Committee Proposal 17/c/Revised, dated January 29, 1956, after consideration in second reading, was referred to the two committees (Ordinances etc. and Style and Drafting). A new version was prepared, Committee Proposal 17/c/Second Revision, which formed the basis for the Style and Drafting Report dated January 31, and the final Style and Drafting Report dated February 1, 1956. This accounts for the designation on the Style and Drafting Report, 17/c/S.R.

The Second Revision was never duplicated. A copy is in the folder of the Style and Drafting Committee Work Files, designated Article XV, Schedule.
ALASKA CONSTITUTIONAL CONVENTION

REPORT OF COMMITTEE ON ORDINANCES
AND TRANSITIONAL MEASURES

Hon. William A. Egan
President, Constitutional Convention

Dear Mr. President:

Your Committee on Ordinances submits herewith its proposed Schedule to the Constitution consisting of 17 sections.

Delegate proposals have been fully considered. Portions of Proposal No. 39 were adopted.

Delegate Proposal No. 46 was considered legislative.

Delegate Proposal No. 33 on fish traps was augmented and is submitted on a favorable vote 5 for and 4 against.

Delegate Proposal 26 on the State Capital was adopted in part. Delegate Proposals No. 11 and No. 24 were considered.

Committee Proposal No. 4 was considered and rejected in favor of other handling of the Capital in the Schedule.

Both as to fish traps and the capital, members of the Committee reserve the right to speak as they see fit when the matter comes to the convention floor.

The term of office for the first Governor and Secretary was adopted as proposed by the Executive Committee.
The TENNESSEE PLAN ORDINANCE will be submitted separately.

Respectfully submitted,

Robert J. McNealy, Chairman
James Hurley, Vice-Chairman
Herb Hilscher
Seaborn J. Buckalew
Yule F. Kilcher
William W. Knight
W. W. Laws
B. D. Stewart
H. R. VanderLeest
Alaska Constitutional Convention

COMMITTEE PROPOSAL NO. 17

Introduced by Committee on Ordinances and Transitional Measures

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

**SCHEDULE**

That no inconvenience may result because of change from a territorial to a state form of government, it is declared and ordained:

<table>
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<tr>
<th>Effective Date</th>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>Section 1. This Constitution shall be in force immediately upon the admission of Alaska into the Union as a State.</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>Section 2. The capital of the State of Alaska shall be at Juneau.</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>Section 3. All laws of the Territory of Alaska in force at the time this Constitution takes effect and not inconsistent therewith shall be and remain in force as the laws of the State until they expire by their own limitation, are altered or repealed.</td>
</tr>
<tr>
<td>4</td>
<td>4</td>
<td>Section 4. Except as otherwise provided in this Constitution, all civil, criminal and administrative proceedings, rights, contracts, taxing powers, liabilities,</td>
</tr>
</tbody>
</table>

Committee Proposal/17
and property of whatsoever nature shall continue un-
affected notwithstanding the taking effect of this
Constitution, except that the State, or subdivision
thereof, shall be the legal successor to the
Territory, or subdivision thereof, in respect thereof
and all pending causes brought under or by virtue of
territorial law shall be transferred in their entirety
to the proper State Court or body when organized as
though commenced, filed or lodged therein at the first
instance.

Section 5. All officers of the Territory and any
subdivision thereof who are in office by election
or appointment on the date this Constitution takes
effect shall continue to hold their offices and to
perform the functions thereof in a manner not in-
consistent with this Constitution, unless the functions
of their offices are abolished or until their
successors shall have qualified in accordance with this
Constitution or any laws enacted pursuant thereto.

Section 6. The debts and liabilities of the
Territory shall be assumed and paid by the State, and
all debts owed to the Territory shall be collected by
the State; all property and records of whatsoever nature
owned or held by the territory, or any agency thereof,
shall inure to the State.
Section 7. When this Constitution takes effect, all persons domiciled in Alaska, citizens of the United States, shall be citizens of the state for all purposes.

Requirements as to residence citizenship or other status or qualifications prescribed by this Constitution shall be satisfied by corresponding residence, citizenship or other status or qualifications under the Territory.

Section 8. Until otherwise provided by law, the seal of the territory shall be the seal of the state and the legislature shall prescribe seals for courts, officers or boards created by this Constitution, or by law.

The flag of the territory shall be the flag of the State.

Section 9. This Constitution shall be submitted to the voters of Alaska for ratification or rejection at the territorial primary election to be held on the 24th day of April, 1956, to be conducted according to existing laws regulating primary elections, so far as applicable, except as herein provided.

Section 10. Each elector who offers to vote upon this Constitution shall be given a ballot by the election judges which in substance shall contain the following:
The returns of this election shall be made to the Governor of Alaska, and shall be canvassed substantially in the manner provided by law for territorial elections.

Section 11. If a majority of all the votes cast for and against the Constitution shall be given for the Constitution, then this document shall be deemed to be approved and accepted by the people of Alaska, and shall take effect accordingly. The Governor of Alaska shall forthwith submit a certified copy of the Constitution through the President to the Congress for approval, together with a statement of the votes cast thereon.

Section 12. When the people of the Territory ratify this Constitution and the same is approved by the duly constituted authority of the United States admitting Alaska into the Union, the governor of the Territory shall, within 30 days after receipt of the official notification of such approval, issue a proclamation for a primary and general election, at which officers for all state elective offices provided for by this Constitution shall be nominated and elected; provided that the officers to be elected shall include two senators, and one representative to the Congress to be
First Elections

Section 13. Said primary election shall take place not less than 40 nor more than 90 days after said proclamation and the general election shall take place within 50 days after the primary election. All elections provided for in these ordinances shall be conducted, insofar as possible, under territorial laws relating to elections of members of the legislature and the returns thereof shall be made, canvassed and certified in the manner prescribed by law. The Governor shall thereupon certify the results thereof to the President.

Officers to Take Office

Section 14. Upon the issuance by the President of a proclamation announcing the results of said election and the admission of this State to the Union, the officers elected and qualified shall proceed to exercise and discharge the duties of their respective offices.

Term of Governor and Secretary

Section 15. The first Governor and secretary of state shall hold office for a term beginning with the day on which they are elected and qualified and ending at noon on the first Monday in December of the even 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.
Certification of Senators and Representatives

Section 16. The Governor of the State and secretary of state shall certify the election of the senators and a representative to the Congress in the manner prescribed by law unless said senators and representatives have been otherwise seated by the Congress.

Section 17. The Territorial Legislature may enact laws necessary to supplement and make effective these ordinances in order to assure the functioning and orderly transfer of the Government until the officers provided for by this Constitution are elected and qualified, and until this Constitution takes effect.

Section 18. If this Constitution shall be accepted by the electors and a majority of all the votes cast for and against the ordinance to abolish fish traps shall be cast for adoption of the ordinance, then the following section shall be added to the Article entitled "General and Miscellaneous Provisions", and shall be part of this Constitution.

"Section _______. As a matter of urgency, 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 make manifest the
will of the people of Alaska at the earliest
possible date, the use of fish traps for the
taking of salmon for commercial purposes is
hereby prohibited in all the waters of the state.
Violations of this section shall be punishable by
a fine not to exceed $5,000.00 and by confiscation
of the fish traps. The police power of the state
shall be used to the extent necessary to enforce
this section."

Section 19. Each qualified voter who offers to
vote upon this Constitution shall be given a ballot by
the election judges which in substance shall contain the
following proposition:

FOR ABOLISHING FISH TRAPS
AGAINST ABOLISHING FISH TRAPS

Section 20. The first members of the Judicial
Council shall, notwithstanding Section 6, Article
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 submit to the Governor nominations to fill the
initial vacancies on the Supreme Court, including the
office of Chief Justice. Once the Chief Justice is
appointed, he shall assume his seat on the Judicial Council.
Alaska Constitutional Convention

COMMITTEE PROPOSAL NO. 17/a

Introduced by Committee on Ordinances and Transitional Measures

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

SCHEDULE

* * * * * * * * *

State Capital

1 Section 2. The capital of the State of Alaska shall be at Juneau.

* * * * * * * * *

Ordinance to Abolish Fish Traps

3 Section 20. If this constitution shall be accepted by the electors and a majority of all the votes cast for and against the ordinance to abolish fish traps shall be cast for adoption of the ordinance, then the following section shall become effective:

"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 the public domain of Alaska, to ensure fair competition among those engaged in commercial fishing, and to make manifest the will of the people of
Questions

Returns

1 Alaska pending the establishment of the first
2 state legislature, the use of fish traps for
3 the taking of salmon for commercial purposes
4 is hereby prohibited in all the waters of the
5 State until otherwise provided by law. Viola­
6 tions of this section shall be punishable by a
7 fine not to exceed $5,000.00 and by confiscation
8 of the fish traps. The police power of the
9 State shall be used to the extent necessary to
10 enforce this section."

11 Section 21. Each qualified voter who offers to
12 vote upon this Constitution shall be given a ballot
13 by the election judges which in substance shall con­
14 tain the following proposition:
15
16 FOR ORDINANCE ABOLISHING FISH TRAPS
17 AGAINST ORDINANCE ABOLISHING FISH TRAPS

* * * * * * * *
Alaska Constitutional Convention

COMMITTEE PROPOSAL NO. 17b

Introduced by Committee on Ordinances and Transitional Measures

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

SCHEDULE

That no inconvenience may result because of change from a
territorial to a state form of government, it is declared and
ordained:

<table>
<thead>
<tr>
<th>Effective Date</th>
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<tbody>
<tr>
<td>1</td>
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<td>Section 1. This constitution shall be in force immediately upon the admission of Alaska into the Union as a State.</td>
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<tr>
<td>2</td>
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<td>Section 2. All laws in force in the Territory of Alaska when this constitution takes effect and not inconsistent therewith shall be and remain in force until they expire by their own limitation, are altered or are repealed.</td>
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Committee Proposal No. 17b
Local Government Officers to Continue

Debts Due and Owed

1 or administrative proceedings shall continue
2 notwithstanding the change from territorial to
3 state government, and the State shall be the
4 legal successor to the Territory with respect
5 thereto.
6 Section 5. Pending adoption of measures
7 to carry out the provisions of the local govern-
8 ment article of this constitution, cities,
9 school districts, public utility districts and
10 other local subdivisions of government in
11 Alaska shall continue to exercise their powers
12 and functions under existing law but new cities,
13 districts or subdivisions shall be created only
14 in accordance with this constitution.
15 Section 6. All officers performing functions
16 vested by this constitution in the state on the
17 date this constitution takes effect shall continue
18 to perform these functions in a manner consistent
19 with this constitution until their offices or
20 functions are abolished or otherwise provided
21 for in accordance with this constitution or any
22 laws enacted pursuant thereto.
23 Section 7. The debts and liabilities of
24 the Territory shall be assumed and paid by the
25 State, and all debts owed to the Territory shall
be collected by the State. The state shall
succeed to all property and records owned or
held by the Territory, or any agency thereof.

Section 8. Residence or other qualifications
prescribed by this constitution shall be satisfied
by corresponding qualifications under the
Territory.

Section 9. The seal of the territory, sub-
stituting the word "state" for "territory", shall
be the seal of the state.

Section 10. The flag of the territory shall
be the flag of the State.

Section 11. This constitution shall be sub-
mitted to the voters of Alaska for ratification
or rejection at the territorial primary election
to be held on the 24th day of April, 1956, to be
conducted according to existing laws regulating
primary elections so far as applicable.

Section 12. Each elector who offers to vote
upon this constitution shall be given a ballot
by the election judges which in substance shall
contain the following proposition:

SHALL THE CONSTITUTION FOR THE STATE
OF ALASKA DRAWN UP AND AGREED UPON BY
THE ALASKA CONSTITUTIONAL CONVENTION
BE ADOPTED?

- YES -

- NO -
<table>
<thead>
<tr>
<th>Steps Upon Acceptance</th>
<th>Governor to Proclaim Election</th>
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<tr>
<td>1 The returns of this election shall be made to the Governor of Alaska and shall be canvassed substantially in the manner provided by law for territorial elections.</td>
<td>14 Section 14. When the people of the Territory ratify this constitution and the same is approved by the duly constituted authority of the United States, the governor of the Territory shall, within 30 days after receipt of the official notification of such approval, issue a proclamation and take other steps required to hold a primary and general election, at which officers for all state elective offices provided for by this constitution shall be nominated and elected.</td>
</tr>
<tr>
<td>2 Section 13. If a majority of all the votes cast for and against the constitution shall be given for the constitution, then this document shall be deemed to be approved and accepted by the people of Alaska. The governor of Alaska shall forthwith submit a certified copy of the constitution through the President to the Congress for approval, together with a statement of the votes cast thereon.</td>
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Section 15. The primary election shall take place not less than 40 nor more than 90 days after the proclamation of the Governor and the general election shall take place within 90 days after the primary election. The elections provided for herein shall be governed by this constitution and, to the extent applicable, by territorial laws.

Section 16. The officers to be elected at the first general election shall include two senators and one representative to the Congress, unless senators and a representative have been previously elected and seated in the Congress of the United States. With respect to congressional elections held in accordance with this section, 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 the taking of his seat, but if the first representative is elected in an even-numbered year to take office before the third
| Terms of First State Legislators | 1 | day of January next, a representative to fill  
|                               | 2 | the full term commencing on said third day of  
|                               | 3 | January shall be elected simultaneously, and the  
|                               | 4 | same person may be elected to both terms.  
|                               | 5 | Section 17. The first state legislators  
|                               | 6 | shall hold office for a term beginning with the  
|                               | 7 | day on which they are elected and qualified and  
|                               | 8 | ending at noon on the fourth Monday in January  
|                               | 9 | after the next general election, with senators  
|                               |10 | elected for "four year" terms serving an addi­  
|                               |11 | tional two years, provided that if the first  
|                               |12 | election occurs at any time during an even-­  
|                               |13 | numbered year, that election shall be deemed  
|                               |14 | to be the general election for that year.  
| Term of Governor and Secretary |15 | Section 18. The first governor and secretary  
|                               |16 | of state shall hold office for a term beginning  
|                               |17 | with the day on which they are elected and  
|                               |18 | qualified and ending at noon on the first Monday  
|                               |19 | in December of the even year following the  
|                               |20 | next Presidential election. This term shall  
|                               |21 | count as a full term for purposes of determining  
|                               |22 | eligibility for reelection only if it is four  
|                               |23 | years or more in duration.  
| Election Returns              |24 | Section 19. The returns of the first  
|                               |25 | general election shall be made, canvassed and  

- 6 -
1 certified in the manner prescribed by law. The
governor shall thereupon certify the results to
the President.

Section 20. Upon the issuance by the
President of a proclamation announcing the
results of said election, and the State having
been admitted into the Union, the officers
elected and qualified shall proceed to discharge
their duties.

Section 21. The governor shall convene a
special session of the first state legislature,
without limit as to duration, within 30 days
after the legislators are elected, if a regular
session of the legislature would not normally
fall within that period.

Section 22. The first members of the Judicial
Council shall, notwithstanding Section 8, Article
_____ 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 submit to the
governor nominations to fill the initial vacancies
on the Supreme Court, including the office of
Chief Justice. Once the Chief Justice is
Transfer of Court Jurisdiction

1 appointed, he shall assume his seat on the
2 Judicial Council.

Section 23. When this constitution takes
3 effect, the Judicial Article ______ shall become
4 effective only to the extent necessary to bring
5 about the organization of the courts and the
6 promulgation of rules provided for therein.
7 Upon the advice of the chief justice, the
8 governor shall by proclamation name the date
9 when the transfer of jurisdiction from Terri-
10 torial and United States courts shall commence.
11 Prior to that date, the Territorial and United
12 States courts shall continue, subject to the
13 laws of the United States and of the State, to
14 exercise the necessary judicial functions for
15 the State. After the date set for the transfer
16 of jurisdiction, the state courts shall assume
17 jurisdiction of all new causes properly coming
18 under the judicial power of the State and shall
19 begin to take jurisdiction of pending causes
20 in accordance with applicable laws and rules.

Questions

Returns

Sections 24 and 25. (See Committee Proposal/

17a, Sections 20 and 21.)

Supple-

mentationary

Measures

Section 26. The Territorial legislature
25 shall enact measures designed to give effect
1 to the provisions of this Article and to
2 ensure an orderly transfer of the government.
Alaska Constitutional Convention
Committee Proposal No. 17/c

Introduced by Committee on Ordinances and Transitional Measures

RESOLVED, that the following sections be adopted as part of the schedule of the Alaska State Constitution:

SCHEDULE

* * * * * * * * * *

Appointment of First Legislators

1  Section 27. The provisions of Section 5 of Article II of this constitution shall not prohibit the appointment of any member of the legislature first organized under this constitution to any state civil office or position created by this constitution or created during his first term.

Tennessee Plan

7  Section 28. Ordinance II. Since the election of two United States Senators and a Representative to the Congress of the United States is a necessary and proper measure in preparation for the admission of Alaska as a State of the Union, it is hereby ordered as follows:

(1) Upon ratification of this constitution by the people of Alaska, and separate approval of this ordinance by a majority of all the
votes cast for and against this ordinance,
there shall be chosen at the general election immediately following such ratification two persons to serve as members of the Senate of the United States, one 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 earlier expiration dates for one or both of them, and one person to serve as a member of the House of Representatives of the United States for the regular term of two years, expiring January 3, 1959.

(2) Until the admission of Alaska into the Union as a State, the persons nominated and elected to these offices may also hold or be nominated and elected to other offices of the territory or of the United States.

(3) The applicable laws of the territory shall govern nominations and elections to these offices, provided that the Director of Finance shall place on the ballot for the primary election to be held on the 24th of April, 1956 the names of qualifying candidates for party nomination therefor who file their declaration
of candidacy on or before February 20, 1956.
The Director of Finance shall place on the
ballot for the general election the name of
the candidate of each political party receiving
the largest number of votes for the respective
office at the primary election, and also the
names of qualifying independent candidates
who file a declaration of their candidacy prior
to February 20, 1956.

(4) If for any reason primary elections
do not serve as a basis for party nominations
to these offices for the general election,
then one nomination to each office may be made
at a party convention convened by each of the
political parties of Alaska. Each such party
shall certify its candidates to the Director
of Finance of the territory on or before
July 1, 1956, who shall place the names of the
candidates on the ballot for the next general
election. The names of qualified independent
candidates for these offices shall also be
placed on the ballot for the next general
election provided that the filing shall be
accomplished on or before July 1, 1956.

(5) The applications for filing and the
ballot form shall clearly indicate whether the candidates for United States Senator are running for the office carrying the regular or the short term. The candidate receiving the largest number of the votes cast for the office shall be elected. The duties and emoluments of these offices shall be as provided by law. The unexpended and unobligated funds appropriated to the Alaska Constitutional Convention by Chapter 46, Session Laws of Alaska, 1945, may be used to defray expenses attributable to elections under this ordinance.

(6) Should the Senators and the Representative be elected and seated in the Congress of the United States after the Congress approves this constitution but before the first elections are held for elective state offices under this constitution, then the following section shall be substituted for Article ____, Section ____ of the constitution.

"This constitution shall take effect upon admission of Alaska into the Union as a state in the following manner:

Section____ (re. first election of state officers) shall take effect immediately
and the rest of the constitution shall take effect on the date that the elected Governor of the state takes office."

(7) Each qualified voter who offers to vote upon this constitution shall be given a ballot by the election judges which in substance shall contain the following proposition:

**SHALL ORDINANCE NO. (TENNESSEE PLAN) SET FORTH IN THE PROPOSED CONSTITUTION FOR THE STATE OF ALASKA, CALLING FOR THE IMMEDIATE ELECTION OF TWO UNITED STATES SENATORS AND ONE UNITED STATES REPRESENTATIVE, BE ADOPTED?**

- YES
- NO
RESOLVED, that the following sections be adopted as part of the schedule of the Alaska State Constitution:

**SCHEDULE**

| Appointment of First Legislators | 1 | Section 27. The provisions of Section 5 of Article II of this constitution shall not prohibit the appointment of any member of the legislature first organized under this constitution to any state civil office or position created by this constitution or created during his first term. |
| Special Voting Provision | 2 | Section 28. Citizens who legally voted in the general election of November 4, 1924, and who fulfill the residence requirements for voting, shall be entitled to vote notwithstanding the provisions of Article V, Section 1 of this Constitution. |
| | 3 | Section 29. Ordinance II. Since the election of two United States Senators and a Representative to the Congress of the United States is a necessary and proper measure in preparation for the admission... |
Election of U. S. Senators and Representative

of Alaska as a State of the Union, it is hereby ordered, pursuant to Chapter 46, Sessions Laws of Alaska, 1945, and in order to carry out the purposes of this Convention, as follows:

(1) Upon ratification of this constitution by the people of Alaska, and separate approval of this ordinance by a majority of all the votes cast for and against this ordinance, there shall be chosen at the general election immediately following such ratification two persons to serve as members of the Senate of the United States, one 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 earlier expiration dates for one or both of them, and one person to serve as a member of the House of Representatives of the United States for the regular term of two years, expiring January 3, 1959. Such persons shall meet the qualifications for these offices as set forth in the Constitution of the United States and shall be qualified voters of Alaska.

(2) Until the admission of Alaska into the Union as a State, the persons nominated

- 2 -
The Secretary of the Convention shall arrange for the preparation of ballots bearing the names of all candidates for these offices in general conformity with the provisions of law for the preparation of primary ballots as prescribed in Section 38-4-4, ACLA 1949, and for the distribution of Official and Sample ballots to the Clerks of the Court for the respective Judicial Divisions. Across the head of each ballot shall be printed in large type the words "Official (or Sample) Primary Ballot", and in smaller type, "Candidates for U. S. Senate and House of Representatives". The ballot shall include a statement referring to this ordinance and the purpose thereof. The Secretary may supply the Clerks of the Court with such additional election supplies as may be necessary. The Director of Finance shall, on or before June 15, 1956, certify to the Clerks of the Court of each Division the names of all candidates who have been nominated for these offices, including the names of qualifying independent candidates who file a declaration of their candidacy on or before February 20, 1956.
(5) If primary elections for these offices are not held in all Divisions of the Territory of if, for any other reason, the Director of Finance has not, by June 25, 1956, certified to the Clerks of the Court of the respective Divisions, the names of the party nominees for these offices, then party nominations for each of these offices may be made by party conventions in the same manner as set forth in Section 38-4-11, ACLA 1949, for filling a vacancy in a party nomination occurring in a primary election. The Chairman and Secretary of the Central Committee of each major political party shall immediately upon such nominations being made and in no event later than July 15, 1956, certify by telegraph or otherwise the names of the candidates nominated to the Clerk of the Court in each Division, who shall place the names of the candidates on the ballot for the general election. The names of qualifying independent candidates for these offices shall also be placed on the ballot for the next general election if they have filed a declara
tion of their candidacy with the Director of Finance on or before July 15, 1956.
(6) The applications for filing and the ballot form shall clearly indicate whether the candidates for United States Senator are running for the office carrying the regular or the short term. The candidate receiving the largest number of the votes cast for the office shall be elected. The unexpended and unobligated funds appropriated to the Alaska Constitutional Convention by Chapter 46, Session Laws of Alaska, 1945, may be used to defray expenses attributable to elections under this ordinance.

(7) Should the Senators and the Representative be elected and seated in the Congress of the United States after the Congress approves this constitution but before the first elections are held for elective state offices under this constitution, then the following section shall be substituted for Article______, Section______ of the constitution.

"This constitution shall take effect upon admission of Alask into the Union as a state in the following manner:

Section______(re. first election of state officers) shall take effect immediately and the rest of the constitution shall
take effect on the date that the elected Governor of the state takes office."

Ballot Form

(8) Each qualified voter who offers to vote upon this constitution shall be given a ballot by the election judges which in substance shall contain the following proposition:

SHALL ORDINANCE NO. II (TENNESSEE PLAN) SET FORTH IN THE PROPOSED CONSTITUTION FOR THE STATE OF ALASKA, CALLING FOR THE IMMEDIATE ELECTION OF TWO UNITED STATES SENATORS AND ONE UNITED STATES REPRESENTATIVE, BE ADOPTED?  

YES  

NO
Hon. William A. Egan, President
Alaska Constitutional Convention

Dear Mr. President:

Your Committee on Ordinances submits the attached interim report of ordinances to be proposed, progress made and a brief commentary, especially as to the TENNESSEE PLAN.

Respectfully submitted,

Robert J. McNealy, Chairman
James J. Hurley, Vice Chairman
Herb Hilscher, Secretary
W. W. Laws
B. D. Stewart
Tule F. Kilcher
H. R. VanderLeest
Seaborn J. Buckalew
William W. Knight
INTERIM REPORT OF COMMITTEE IV
ORDINANCES AND TRANSITIONAL MEASURES

The Committee has prepared a number of transitional ordinances which are being held in Committee for three purposes:

1. Some change may be necessary in the wording due to adoption of certain proposals in the main body of the Constitution.

2. For further study, during recess, as to legality and phrasing.

3. For consideration of Reports of Public Hearings held during recess.

Of the many hundreds of reported cases attacking new constitutions, fully 90% have been directed against the transitional measures. For this reason your committee has caused legal research to be done that we may have court decisions supporting ordinances offered.

For the use of the Delegates during recess, materials on the TENNESSEE PLAN have been prepared for distribution. An ordinance submitting this plan to the voters will be proposed by the Committee after recess. At Public Hearings the TENNESSEE PLAN should be discussed before the public.

The following ordinances to be proposed are held in Committee during recess. Other Ordinances required are in the drafting stage.

SCHEDULE

That no inconvenience may result because of change from a territorial to a state form of government, it is declared and ordained:
TRANSITIONAL PROVISIONS

Section 1. (Constitution to take effect) This constitution shall be in force immediately upon the admission of Alaska into the Union as a State.

Section 2. (Former laws in force) All laws of the Territory of Alaska in force at the time this constitution takes effect and not inconsistent therewith shall be and remain in force as the laws of the State until they expire by their own limitation, are altered or repealed.

Section 3. (Saving of existing rights and liabilities) Except as otherwise provided in this Constitution, all civil, criminal and administrative proceedings, rights, contracts and liabilities of whatsoever nature shall continue unaffected notwithstanding the taking effect of this Constitution, except that the State shall be the legal successor to the Territory in respect thereof and all pending causes brought under or by virtue of territorial law shall be transferred in their entirety to the proper State Court or body when organized as though commenced, filed or lodged therein at the first instance.

Section 4. (Officers to continue in office) All officers of the Territory and any subdivision thereof who are in office by election or appointment on the date this constitution takes effect shall continue to hold their offices and to perform the functions thereof in a manner not inconsistent with this constitution, unless the functions of their offices are abolished or
until their successors shall have qualified in accordance with this constitution or any laws enacted pursuant thereto.

Section 5. (Debts due or owed) The debts and liabilities of the Territory shall be assumed and paid by the State, and all debts owed to the Territory shall be collected by the State; all property and records of whatsoever nature owned or held by the territory, or any agency thereof, shall inure to the State.

Section _____ (Seals) Until otherwise provided by law, the seal of the territory shall be the seal of the state and the legislature shall prescribe seals for courts, officers or boards created by this constitution, or by law.

Section _____ (Ratification) This constitution shall be submitted to the voters of Alaska for ratification or rejection at the territorial primary election to be held on the ___ day of April, 1956, to be conducted according to existing laws regulating primary elections, so far as applicable, except as herein provided.

Section ____ (Questions - Returns) Each elector who offers to vote upon this constitution shall be given a ballot by the election judges which in substance shall contain the following:

FOR THE CONSTITUTION  
AGAINT THE CONSTITUTION  

The returns of this election shall be made to the Governor of Alaska and shall be canvassed substantially in the manner provided by law for territorial elections.

Section ____ (If accepted, Governor to act) If a majority of all the the votes cast for and against the constitution shall be given for
the constitution, then this document shall be deemed to be approved and accepted by the people of Alaska, and shall take effect accordingly. The Governor of Alaska shall forthwith submit a certified copy of the constitution through the President to the Congress for approval, together with a statement of the votes cast thereon.

Section ___ (Amend or Supplement) It shall be the duty of the governor and the territorial legislature to supplement and make effective the ordinances herein contained.

After ratification the legislature of the territory may, by a two-thirds majority vote of the full membership of both houses in joint session assembled, amend or supplement these transitional provisions to meet the requirement of the enabling act of Congress admitting Alaska as a state.

Section ___ (Election of Senators and Representatives) Upon the ratification of this Constitution and the separate approval of this ordinance by the people, there shall be chosen at the general election next following such ratification and approval two persons to serve as members of the Senate of the United States and one person to serve as a member of the House of Representatives of the United States. Such persons shall meet the qualifications for membership in the Senate and House of Representatives of the United States as set out in the Federal Constitution and shall be qualified electors of the Territory of Alaska. At the said general election, the persons receiving the largest number of votes for each office shall be declared elected.

The political parties of Alaska, in Convention assembled, shall nominate their candidates for these offices. Each political party
shall certify to the Director of Finance of the Territory of Alaska, on or before July 1, 1956, its candidates for these offices. The Director of Finance of the Territory of Alaska shall certify the names of all nominees to the clerks of court for the respective judicial divisions of the Territory for placement on the ballot within 10 days after the same have been certified.

The provisions of Alaska Compiled Laws Annotated, 1949, section 38-5-10 as amended, shall be applicable for the purpose of placing on the ballot for the general election next following the ratification of this Constitution and the approval of this ordinance the names of independent candidates for the offices included in this ordinance, except that for the purpose of this ordinance the filing shall be July 1, 1956.

This ordinance shall require a separate, majority and affirmative vote of the people to make it effective. This ordinance shall appear separately and on the same ballot as that used in voting on the ratification of this Constitution. The following language shall be used:

Shall Convention Ordinance No.____(known as the "Tennessee Plan") of the Constitutional Convention, calling for the election of two United States Senators and one United States Representative, be adopted?

Yes No

Any additional cost involved in electing two United States Senators and one United States Representative at the general
election next following the ratification of this Constitution and
the approval of this ordinance shall be paid out of the unexpended
funds appropriated to the Alaska Constitutional Convention by

COMMENTARY

A commentary supported by decisions of the courts will be furnished
at the time the committee proposal is brought to the floor. For the
purposes of this interim report, only two sections are mentioned.

1. The Tennessee Plan Ordinance.

The committee would have preferred to provide for a primary
election for two senators and a representative. There will be no con­
vention funds to provide for a special primary election, it appears.

We cannot provide for a primary election when the Tennessee
Plan and the Constitution is submitted to the voters at the regular
primary. The reason for this is that the filing date for candidates for
office ends on February 1, 1956 and it is manifestly impossible to have
candidates file for the offices of Senators and Representative by that
time.

The only alternative was to provide for these first candidates
by party convention and independent candidates.

2. An ordinance providing for a referendum vote on the loca­
tion of the State Capital was referred to this committee just prior to
recess. The ordinance will be considered and reported out after the
recess.
ALASKA CONSTITUTIONAL CONVENTION

Report of the Committee on Ordinances and Transitional Measures

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your committee on Ordinances and Transitional Measures submits herewith a proposal for consideration of the Convention.

These are additional miscellaneous matters that can appropriately be considered in conjunction with Committee Proposal No. 17 on Schedule.

Respectfully submitted,
Robert J. McNealy, Chairman
James Hurley
Herb Hilscher
Seaborn J. Buckalew
Yule F. Kilcher
William W. Knight
W. W. Laws
B. D. Stewart
H. R. VanderLeest
Constitutional Convention
Committee Proposal No. 17/z
February 2, 1956

Constitutional Convention of Alaska

COMMITTEE PROPOSAL NO. 17/z

Introduced by Committee on Ordinances and Transitional Measures

SCHEDULE

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

Separability and Amendment of Schedule

1. Section 30. 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 thereby. 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.

Orderly Transition

8. Section 31. The territorial legislature and the appropriate officials, federal and territorial, shall take necessary action to insure the orderly transition from territorial to state government.

Action by Legislature

12. Section 32. If, after the people of Alaska ratify this constitution, Alaska has not been admitted as a state before the fourth Monday in January, 1959, the territorial legislature shall provide for the election of officers under this constitution and for proclaiming the date on which the constitution shall become effective.
Ordinances/2 was assigned to "Draft Transitional Provisions" of which there is no copy on file.
The committee has had the advise and assistance of Dr. Donald Moberg of the University of Alaska, Dr. Ernest Bartley, Constitutional Law expert from Florida, Tom Stewart, Secretary of the Convention, and legal research from the Federal Law Library with the permission of Honorable Vernon D. Forbes, United States District Judge for the Fourth Division, District of Alaska, with briefs of legal decisions being furnished by Lazar Dworkin, researcher.

I

The committee has considered proposals, letters and materials introduced concerning transitory measures.

II

The committee has drawn, amended and holds in second reading the following necessary transitory measures:

Sec. 1 - Constitution to take Effect
Sec. 2 - Former laws in Force
Sec. 3 - Saving of Existing Rights and Liabilities
Sec. 4 - Officers to continue in Office
Sec. 5 - Debts due and Owed
Sec. 6 - Interim Method of Amendment

Sec. 7 - Election of First Officers

Other necessary subjects for schedule and transitory measures are in the drafting stage or being compared with Court decisions to assure legality.

Since there are literally hundreds of cases reported attacking every phase of state constitutions, and in view of the fact that the majority of these attacks have been made by way of injunction or mandamus against the transitory ordinances, this committee has and is spending a great deal of its time comparing and wording its ordinances to withstand every forceable Court action.

III

THE TENNESSEE PLAN

One of the important matters under consideration by this committee, and certainly the affair of greatest reading interest to the People of Alaska, is the TENNESSEE PLAN.

So far as the Constitutional Convention is concerned, this plan arose in the Ordinance Committee. Credit to bringing this plan for consideration rightfully goes to George H. Lehleitner, a New Orleans, La. businessman, advocate of immediate statehood for Alaska and Hawaii. Nearly all members of the committee have at one time or another in the past year talked with Mr. Lehleitner on the subject and the committee has secured much of its historical material from or through him. Of especial note is the research of the Library of Congress by William R. Tansill of the Legislature Reference Service compiled for Senator Long of Louisiana and given by him to Mr. Lehleitner.

The Committee has also studied early Court decisions and other materials in this connection and because of the future historical value, as advanced by one of the expert consultants, the interest to delegates and the People of Alaska, a brief summary of the plan is incorporated in this report, as follows:

Fifteen States entered the Union without prior enabling acts. Of these only Tennessee, Michigan, California and Oregon will be considered for the purposes of this report.

The Tennessee Plan is briefly the calling of a Constitutional Convention as we have done, writing a Constitution as we are doing, having it ratified by the people as it will be, and electing at least two Senators and a Representative to Congress as we
hope to do; all without the prior consent of Congress in an enabling act.

1. **Tennessee.** Sentiment for statehood arose shortly after Tennessee became a territory in 1790. The people forced the governor to call an election for delegates to a Constitutional Convention, with consent of Congress. The elected delegates met January 11, 1796, and completed their Constitution on February 5, 1796. The document was not submitted to the people for ratification but the delegates decreed it to be in effect.

Three days later Governor Blount, also President of the Convention sent a copy of the Constitution to the U.S. Secretary of State. The legislature assembly formed by the Constitution met on March 28, 1796, and chose two Senators and provided for election of two Representatives. Less than two weeks later President Washington submitted the new Tennessee Constitution to Congress for approval.

A battle arose in the House between the Jeffersonians and Federalists as it appeared that the Tennessee elect were all Jeffersonians. The two Senators elect appeared on May 23rd and asked to be seated. This request was refused but the Senate provided seats for them as "spectators". On June 1, 1796, the statehood bill was approved. By a vote of 11 to 10 the Senators were required to be re-elected as well as the Representatives. It is of interest to note that ANDREW JACKSON was elected the sole representative seat granted Tennessee.

2. **Michigan.** Without consent of Congress, the territorial legislature provided for election of delegates to a Constitutional Convention. The delegates assembled in May 11, 1835 and concluded their labors on June 24, 1835. The Constitution was ratified by the people, and a Governor, State Legislature and Representative to Congress were elected at the same time.

November 2, 1835, the State Legislature elected two Senators. December 7, 1835, Michigan's Senators and Representation appeared in Washington with requests for recognition. On December 10th a Motion that the courtesy of the Senate be accorded the newly elect was tabled.

June 15, 1836, an act of Congress admitting Michigan was approved provided that she redefine her boundaries to Ohio's advantage. It required two further conventions before Michigan would agree to surrender certain lands to Ohio but it was done at last and Michigan was admitted to the Union January 26, 1837.

3. **California.** California did not even have territorial status in 1849. The military governor issued a proclamation
calling a Constitutional Convention, delegates were elected August 1, 1849, and met September 1, 1849, and concluded drawing the Constitution October 13, 1849.

On November 13th an election was held, the Constitution was ratified and a Governor, Lieutenant Governor, two Congressman and members of the State Legislature were elected. A month later the legislature chose two U. S. Senators.

In February 1850 the elected delegation appeared in Washington and presented their credentials together with a memorial which said in part:

"They did not present themselves as supplicants, nor with arrogance or presumption. They came as free American Citizens - citizens by treaty, by adoption and by birth--and asked for a common share in the common benefits and common ills, and for the opportunity to promote the general welfare as one of the United States"

Due to the slavery question an eight months debate was set off. California was admitted September 9, 1850, and her elected officials seated in the Senate and the House.

Oregon. - The last state to enter the Union in this unique fashion, Oregon assembled its Constitutional Convention August 17, 1857, and adjourned September 18, 1857. The Constitution provided that a special election be held in June 1858 to elect state officers, legislature and a representative. The following month the legislature elected two Senators, one of them being Joseph Lane, Delegate to Congress.

The elected presented themselves for seats. Since Oregon was Democratic the Republicans objected to admission and Congress adjourned for the summer. More opposition was encountered from the Oregon newspapers than was found in the Capital.

"Extensive lobbying was done by the Senators and Representative elect as they were anxious to start drawing their pay." Finally on February 14, 1859, President Buchanan signed the bill admitting Oregon to Statehood.

CONCLUSION

The foregoing touches only a part of the material supporting the Tennessee Plan. The committee has consulted with Senator Knowland and other Senators have been contacted, none of whom are adverse to the plan. They believe it a matter to be decided by Alaskans.
The committee has further considered the points in opposition to the plan which will also be submitted to the Convention and the People of Alaska.

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.

Submitted for filing this 13th day of December, 1955, at Constitutional Convention Hall, College, Alaska.

Robert J. McNealy, Chairman
Committee No. IV

ATTEST:

Herb Hilscher, Secretary
REPORT OF COMMITTEE NO. IV
ORDINANCES AND TRANSITIONAL MEASURES

Robert J. McNealy, Chairman, Fairbanks
Seaborn J. Buckalew, Member, Anchorage
Herb Hilscher, Anchorage — Secretary
James Hurley, Palmer — Vice Chairman
Yule F. Kilcher, Homer
William W. Knight, Sitka
W. W. Laws, Nome
B. D. Stewart, Juneau
H. R. Vanderleest, Juneau

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Submitted for filing this 13th day of December, 1955, at Constitutional Convention Hall, College, Alaska.

Robert J. McNealy, Chairman
Committee No. IV

ATTEST:

Herb Hilscher, Secretary
ORDERLY TRANSITION FROM TERRITORIAL TO STATEHOOD STATUS

TO: House of Representatives, Congress of the United States
Senate, Congress of the United States
Committee on Territories and Insular Possessions, House of Representatives, United States Congress
Committee on Territories and Insular Possessions, Senate, United States Congress
Honorable E. L. Bartlett, Delegate in Congress from Alaska

WHEREAS, the pending bills for admission of Alaska as a state of the Union, i.e. H.R. 2535 and S.B. 50, presently under consideration by Congress, provide assistance for the long range transition from Territorial status to statehood, and

WHEREAS, an orderly transition will require provision of adequate means for continuance of many functions of government, under longtime Federal jurisdiction, during the shorter transition period immediately following the advent of statehood, and

WHEREAS, no specified period of time is established for full assumption by the new state of such functions and payment of the operating costs involved,

NOW THEREFORE; Be it resolved that, we the people of Alaska, through our Delegates in Constitutional Convention Assembled respectfully request and urge:
That the Congressional Act admitting Alaska as a State of the Union provide and allow for the continued use of Federal appropriations for payment of the costs of these normal functions of government during the Federal fiscal year in which admission of Alaska as a State of the Union is granted, or until the operation of such functions is earlier assumed by the State.
CONSTITUTIONAL CONVENTION OF ALASKA

DELEGATE PROPOSAL NO. 46

Introduced by Victor C. Rivers

ORDINANCE

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

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

Section 1. The legislature shall provide for the establishment of one or more agencies as may be required for the regulation, in the public interest, of public utilities and privately owned utilities serving the public. Such agency, or agencies shall be authorized and empowered to issue permits as may be required by the public convenience and necessity, determine and establish fair and just service rates or approve or disapprove service rate schedules of such utilities, determine limits of service areas and establish service or system boundaries from time to time as circumstances may require and to exercise such additional powers and duties as may be prescribed by law. Decisions of such an agency or agencies shall be conditioned upon adequate studies of the circumstances involved and upon public hearings which shall provide and allow for intervention by all parties in interest in the case or cases under consideration.
CONSTITUTIONAL CONVENTION
DELEGATE PROPOSAL NO. 39
Referred to Committee on
Ordinances and Transitional
Measures
December 7, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 39

Introduced by Maurice T. Johnson

TRANSITORY PROVISIONS

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

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

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

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

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

DELEGATE PROPOSAL NO. 39
of Alaska who are holding office on the date this Constitution takes effect shall continue to hold their judicial offices until the expiration of the terms for which they were appointed.

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

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

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

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

Section 8. Requirements as to residence citizenship or other status or qualifications in or under the State prescribed by this constitution shall be satisfied by corresponding residence, citizenship or other status or qualifications under the Territory. Compensation for service in the State Militia or the armed forces of the United States is not "profit" as that term is used in this constitution.
Section 9. In case the people of the Territory ratify this constitution and the same is approved by the duly constituted authority of the United States whose approval thereto may be required, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation for primary and final elections, as herein-after provided, at which officers for all state elective offices provided for by this constitution shall be nominated and elected.

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

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

Done in Convention, at the University of Alaska, on the _____ day of ________, in the year one thousand nine hundred fifty-six, and of the Independence of the United States of America the one hundred and eightieth.
RESOLUTION NO. 

RESOLVED that the Committee on Resolutions and Recommendations be charged with the responsibility of making certain that proposals covering the 7 requirements of H.R. 2535 are submitted to this Convention.

W. O. Smith
Nov. 30, 1955