week, but ~~the~~ ^{the work} ~~is running smoothly and~~ ^{going} no special problems have arisen ~~as yet~~.

III. COMMITTEE ON STYLE AND DRAFTING

~~"They also serve who only stand and wait."~~

The Committee is waiting for the submission of articles ~~which~~ which the Committee will check for style.

Can I have
this in
the library
when you get
through?

IV. COMMITTEE ON ORDINANCES AND TRANSITIONAL MEASURES

The Committee has been studying Ordinances relating to many subjects, but, in particular, the Committee has discussed and agreed (upon) ^{that} ~~an~~ Ordinance ^{should} providing for the election of Senators and ^a Congressman, and has decided that ^{the} this Ordinance should be put on the same ballot as the ~~Constitution~~.
be drawn up
question regarding the ordinance

question of retention of the Constitution

V. COMMITTEE ON PREAMBLE AND BILL OF RIGHTS

The Committee has spent a large portion of several meetings studying the ways in which ^{various} Constitutional ^s ~~provisions~~ ^{prohibit} relate to discrimination and segregation. The Committee has taken up a number of proposals referred to it ^{relating} ~~from the Convention~~ which relate to Education, Health, and Welfare, and ^{the} inherent rights of citizens, ^{with special discussion of Slum Clearance} The Committee has begun to draft the Bill of ^{provisions} Rights, although members expect to ^{reopen} the sections on a penal code and reformation to discussion once more when the Bill of Rights ^{draft} is complete. Dr. Donald Moberg, Professor of History and Political Science at the University of Alaska, has been asked to ^{aid} ~~assist~~ the Committee with its work.

VI. COMMITTEE ON SUFFRAGE, ELECTIONS, AND APPORTIONMENT

The Committee has had the technical ~~the~~ help of Mr. George Rogers, of the Office of the Governor, in working out a fair apportionment plan. Sub-committees have drawn up ^{drafts} a draft of the ^{proposals} ~~sections~~ this Committee will submit to the Convention, ^{and} ^{plans} ^{prepared} The Committee is prepared to submit its Articles ^{at} ^{during} the ~~beginning of the next week~~ ^{of} December 5.

1951

VII. COMMITTEE ON LEGISLATIVE BRANCH

At

on Legislative Branch,

~~at~~ the request of the Committee ^{on} the Convention met Wednesday evening,

November 30, and resolved its^{self} into a Committee of the Whole to debate the issue

of unicameralism vs. bicameralism. The ^{preliminary} sentiment expressed ⁱⁿ by the Committee of the Whole ~~is~~ ^{in favor of the traditional legislature with undoubtably} as guidance for the Committee on Legislative Branch.

~~Mr. McKay~~ of the Alaska Legislative Council has been working ~~with~~ ^{on} the Committee

as they prepared a preliminary draft. Special topics of discussion have been age limitations and length of residence to be required of Alaska's State Legis-

lators. The Committee has been concerned with the veto power over legislative acts - how it will apply, the extent to which it may be used, and especially

whether there will be some way of submitting to the people for referendum

vetoed bills that a majority favors. The committee has also considered the ~~desirability of enabling the Governor to place on the ballot~~ ^{referendum} to allow the people to express themselves on some bill the Governor ~~the question of whether a proposed law should be adopted~~ ^{if it does not gain a majority of both houses of the Legislature.}

The Committee expects to have its draft Article on the Convention floor by

Wednesday, December 7.

VIII. COMMITTEE ON EXECUTIVE BRANCH

The Committee ^{has} ~~is~~ working ^{with prepared a rough draft of} ~~draft language for~~ the Executive Article,

although ~~a great many difficulties and disagreements have yet to be ironed-~~

~~out on many of the specific points.~~ The Committee unanimously favors the

"strong executive" who has ^{sufficient} ~~the~~ power to do the things for which he is responsible

to the people. ~~However,~~ ^{The} Committee is still working on various ~~suggestions~~ ^{the}

concerning the ~~veto~~ ^{selection of} and ~~about~~ high officials other than the Governor. In its

Public Hearing Saturday Morning, December 3, ~~the Committee opened up these~~

~~points especially to public discussion.~~ Governor Ernest Gruening, ~~who~~ ^{He} appeared

~~at the hearing~~ by invitation of the Committee, testified that ~~an elective governor~~ ^{the State}

~~such as a state would have~~ ^{would} ~~should~~ have more ~~than~~ ^{popular support} ~~one~~ appointed by the Federal

7th State will have more

the appointed President

Governor of the Territory,

~~Printed~~

for ~~Territory~~. Therefore, the Governor should be trusted to serve the

people whom he represents, and, in the interest of efficiency as well as

responsibility, should be allowed to appoint the ^{heads of executive agencies} ~~administrative personnel~~

who ^{will} ~~would~~ work with him. In general, ^{was also} this view ^{ad by others} gained wide support of the

^{who spoke at the hearings.} ~~public as well as the Committee.~~ However, ~~the Committee proposed a second~~

^{rather than an} elective official, ~~Secretary of State,~~ ^{to run on the same ticket as the Governor,} ~~who would serve as Acting Governor~~

^{to succeed the Governor in the event of the Governor's} ~~in the Governor's absence or illness, and succeed him if he could die or~~

^{absence or a vacancy in the office. He} ~~become disqualified for office.~~ ^{Likewise, also favored giving the Governor freedom}

^{to appoint} ~~of the Attorney General, which some felt should be elective.~~ ^{subject only to Senate confirmation} ~~Dr. Smith of~~

Ketchikan spoke for his constituents in saying that the people prefer to

^{top} ~~elect their own officials, even at a loss of efficiency.~~ The Committee

~~has worked on provisions to prevent the pocket veto at the end of the~~

~~legislative session.~~ ^{legislation} The Committee will soon have a draft to present to

the Convention.

IX. COMMITTEE ON JUDICIARY BRANCH

The Committee has received ^{In} reply to the letter sent out two weeks ago inviting suggestion on Constitutional provisions for the Judiciary

Branch ^{an} additional letter, from Mr. Denton Moore, U. S. Commissioner in

Kokhanok Bay, Alaska. ~~Mr. Sheldon Elliott, New York University, has~~

~~arrived and is helping the Committee to draft its Article.~~ ^{Must} ~~A great deal of~~

discussion has centered around an advisory Judicial Council and its possible functions.

X. COMMITTEE ON RESOURCES

The Committee discussed ^{possible} ~~the necessary~~ Constitutional provisions ^{and} dealing

~~with fish and game and the machinery that would be set up to regulate their~~ ^{required} ~~and~~ ^{fishery}

XII. COMMITTEE ON LOCAL GOVERNMENT

attempting to develop a flexible pattern
 The Committee has been ~~working to achieve a form~~ of local government, *which*
~~possibly ~~that~~ ~~established~~ by a Board of ~~managers~~~~, *will provide needed services for the large,*
~~and will be equally just~~ *sparsely populated areas and which will be equally fair*
 to organized and unorganized parts of the Territory. *The state local*
 Such a unit of government would control such functions as public welfare, health, education, police. The Committee has found particular difficulty in ~~establishing~~ *formulating* a workable relationship between the local government ~~unit and the cities~~ *municipalities* within its jurisdiction. Prof. Vincent Ostrom, ~~of~~ *consultant* from Oregon State College, pointed out to the Committee that Alaska faces a special problem in this field and cannot ~~find much of assistance in former State Constitutions.~~ *obtain much guidance from other*

XIII. COMMITTEE ON DIRECT LEGISLATION, AMENDMENT, AND REVISION

~~Consultants Prof. Vincent Ostrom and Mr. McKay are helping draft the~~
~~Articles this Committee will submit to the body.~~ *However,* There is as yet no general agreement on whether the procedures for direct legislation shall be left to the Legislature ~~to formulate~~ *determine* or whether they shall be ~~drawn up~~ *set forth* ~~in~~ the Constitution. The Committee has also discussed the use of the initiative in local and special legislation, and the percentage of the voters' ~~necessary~~ *to* signatures to be required on a petition.

XIV. COMMITTEE ON RESOLUTIONS AND RECOMMENDATIONS

recommended
 The Committee ~~submitted its report to the Convention, Monday, November 28, 1956,~~ *that the Commission introduced by Delegate Yule F. Kilcher* ~~was not~~ *is not* constitutional matter.
~~indisputably.~~ *that Mr. McKinley* The Committee, after research, found that no other constitution besides Hawaii ~~had a section on Intergovernmental Relations, and therefore~~ *has*

believe that such provision is unnecessary, and might, in some ways, prove

restrictive. The Committee is studying various proposals, and a resolution

relating to the capital of Alaska
~~which provide for the capital~~ or for an election to determine the capital, *etc.*

(Proposals 11, 24, 28, Resolution No. 5)

Constitutional Convention
Convention/6
November 28, 1955

Convention Committees

Summary Progress Report No. 1

November 15, ~~to~~ 26, 1955

through

I Committee on Rules

The Committee ^{*action*} recommended Rules of Procedure which the Convention amended and adopted (Convention/2). The Committee is studying the desirability of requiring ~~persons~~ ^{*persons*} who appear ~~in a representative~~ ^{*in a representative*} ~~capacity~~ ^{*capacity*} ~~before~~ ^{*before*} the Convention to ~~_____~~.

or its Committees

state whom they represent.

II Committee on Administration

The Committee recommended a budget (Convention/1) which the Convention amended and approved. Recommended a resolution on the services of technical consultants (Convention/4) which the Convention amended and adopted. Approved memoranda prepared by the Secretariat on the "Organization for Technical Services" (Secretariat/10) and on the "Organization and Functions of the Administrative Staff" (Secretariat/4/a). Approved terms under which stateside consultants will be employed. Approved library rules, authorized printing of Convention stationery, and acted on other administrative matters.

OKITHH

III Committee on Style and Drafting

The Committee requested that the services of Mr. Jack McKay, Executive Director of the Legislative Council, be made available to the Committee.)

(The Committee prepared a memorandum entitled "Drafting Suggestions" (III/Style/4/a) for use by all Committees, and also initiated a program to show graphically the schedule and progress of committee and Convention action on committee proposals.

ok. J.A.

IV Committee on Ordinances and Transitional Measures

The Committee has tentatively outlined its work and assigned its members the task of reviewing what other state constitutions provide on the following possible subjects to be included in ordinances and interim measures: (1) Procedure for the Constitution to take effect; (2) Laws to remain in effect; (3) Territorial officers to continue performing functions; (4) Continuation of judicial, civil, and criminal matters; (5) Debts due or owed to be honored; (6) Submitting Constitution for ratification; (7) Governor's submission of Constitution to Congress through the President; (8) Election and terms of State and U.S. officials; (9) Transfer of local judicial authority to State officials; and (10) Miscellaneous matters. The Committee has begun discussion of the above. It asked Mr. Thomas Stewart, the Secretary of the Convention, to prepare a memorandum on the ordinance required for the election of State officials.

OK *[Signature]*

V Committee on Preamble and Bill of Rights

After reviewing available material on the subject of Constitutional rights, subcommittees were created to work on drafts of provisions which might be included in the bill of rights. Work was begun on drafting the preamble to the Constitution, using the form of the New Jersey preamble as a guide. Drafts of rights on the following have been prepared: Freedom of speech, press, and communication; habeas corpus; arms - military; speedy trial; and imprisonment for debt. The Committee held public hearings on November 26. Four witnesses testified. Their testimony related mainly to religious freedom, racial discrimination, capital punishment, and the possibility of enabling citizens to test the constitutionality of a law without violating the law.

P. 9. a.

VI. Committee on Suffrage, Elections and Apportionment

George ^{Rogers} ~~Bowers~~, Office of the Governor, assisted the Committee in assessing the geographic, economic and social aspects of representation, districting and apportionment. Members worked out examples of districting and apportionment based on different assumptions as to the form, nature and size of the legislature. The final result of the committee's work will ^{have to be coordinated with that} ~~depend in part on the recommendations of the Committee on Local Government, the nature of local government units, and on those of the Committee on Legislative Branch~~ regarding the form and size of the legislative body. At the first public hearing held November 26, the public participated in a discussion of the apportionment studies made by the members.

VII. Committee on Legislative Branch

The Committee has prepared a tentative legislative article as a basis for discussion and for the preparation of a preliminary draft of a Committee proposal. The committee is considering a suggestion that the question of a unicameral vs. a bicameral legislative body be referred to the Committee of the Whole in order to arrive at a definite decision on this basic question.

J. H. C.

VIII Committee on the Executive Branch

The Committee agreed in principle on "a strong executive." Mr. Emil J. Sady, consultant from Public Administration Service, was asked to assemble information on various subjects. The Committee developed a check list of the items to be covered in the Article on the Executive Branch. The Committee has tentatively agreed (1) that the Governor should have a four year term and should be eligible for reelection but not more than twice in succession; (2) that the minimum age of the Governor should be 30 years; (3) that the Governor should be a citizen of the U.S. for 20 years and a resident of the state for a number of years, the exact number yet to be decided; and (4) that the Secretary of State should also be elected and should be of the same political party as the Governor. Tentative draft provisions on the above and also on the succession, impeachment and recall, functions, and authority of the Governor have been prepared.

JCR

IX Committee on Judiciary Branch

(~~Mr. George H. McLaughlin, Chairman, Mr. R. E. Robertson, Vice-Chairman, and Mr. Maurice T. Johnson, Secretary~~) The Chairman sent a letter to the President of the Alaska Bar Association, with copies to each District Judge, U.S. Attorney, Attorney-at-Law, U.S. Commissioner, and local Bar Association in Alaska, inviting them to send by December 1, recommendations on what the judiciary article should contain.

Letters on the subject ~~was~~ ^{were} received from Mr. Robert A. Parrish, Attorney-at-Law, Fairbanks, Proposal No. 1, presented by Delegate Robertson, was adopted by the Committee as a basis for discussion. Amendments to the proposal were suggested, a noteworthy one being the creation of a Judicial Council for making nominations for judicial positions. In order to determine the measure of agreement among Committee members on the provisions of the judiciary article, a questionnaire was drawn up for members to fill out. The services of Mr. Sheldon Elliott, of the Institute of Judicial Administration, were requested by the Committee.

→ Proposals No. 12 and 22 affecting the Judiciary, submitted by Delegate Davis and Delegate Taylor were also considered by the Committee.

the Hon. Walter R. Hodge, United States District Judge, the Alaska Bar Association, and the Hon. Wendell Kay, Speaker of the House of Representatives

Group Plumber
Abraham

X Committee on Resources

The Committee has been analyzing in detail the draft resources article suggested in the FAS staff paper. Invitations to present their views have been mailed out to a list of Alaskans familiar with resource management and utilization. On November 22 Delegate E. L. Bartlett appeared before the Committee to present the background of resources ^{provisions} ~~previous~~ of recent Congressional enabling bills. Discussion centered particularly on the matter of mineral rights incident to ^{Federal} land grants. The Committee requested that the services of Prof. Vincent Ostrum, Oregon State College, and Prof. Ernest Bartley, University of Florida, be made available to it.

W.O.S.

XI Committee on Finance and Taxation

The Committee has studied the background of Alaskan finance under Territorial status, and the finance and taxation provisions of the Model State Constitution and other constitutions as a guide to the preparation of committee proposals. Mr. Jack McKay, Legislative Council, was requested to prepare, and collect material needed for background purposes. A tentative draft of a "powers of taxation" section has been prepared and is being discussed. The Committee agreed that the language in taxation should not prohibit the use of tax exemption incentives for development purposes. It adopted a suggested provision that "All tax revenues shall be deposited in a general fund...", with provision made to allow continuation of existing special funds. The Committee is considering requesting the consulting services of Professor Dayton McKean of the University of Colorado.

Mr. Verland
Do this OK
for use in summary
of Committee minutes
Saly

XI Committee on Finance and Taxation

The Committee has studied the background of Alaskan finance under Territorial status, and the finance and taxation provisions of the Model State Constitution and other constitutions as a guide to the preparation of committee proposals. Mr. Jack McKay, Legislative Council, was requested to prepare, and collect material needed for background purposes. A tentative draft of a "powers of taxation" section has been prepared and is being discussed. The Committee agreed that the language in taxation should not prohibit the use of tax exemption incentives for development purposes. It adopted a suggested provision that "All tax revenues shall be deposited in a general fund...", with provision made to allow continuation of existing special funds. The Committee is considering requesting the consulting services of Professor Dayton McKean of the University of Colorado.

OK
JN

XII. Committee on Local Government

The Committee has been approaching the problem and requirements of local government in Alaska from several points of view. The form and function of existing units of local Government in Alaska and the degree to which they do or do not meet needs were studied, local government in the various States and in Canada were examined to determine their applicability to Alaska's

conditions and requirements. Jack McKay was requested to prepare a report on local government in Scandinavia. ^{The Committee asked,} George Rogers ^Z assisted ~~the committee~~ in its study of the geographic, economic and social characteristics of local areas in Alaska which might provide the basis for a new approach to local government in the Territory.



XIII. Committee on Direct Legislation, Amendment, and Revision.

The Committee has ~~been studying~~^{ed} and ~~arriving~~^{has ed} at tentative conclusions regarding provisions for direct legislation (referendum, initiative and recall) in the Constitution and ~~the methods~~^{has considered all these} of ~~amendment~~^{ing} and ~~revision~~^{revising the Constitution.}. Committee members have been assigned the task of preparing memoranda on the topics to be covered. The Committee ~~has~~^{has} ~~agreed~~^{agreed} that the Constitution should include an article providing for initiative and referendum.
~~It is the~~

XIV Committee on Resolutions and Recommendations

^{The Committee} Recommended and ^{the} Convention adopted a resolution stating "... it is the intent of this convention that the Constitution should be a document of fundamental principles of basic government, and contain the framework for state government." *By also*

Recommended to the Convention that a resolution to change the name of Mt. McKinley to Denali was neither a constitutional nor a legislative matter and should therefore be indefinitely postponed.

^{The Committee} Agreed that Proposal No. 10 relating to intergovernmental relations could serve to restrict the freedom of the State and local governments to cooperate with the United States, the states, and other political entities on matters of common interest. Except for the Hawaiian Constitution, it appears that no state constitution contains a general provision on intergovernmental relations. The Committee asked Mr. Sady to present his views on the desirability for such a provision in writing and agreed to withhold action on the proposal.

JMC