FOLDER NO.

203.036
ALASKA CONSTITUTIONAL CONVENTION

REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its re-draft of the Article on Natural Resources for consideration by the Convention.

Respectfully submitted,

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

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

ARTICLE VIII

NATURAL RESOURCES

Statement of Policy

1. 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

5. 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

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

Sustained Yield

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

Style and Drafting/Article VIII
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.

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.

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.

Section 8. The legislature may provide for the leasing of and the issuance of exploration permits to 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
Sections 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 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 impair the owners' use, prevent the control of trespass, nor preclude compensation for damage.

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.

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 minerals and also a prior right to permits, transferable licenses and leases for their extraction and processing. Continuation of these rights shall depend upon the performance of annual labor, 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 and basic processing of the mineral deposits. The granting of deeds or patents to mineral lands may be authorized by the State unless 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.

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.

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.

Section 14. Free access to the navigable or public
waters of the State, as defined by law, 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.

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

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.

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.

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
Residual Powers (To General Provisions)

1. taken or for damages to other property rights.

Section 19. The enumeration of specified powers shall not be construed as limitations on other implied powers of the State in relation to the utilization, development and conservation of natural resources, except as specifically provided in this article.

State Boundaries (To General Provisions)

Section 20. 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.
CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 8/A

Introduced by Committee on Resources

STATE LANDS AND NATURAL RESOURCES

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

ARTICLE VIII

ARTICLE ON STATE LANDS AND NATURAL RESOURCES

Statement of Policy

1. 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

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

Sustained Yield

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

4. Section 3. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.
Section 5. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation and settlement of lands, and fuller utilization and development of the fisheries, wildlife and waters.

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.

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, may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

Section 8. The legislature may provide for the leasing of and the issuance of exploration permits for any part of the public domain, or interest therein, subject to reasonable concurrent uses. Leases shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use and for forfeiture in the event of breach of conditions.
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 of state land shall contain reservations to the State of all resources which may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not impair the owners' use, prevent the control of trespass, nor preclude compensation for damage.

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.

Section 11. Discovery and appropriation shall be the basis for establishing a right in all metallic minerals reserved to the State, and in all other minerals reserved to the State which are subject to location under the Federal mining laws in force upon the date of ratification of this constitution. Prior discovery, location and filing, as prescribed by law, shall give a prior right to these minerals a prior right to the issuance of permits, transferable licenses and leases for their extraction and processing. The continuation of these rights shall depend upon the performance of annual labor, payment of fees, rents, royalties, or 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 and basic processing of the mineral deposits.
Deeds or patents to mineral lands may be granted unless
prohibited by Congress, and authorized by the State.
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 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. Leases
and permits giving the exclusive right of prospecting by
g geophysical, geochemical and similar methods for all
minerals may also be authorized by law.

Water Rights
Section 13. All surface and subsurface waters re-
served 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 shall be limited to stated
purposes and subject to preferences among beneficial uses,
Section 14. Free access to the navigable or public waters of the State, as defined by law, shall not be denied any resident of the United States, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

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

Section 16. No person shall be 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.

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.

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 damages to other property rights.
1. Section 19. The enumeration of specified powers shall not be construed as limitations on other implied powers of the State in relation to the utilization, development and conservation of natural resources, except as specifically provided herein in this article.

2. Section 20. 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.
CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 8/A

Introduced by Committee on Resources

STATE LANDS AND NATURAL RESOURCES

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

ARTICLE ON STATE LANDS AND NATURAL RESOURCES

1. It is the policy of the State to foster and encourage settlement and development through the maximum use and availability of its natural resources consistent with the public interest.

2. 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.

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

Committee Proposal No. 8/A Enrolled
Sustained Yield

Section 3. Forests, fish, wildlife, grass-lands and other replenishable resources belonging to the State shall be administered, utilized and maintained on the sustained yield principle, subject to preferences among beneficial uses.

General Reservations

Section 4. Fish, wildlife, and waters (wherever occurring in their natural state), are reserved to the people for common use.

General Authorization for Facilities, Improvements and Services

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

Uniform Application

Section 6. 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.

Special Acquisitions and Purposes

Section 7. The legislature may provide for the acquisition of sites, objects, natural beauty or of historic, cultural, and areas of natural beauty or of historic, cultural, recreational or scientific value, may reserve them from the public domain and provide for their administration and preservation for the use and enjoyment, not under the laws of the land, but as a part of the public domain and welfare of all the people.
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 make provision for the selection of lands granted to the State by the United States, and for the administration of the State public domain.

Section 8. The Legislature may provide for the leasing of and the issuance of exploration permits on any part of the public domain, or interests therein, subject to reasonable concurrent uses.

Leases shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use and for forfeiture in the event of breach of conditions.

Sales. 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 of state land shall contain reservations to the State of all resources which may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not impair the owners' use, prevent the control of trespass, nor preclude compensation for damage.
resources as are required by the Congress, or
the State, and shall provide for access thereto;
except that the reservation of access shall not
impair the owners' use; prevent the control of
trespass, nor preclude compensation for damage.

Section 10. Disposals or leases of state
lands or interests therein shall be proceed
without prior notice and other appropriate
safeguards of the public interest as the
Legislature shall prescribe by law.

Section 12. Discovery and appropriation
shall be the basis for establishing a right in
those minerals subject to location under the
Federal mining laws in force upon the date of
ratification of this Constitution by the people
of Alaska and thereafter reserved to the State,
as well as in all other metallic minerals re-
served to the State. Prior discovery, location
and filing shall, as prescribed by law, give
prior right to such minerals and to issuance of
permits, and transferable licenses, leaseholds,
deeds, or patents if authorized by the Congress,
and by the State, for the extraction thereof.
Except as title to mineral lands shall have been
conveyed by the State, continuance of such right
The provisions of this section shall apply also to all other minerals reserved to the state which by law are declared subject to appropriation.
Mineral Rights

Section 11. Discovering and appropriation shall be the basis for establishing a right in all metallic minerals reserved to the State, and in all other minerals reserved to the State and subject to location under the Federal mining laws in force upon the date of ratification of this constitution. Prior discovery, location, and filing, as prescribed by law, shall give a prior right to these minerals as well as a prior right to the issuance of permits, transferrable licenses, and for their extraction and processing. The continuance of these rights shall depend upon the performance of annual labor, payment of fees, rents, royalties, or 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 and basic processing of the mineral deposits. Deeds or patents may be granted under authority of Congress and the State.

Leases and Permits

Section 12. The legislature shall provide for the issuance 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. Leases and permits giving the exclusive right of prospecting by geophysical, geo-chemical and similar methods for all minerals may also be authorized by law.
shall depend upon performance of annual labor, on payment of fees, rents, or royalties, or such other requirements as may be prescribed by the Legislature. Surface use of such lands, by the mineral claimant, shall be limited to those necessary to either the extraction or basic processing of mineral deposits. The Legislature shall provide for the issuance, type, 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 exclusive right of exploration for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized for exploration conducted for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice and other minerals as may be prescribed by law. Like permits and leases may also be authorized by law for the use of geophysical, geochemical and similar methods of prospecting for all minerals.
Section 13. All surface and subsurface waters reserved to the people for common use, shall except mineral and medicinal waters, be subject to appropriation. Priority of appropriation shall give prior right in appropriation of water, except for public water supply, shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by the legislature.

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

Section 15. There shall be no exclusive right or special privilege of fishery created or authorized in the natural waters of the State.

Section 16. No person shall be involuntarily divested of his right to use of waters, his interests in lands, or improvements affecting either, except for a superior beneficial or public use; and then only with just compensation and by operation of law.
Proceedings in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization of resources, and just compensation for such taking, as well as for the taking of or damages to inferior property rights, shall be made.

The enumeration of specified powers shall not be construed as limitations on other implied powers of the State in relation to the utilization, development and conservation of natural resources, except as specifically provided herein.