Constitutional Convention
Delegate Proposal/23
Referred to Committee on
Legislative Branch
November 26, 1955

Constitutional Convention of Alaska
PROPOSAL NO.23
Introduced by R.E. Robertson

Legislature: To create a Legislature with qualifications of its members, and to establish legislative and sub-legislative districts, and representation therefrom, and to require decennial reapportionment.

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

1. All legislative powers shall vest in the Legislature of Alaska, which shall consist of a Senate and a House of Representatives.

2. All legislators shall be United States and Alaskan citizens and bona fide residents for not less than two years of the State, and Senators shall be not less than 25 years old and Representatives shall be not less than 21 years old. They may be either male or female.

3. The Senate shall be composed of four Senators from each legislative district, elected by popular vote, and each shall have one vote. After the announcement of the results of the Federal 1960 national decennial census, they shall be reapportioned, so that each legislative district shall thereafter have two Senators for the first 10,000 population, or fraction thereof, and,

1 commencing with the 1962 general elections, one additional Senator,
2 for the 1962-1972 decennium, for each additional 20,000 people or
3 fraction thereof; for the 1972-1982 decennium, for each additional
4 40,000 people or fraction thereof; and, for the 1982-1992 decennium,
5 for each additional 60,000 people or fraction thereof. Not more
6 than 25 Senators shall hold office at any one time. Each Senator
7 shall be elected for a term of six years, other than, as selected
8 by lot, the terms of two of them from each legislative district
9 for the first election shall serve only four years.
10 4. The House of Representatives shall be composed of one
11 Representative from each sub-legislative district, elected by
12 popular vote, and each shall have one vote. After the announcement
13 of the Federal 1960 national census, they shall be reapportioned
14 so that a sub-legislative district with less than 1,000 population
15 shall be made a part of such adjacent sub-legislative district as
16 has the lowest population of all adjacent sub-legislative districts
17 and combined they shall have one Representative if combined they
18 have a population of 1,000 or more. If not, they shall be com-
19 bined with such other and further adjacent sub-legislative dis-
20 tricts until a total combined population of 1,000 or more is reached
21 for representation by one Representative. Combination with a sub-
22 legislative district which already has a population of 1,000 or
23 more shall not entitle the combined sub-legislative districts to
24 another Representative. Such reapportionment shall be effective
25 at the 1962 general elections. If a municipality of 5,000 people

1 or more is situated within any sub-legislative district, that
2 district shall be entitled to elect one representative who resides
3 within the district but outside the boundaries of the municipality
4 and one representative who resides within the boundaries of both
5 the municipality and the District, provided, commencing with the
6 1962 general elections,a sub-legislative district shall have one
7 representative for each 20,000 people or fraction thereof, but
8 representation shall be apportioned between sub-legislative
9 district and municipalities therein having 5,000 or more people as
10 hereinbefore stated. Representatives shall be elected for a term
11 of four years. Not more than 41 Representatives shall hold office
12 at any one time.
13 5. Senators and Representatives shall be permanent residents
14 of the respective legislative or sub-legislative district from
15 which they are respectively elected.
16 6. The First Legislative District shall comprise the area
17 defined by the present boundaries of the First Judicial Division
18 of the Territory of Alaska; the Second Legislative District, of the
19 Second Judicial Division; the Third Legislative District, of the
20 Third Judicial Division; the Fourth Legislative District, of the
21 Fourth Judicial Division. Each area defined by the boundaries of
22 the present recording districts or precincts shall comprise a
23 sub-legislative district, except when the present area is less than
24 200 square miles it shall be combined with the adjacent recording
25 precinct area whose population is next lowest to its to comprise

1 one sub-legislative district.

2 7. The Legislature shall reapportion upon the basis of popula-
3 tion its membership at the end of each Federal national decennial
4 census. Should the Legislature fail at its next regular session
5 after the announcement of the results of such national census to
6 reapportion its membership, the Governor shall promptly appoint
7 a non-partisan commission of five Alaskan citizens to make it,
8 which reapportionment shall be in force and effect thenceforth
9 until the next reapportionment is made in accordance herewith.
10 The first reapportionment shall be made after the announcement
11 of the results of the Federal 1960 national census.

12 8. Each House shall be the judge of the elections, returns and
13 qualifications of its own members; and a majority of each shall
14 constitute a quorum to do business; but a smaller number may
15 adjourn from day to day, and may be authorized to compel the
16 attendance of absent members, in such manner, and under such
17 penalties, as each House may provide. Each House may determine the
18 rules of its proceedings; punish its members for disorderly behavior,
19 and, with the concurrence of two-thirds, expel a member. Each House
20 shall keep a journal of its proceedings, and from time to time
21 publish the same, excepting such parts as may in their judgment
22 require secrecy; and the yeas and nays of the members of either
23 House on any question shall, at the request of any member present,
24 be entered on the journals. Neither house shall appoint or transact
25 business through a Conference Committee or sit as a Committee of the
26 Whole.

Referred to Committee
on Legislative Branch
November 21, 1955

CONSTITUTIONAL CONVENTION

PROPOSAL NO. 11

Introduced by: Thomas Harris

LOCATION OF THE STATE CAPITAL

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

> The location of the permanent seat of the Government of Alaska shall be selected by a majority vote of all the qualified electors of Alaska voting on the question.

NOTE: If the above proposal is approved, an ordinance should be prepared prescribing when and by what procedure the qualified electors of Alaska shall select the permanent seat of the government of Alaska and the period within which the move to the new capital should be effected, should a site other than Juneau be selected.

Referred to Committee on
Legislative Branch
November 21, 1955

R E S O L U T I O N

LOCATION OF STATE CAPITAL

Introduced by Chris Poulsen, Anchorage

RESOLVED: That immediately after the State Government becomes in effect, a referendum be held on the following question:

> "Shall the Capital of Alaska be
> located in the city of Juneau,
> the Matanuska Valley near Palmer,
> or the Tanana Valley near Fairbanks?"

November 28, 1955

PRESS RELEASE

ALASKA CONSTITUTIONAL CONVENTION

Convention to Discuss Unicameral vs. Bicameral Legislature

The Convention voted today to meet as a Committee of the Whole at 7:30 P.M. on Wednesday, November 30 at Constitution Hall, University of Alaska, to discuss the question of whether the State Constitution should provide for a unicameral or a bicameral legislature. The motion to hold this special meeting was made by Mr. Steve McCutcheon, Chairman of the Committee on Legislative Branch, which is the Convention Committee primarily concerned with this question. Mr. McCutcheon explained that his Committee had not reached a decision on this basic question and that the members were unanimous in their desire to have an expression of views by Delegates on the subject at a time when members of the public could attend.

The work of several Convention Committees will be affected by the decision which the Convention in due course makes on this question. For example, the Committee on Suffrage, Elections and Apportionment has been considering alternate forms of districting and apportionment for a unicameral and a bicameral legislature. Its work will contribute to the Convention decision and, in turn, be affected by it.

Thomas B. Stewart
Secretary
Alaska Constitutional Convention

PRELIMINARY DRAFT

CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO._____

Introduced by Committee on Legislative Branch

LEGISLATIVE POWERS AND DUTIES

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

ARTICLE _____ LEGISLATIVE DEPARTMENT

Legislative Power

Section 1. The legislative power and authority of the state ~~shall be~~ is vested in a legislature, which ~~shall~~ consists of a Senate and a House of Representatives.

Qualifications of members

Section 2. A senator must be at least 25 years of age and must have resided in Alaska at least 3 years immediately prior to filing for office, and in the district to be represented at least one year, and shall otherwise be a qualified elector.

A representative must be at least 21 years of age and must have resided in Alaska at least 3 years immediately prior to filing for office, and in the district to be represented at least one year, and shall otherwise be a qualified elector.

Election; terms

Section 3. Members of the legislature shall be elected on the day provided for general elections, Page 2 and their terms of office shall begin on the fourth Monday of the following January. The term of office of members of the house of representatives is two years, and the term of office ~~[illegible]~~ of members of the senate is four years, but one-half of the members shall be elected each two years.

Article —

LEGISLATIVE BRANCH

1. The legislative power and authority of the State of Alaska shall be vested in a legislature which shall consist of a Senate and House of Representatives.

2. ~~Eligibility of~~ A state senator ~~shall require not less than~~ must be at least 25 years of age, and have been residence of Alaska at least ~~(5)~~ 3 years immediately prior to such filing and shall otherwise be a qualified elector ~~from~~ and a Resident of the district, and a resident home owner the district to be represented. OK.

~~Eligibility of~~ A state representative ~~shall require not less than~~ must be at least 4-3. years of age, and have been residence of Alaska at least 3 years immediately prior to such filing and shall otherwise be a qualified elector from the district to be represented. Residence

(and a Resident of the dist for 1 year)

(Minimums -)

3. Members of the legislature shall be elected on the day provided by law for general elections ~~for Congressmen~~ and their term of office shall begin on the first Monday of the January thereafter. OK.

Whenever a vacancy occurs in the legislature, it shall be filled by a majority vote of the remaining members from the district in which said vacancy occurred, or in such other manner as may be provided by law. If, after thirty days following the occurrance of a vacancy it remains unfilled, the governor shall appoint some eligible person for the unexpired term. Eligibility in addition to other qualifications shall require that the person filling the vacancy be of the same political party as the legislator vacating the office. ?

~~Unexpired term or until next General Election.~~

Use Hawaiian terminology for this Section.

exceed 30 days, ~~except,~~ By a vote of 3/5th of all the legislators any session may be extended for not to exceed 10 additional days, and at the expiration of ~~such~~ the extension may by a vote of 2/3rd ~~majority~~ of all the legislators extend an additional 10 days, and at the expiration of ~~such~~ the second extension may by a vote of 3/4ths ~~vote~~ of all the legislators extend an additional 5 days. In no case shall the longer term continue more than 85 days nor the shorter term for longer than 55 days ~~unless the Governor shall declare an emergency and continue the legislature in session until such emergency shall have ceased to exist.~~ Special sessions may be called by the Governor of the state of Alaska. Special sessions may be ~~instituted in the event~~ ordered by a vote of 2/3rds of the legislators, ~~shall~~ through a poll directed by the ~~presiding officer of the legislative council, affirm.~~ legislative council, ~~In the event of such affirmation~~ the Governor ~~shall be notified and~~ shall cause the legislature to assemble in special session.

Revise New

~~9. There shall be a legislative council consisting of not less than five members two of which shall be the presiding officers of the Senate and House of Representatives, nor more than eleven, chosen from all the legislators. Members of the council will be elected as the legislature shall direct and shall serve in office until their successors have been chosen and qualified. The legislature by a majority vote of all the members may dissolve the legislative council at any time and proceed to election of a successor thereto.~~ Insert.

10. The Houses of the legislature shall adopt uniform rules. ~~They~~ Each House shall have the power to choose ~~their~~ its officers and employees, shall be the judge

4. No member of the legislature shall hold ~~or be appointed to~~ any office which has been created, or the salary or emoluments of which have been increased, while he was a member of ~~said~~ the legislature, during the term for which he was elected and for one year after the expiration of such term. No legislator or other elective or appointive officer of this state shall file or run for election to any other State office ~~of this state~~ until his services shall have been terminated. The restrictions of this section shall not apply to positions of employment or elections appertaining to any constitutional convention of this state ~~or the United States.~~

use Hawaiian Terminology.

5. Legislators shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the sessions of the legislature and for fifteen days next preceding the commencement of a session and fifteen days after such termination; and they shall not be questioned for any speech or debate during ~~session~~ IN THE LEGISLATURE, in any other place.

Good Answer see.

6. (during legislative sessions) Legislators shall receive as compensation not less than the daily compensation of the Governor of the State of Alaska and shall be entitled while in attendance to the per diem travel allowance of ~~said~~ the Governor and for two days prior thereto and two days thereafter. ~~except that~~ The presiding officers of the respective houses may receive longer terminal salary and per diem as the legislature ~~shall~~ may direct.

OK?

7. The legislature shall meet in odd numbered years (on the Fourth Monday in January) for a period not to exceed 60 days and in even numbered years (on the Third Monday in January) for a period not to

of the elections and qualifications of its members; and each house shall keep a journal of its proceedings. A majority shall constitute a quorum to do business but a smaller number may adjourn from day to day, and may compel the attendance of absent members, ~~in such manner and under such penalties as the rules shall provide.~~

11. The legislature may direct by law in what manner and in what court suits may be brought against the state.

12. All civil officers of this state shall be liable for impeachment by the legislature. A ~~The~~ motion for impeachment proceeding may ~~shall~~ arise in either house ~~the Senate~~ and shall be by 2/3rds vote of all the members ~~senators~~. Such motion shall list fully the basis for the proceeding. The trial on impeachment shall be conducted by the house in session, and the Chief Justice of the Supreme Court shall preside. ~~The House shall conduct the proceeding.~~ It shall require 3/5ths majority of all the members of the legislature ~~Representatives~~ to which the house is entitled to render a judgment of impeachment against ~~impeach~~ any civil officer except that it shall require 2/3rds to impeach the Governor of the State of Alaska.

Amend to either house hold 2/3rds of the present

13. The Governor of the State of Alaska shall have the power of veto, of such bills as may be passed by the legislature. ~~but this power shall not extend to passage of acts by referendum.~~ If the Governor shall veto a bill he shall return it to the House of Representatives together with his objection, the legislature then sitting as one body shall reconsider the passage of the bill. Bills not carrying appropriations or affecting the expenditure of monies shall become law by 2/3ths affirmative vote of the total number of legislators to which the state is entitled. Such bills carrying appropriation, dealing with taxation or affecting payments of

monies under existing statutes, or an item or items in the general appropriations bill shall become law upon the affirmative vote of 3/4ths of the total number of legislators to which the state is entitled. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses. If the Governor neither signs nor vetoes a bill within three days (Sunday excepted) after it is delivered to him, it shall become law without his signature, unless the legislature adjourns sine die prior to the expiration of such three days. If any bill shall not be returned by the Governor within three days (Sunday excepted) after it shall have been presented to him, the same shall be law in like manner as if he had signed it, unless the legislature, by its adjournment, prevents the return of the bill, in which case it shall not be a law.

14. The legislature shall have the authority to establish a procedure ~~form for bills~~ for enactment into law and no bill shall become law without a vote by a majority of the membership of each house, and the yeas and nays on final passage shall be entered in the journal. ~~a journal record of the yeas and nays upon its final passage, including reconsiderations on veto.~~ Every bill, except bills for appropriations and bills for codification, revision or rearrangement of existing laws, shall be confined to one subject, which shall be expressed in the title. Bills for appropriations shall be confined to appropriations.

15. The legislature shall pass no special act in any case where a general Act can be made applicable and whether a general act can be made applicable shall be a matter for judicial determination. No local act shall take effect until approved by a majority of the qualified voters voting thereon in the district to be affected, except acts repealing local or special acts in effect

before the adoption of this constitution and receiving 2/3rds vote of all members of the legislature on the question of repeal.

16. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the State; nor to any denominational or sectarian institution or association.

17. No obligation or liability of any person, association or corporation held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislature nor shall such liability or obligation be extinguished except by the payment thereof into the proper treasury.

18. Any bill failing of passage by the legislature may be submitted to referendum by order of the Governor either in its original form or with such amendments which were considered by the legislature, as he may designate. Any bill which, having passed the legislature, is returned thereto by the Governor with objections and, upon reconsideration is not approved by the majorities required by this constitution, may be submitted to referendum by a majority of all the members. Bills thus submitted to referendum shall be voted on at the next succeeding regular election occurring at least sixty days after action is taken to submit them, unless the legislature shall provide for their submission at an earlier date.

19. The legislature for the State of Alaska shall never pass any law which shall affect the freedom of religious worship nor shall

any inhabitant of this state be molested in person or property on account of his or her mode of religious worship.

20. The state of Alaska and its people do agree that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of the Act of admission of this state, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights) the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property, belonging to the United States or which may belong to said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe and except when held by individual natives in fee without restrictions on alienation; and that no taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restriction on alienation; and no legislative act by the State of Alaska shall be taken thereon. (Provide for acceptance of federal payment in lieu of taxes). Trident

21. The legislature shall not pass any act which shall tax the property and lands of citizens of the United States residing without this state at a higher rate than the lands and other property belonging to residents of the state of Alaska.

Thanks and for Delegate Steve McCutcheon

TITLE 4

LEGISLATIVE DEPARTMENT

Chapter 1

Creation, Membership, Organization and Sessions

Sec. 4-1-1. Legislature created. The legislative power and authority of the Territory shall be vested in a legislature, which shall consist of a senate and a house of representatives.

Sec. 4-1-2. Senate: Members: Qualifications: Terms of office. The senate shall consist of sixteen members, four from each of the four judicial divisions into which Alaska is now divided by Act of Congress, each of whom shall have at the time of his election the qualifications of an elector in Alaska, and shall have been a resident and an inhabitant in the division from which he is elected for at least two years prior to the time of his election. The term of office of each member of the senate shall be four years, except that at the general election in Alaska in 1944 one member from each division, other than a member elected to fill the unexpired term of a senator previously elected, shall be elected for a term of two years.

Sec. 4-1-3. House of Representatives: Number of members: Election: Qualifications: Terms. The House of Representatives shall consist of twenty-four members elected from the four judicial divisions into which Alaska is now divided by Act of Congress. Each such division shall be entitled in the seventeenth to the twentieth legislatures, inclusive, to the following number of representatives:

"First judicial division, eight representatives;

"Second judicial division, four representatives;

"Third judicial division, seven representatives; and

"Fourth judicial division, five representatives."

The United States Director of the Census shall, within one week after the first meeting of the twentieth legislature and of each fifth legislature thereafter, certify to such legislature, and to the Secretary of Alaska, the number of representatives to which each judicial division is entitled under an apportionment, according to the method of equal proportions, of the total number of representatives among the various divisions on the basis of the total population (exclusive of members of the military or naval forces of the United States and members of the military or naval forces of the United States and members of their families not actual and bona fide residents of Alaska) of each division, as determined under the latest United States Decennial Census. Each judicial division shall in the five legislatures succeeding the legislature to which such certification is made be entitled to the number of representatives so certified. The term of office of each representative shall be two years, and each representative shall possess the same qualifications as are prescribed for members of the senate.

Sec. 4-1-4. Holding other office; Newly created offices; Office of which emoluments are increased. No member of the legislature shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected and for one year after the expiration of such term.

Sec. 4-1-5. Organization; Election of presiding and other officers. When the legislature shall convene under the law, the senate and house

of representatives shall each organize by the election of one of their number as presiding officer, who shall be designated in the case of the senate as "president of the senate" and in the case of the house of representatives as "speaker of the house of representatives," and by the election by each body of the subordinate officers provided for in section "eighteen hundred and sixty-one of the United States Revised Statutes of eighteen hundred and seventy-eight," and each of said subordinate officers shall receive the compensation provided in that section, which shall be paid by the Territory.

Sec. 4-1-6. Selection of officers; Rules; Journal; Quorum; Adjournments; Compelling attendance of members. The senate and house of representatives shall each choose its own officers, determine the rules of its own proceedings not inconsistent with the provisions of this subchapter*, and keep a journal of its proceedings; the ayes and noes of the members of either house on any question shall, at the request of one-fifth of the members present, be entered upon the journal; a majority of the members to which each house is entitled shall constitute a quorum of such house for the conduct of business, of which quorum a majority vote shall suffice; a smaller number than a quorum may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide; for the purpose of ascertaining whether there is a quorum present the presiding officer shall count and report the actual number of members present.

Sec. 4-1-7. Convening; Sessions. The Legislature of Alaska shall convene at the capital at the city of Juneau, Alaska, on the fourth Monday in January in the year 1941 and on the fourth Monday in January every two years thereafter; but the said legislature shall not continue

*refers to secs: 4-1-1--4-1-5, 4-1-7--4-1-9, 4-2-1, 4-2-6, 4-2-7, 4-3-1, 4-3-4, 4-3-6, 4-3-7, 4-6-1, 4-6-3, 5-1-2--5-1-5, 6-1-5, 6-1-6, 11-1-3, 38-3-1, 38-3-1, 38-3-4, 48-1-1, 48-1-2.

in session longer than sixty days in any two years unless again convened in extraordinary session by a proclamation of the Governor, which shall set forth the object thereof and give at least fifteen days' notice in writing or by telegram or radiogram to each member of said legislature, and in such case shall not continue in session longer than thirty days. The Governor of Alaska is hereby authorized to convene the legislature in extraordinary session for a period not exceeding thirty days when requested to do so by the President of the United States, or when any public danger or necessity may require it.

Sec. 4-1-8. Privileges of members: From arrest: From responsibility for legislative utterances. No member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions. The members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance upon the sessions of the respective houses, and in going to and returning from the same; but such privilege as to going and returning shall not cover a period of more than ten days each way, except in the second division, when it shall extend tottwentydays each way, and the fourth division to fifteen days each way.

Chapter 2

Subjects of Legislation

Sec. 4-2-1. General power and limitations. The legislative power of the Territory of Alaska shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, but no law shall be passed interfering with theprimary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands orotherproperty of nonresidents be taxed higher than the lands or other

property of residents; nor shall the legislature grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the affirmative approval of Congress; nor shall the legislature pass local or special laws in any of the cases enumerated in section 1471 (Sec. 4-2-2 herein) of this title; nor shall it grant private charters or special privileges, but it may, by general act, permit persons to associate themselves together as bodies corporate for manufacturing, mining, agricultural, and other industrial pursuits, and for the conduct of the business of insurance, savings banks, banks of discount and deposit (but not of issue), loans, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association, but the authority embraced in this section shall only permit the organization of corporations or associations whose chief business shall be in the Territory of Alaska; no divorce shall be granted by the legislature; nor shall any lottery or the sale of lottery tickets be allowed; nor shall the legislature or any municipality interfere with or attempt in any wise to limit the Acts of Congress to prevent and punish gambling, and all gambling implements shall be seized by the United States marshal or any of his deputies, or any constable or police officer, and destroyed; nor shall any public money be appropriated by the Territory or any municipal corporation therein for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of

the Government; nor shall the government of the Territory of Alaska or any political or municipal corporation or subdivision of the Territory make any subscription of the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall the Territory, or any municipal corporation therein, have power or authority to create or assume any bonded indebtedness whatever; nor to borrow money in the name of the Territory or of any municipal division thereof; nor to pledge the faith of the people of the same for any loan whatever, either directly or indirectly; nor to create, nor to assume, any indebtedness, except for the actual running expenses thereof; and no such indebtedness for actual running expenses shall be created or assumed in excess of the actual income of the Territory or municipality for that year, including as a part of such income appropriations then made by Congress, and taxes levied and payable and applicable to the payment of such indebtedness and such and other money credits on hand and applicable and not already pledged for prior indebtedness. All authorized indebtedness shall be paid in the order of its creation. No acts or laws passed by the Legislature of Alaska providing for a county form of government therein shall have any force or effect until it shall hereafter be and approved by the affirmative action of Congress; and all laws passed, or attempted to be passed, by such legislature in said Territory inconsistent with the provisions of this section or of sections 44, 45, 78 or 79 of this title(Secs. 16-4-1, 48-1-1, 48-1-2, 56-5-9 herein) shall be null and void. Nothing contained in this section shall be held to abridge the right of the legislature to modify the qualifications of electors by extending the elective franchise to women.

Sec. 4-2-2 Prohibition against local or special laws in enumerated cases. The legislatures of the Territories of the United States now or hereafter to be organized shall not pass locally or special laws in any of the following enumerated cases, that is to say:

Granting divorces

Changing the names of persons or places

Laying out, opening, altering and working roads or highways.

Vacating roads, town plats, streets, alleys, and public grounds

Locating or changing county seats.

Regulating county and township affairs.

Regulating the practice in courts of justice.

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables.

Providing for changes of venue in civil and criminal cases.

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village.

For the punishment of crimes or misdemeanors.

For the assessment and collection of taxes for Territorial, county, township, or road purposes.

Summoning and impanneling grand or petit jurors.

Providing for the management of common schools.

Regulating the rate of interest on money

The opening and conducting of any election or designating the place of voting.

The sale or mortgage of real estate belonging to minors or others under disability.

The protection of game or fish.

Chartering or licensing ferries or toll bridges.

Remitting fines, penalties, or forfeitures.

Creating, increasing, or decreasing fees, percentage, or allowances of public officers during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted in any of the Territories of the United States by the Territorial legislatures thereof.

Sec. 4-2-3. Limitations on authority to alter, amend, modify or repeal existing laws; Other or additional taxes or licenses. The authority granted to the legislature by section 23 of this title (Sec. 2-1-1 herein) to alter, amend, modify, and repeal laws in force in Alaska shall not extend to the customs, internal revenue, postal, or other general laws of the United States or to the game, fish, and fur seal laws and laws relating to fur-bearing animals of the United States applicable to Alaska, or to the laws of the United States providing for taxes on business and trade, or to sections 41, 47, 161 to 169, and 322 to 325 of this chapter. This provision shall not operate to prevent the legislature from imposing other and additional taxes or licenses.

Sec. 4-2-4. Creation of counties. Location of county seats. Nothing in sections 1471 to 1473, 1475, 1478, or 1479 of (Secs. 4-2-2, 4-2-3, 4-3-3, 12-1-1 --12-1-) herein) this title shall be construed to prohibit the creation by Territorial legislatures of new counties and the location of the county seats thereof.

Sec. 4-2-5. Acts of legislature in conflict with certain federal acts void. Except as otherwise provided by law all acts and parts of acts passed by any Territorial legislature subsequent to July 30, 1886, in conflict with the provisions of sections 1473, 1475, 1478, and 1479 of this title shall be null and void.

Sec. 4-2-6 Prohibition against laws impairing jurisdiction or authority of district court judges or officers. The legislature shall pass no law depriving the judges and officers of the district court of Alaska of any authority, jurisdiction, or function exercised by like judges or officers of district courts of the United States.

Sec. 4-2-7 Enforcement of laws by courts: Power of legislature to impose additional duties on federal officers. Nothing in sections 21 to 24, 44, 45 67, to 73, 74 to 90 of this title shall be so construed as to prevent the courts of Alaska from enforcing within their respective jurisdictions all laws passed by the legislature within the power conferred upon it, the same as if such laws were passed by Congress, nor to prevent the legislature passing laws imposing additional duties, not inconsistent with the present duties of their respective offices, upon the governor, marshals, deputy marshals, clerks of the district courts, and United States commissioners acting as justices of the peace, judges of probate courts, recorders, and coroners, and providing the necessary expenses of performing such duties.

Sec. 4-2-8. Provisions governing appropriations. Subsequent to March 11, 1929, all appropriations by the Alaska Territorial Legislature shall be in conformity with the provisions of sections 23 and 24 and 67 to 91 of this title.

Sec. 4-2-9. Ratification of acts of First Legislature imposing duties on federal officers. All Acts of the First Legislature of the Territory of Alaska, contained in Alaska Session Laws of 1913, imposing additional duties upon the Governor, Secretary of the Territory, United States Marshals, Deputy United States Marshals, Clerks of the Courts, United States Commissioners, United States District Attorneys, and other officers, be, and the same hereby are, ratified and confirmed in all particulars, except as the same may have been amended by Acts of the present and Second Session of Alaska Legislature.

Chapter 3

Statutes: Enactment, Printing and Distribution

Sec. 4-3-1. Enacting clause; Title and subject of act. The enacting clause of all Laws passed by the Legislature shall be "Be it enacted by the Legislature of the Territory of Alaska." No law shall embrace more than one subject, which shall be expressed in its title.

Sec. 4-3-2. Passage of bills; Readings; Journal; Enrollment and certification. A bill in order to become a law shall have three separate readings in each house, the final passage of which in each house shall be by a majority vote of all the members to which each house is entitled, taken by ayes and noes, and entered upon its journal. Every bill, when passed by the house in which it originated or in which amendments thereto shall have originated, shall immediately

be enrolled and certified by the presiding officer and the clerk and sent to the other house for consideration.

Sec. 4-3-3. Presentation of bill to and approval by veto by Governor; Reconsideration after veto; Effective date of act. Except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become a law at the expiration of ninety days thereafter, unless sooner given effect by a two-thirds vote of said legislature. If the governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. Upon the receipt of a veto message from the governor each house of the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal. If, after such reconsideration, such bill or part of a bill shall be approved by a two-thirds vote of all the members to which each house is entitled, it shall thereby become a law. If the governor neither signs nor vetoes a bill within three days (Sundays excepted) after it is delivered to him, it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such three days. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall

be a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevents the return of the bill, in which case it shall not be a law.

Sec. 4-3-4. Laws to be submitted to Congress for approval. All laws passed by the Legislature of the Territory of Alaska shall be submitted to Congress by the President of the United States, and, if disapproved by Congress, they shall be null and of no effect.

Sec. 4-3-5. Power of Congress to annul laws of legislature or to modify requirement of submission to Congress. Nothing in sections 1471 to 1473, 1475, 1476, and 1479 of this title contained shall be construed to abridge the power of Congress to annul any law passed by a Territorial legislature, or to modify any existing law of Congress requiring in any case that the laws of any Territory shall be submitted to Congress.

Sec. 4-3-7. Printing, distribution and sale of laws and resolutions The legislature shall make provision for printing the session laws and resolutions within ninety days after the close of each session and for their distribution to public officials and sale to the people of the Territory.

Sec. 4-3-8. Copy of enrolled bill to be filed with Auditor. Whenever any bill shall have passed both houses, the house transmitting the enrolled bill to the Governor shall also file with the Auditor of the Territory of Alaska an accurate copy of such enrolled bill, together with the history of such bill, endorsed thereon, up to the time of transmission to the Governor.

Sec. 4-3-9. Numbering bills: Citation to session laws. Whenever any bill shall become a law, the Auditor of the Territory of Alaska

shall number such bill in the order in which it become a law, commencing with each session of the Legislature. Such number shall be in Arabic numerals, and shall be the chapter number of the act when published. A citation to the chapter number and year of the Session Laws published shall be a sufficient reference to the act so designated.

Sec. 4-31-10. Printing copies for temporary use. The Auditor of the Territory shall cause to be printed for temporary use, two hundred copies of each act filed in his office within ten days after the filing thereof, and in the order of its chapter number. The style and size of type, line and number of lines to the page shall be same as shall be used in the permanent volume of the Session Laws of such session.

Sec. 4-31-11. Furnishing copies to designated officers and to Territorial Library. The Auditor of the Territory shall furnish one copy of each act as published to each member of the Legislature at which such law was enacted, to the Governor of the Territory of Alaska, and each of the District Judges, United States Marshals and United States District Attorneys of the four judicial divisions of the Territory of Alaska; five copies to each clerk of court of the judicial divisions; fifty copies to the Territorial Library, and such further distribution as may be necessary.

Sec. 4-31-12. Permanent publication: Preparation, distribution and sale. When all the acts of any session have been published in temporary form, the Auditor of the Territory of Alaska shall

employ some person who shall in his opinion be competent to make the proper headings and index of such acts or laws, and shall, within ninety days after the close of each session of the Legislature, have published and properly bound at least five hundred copies of such acts, with such headings and indices, and such other matter as may be deemed essential, including a title page, showing the session at which such acts were passed, the date of convening and adjourning of such session, and all memorials, resolutions and any other matter deemed proper. When published as above provided, the Auditor of the Territory of Alaska, shall distribute the same to the persons and place as designated in Section 4 of this act, the surplus copies to be sold at fifteen per cent above the cost thereof; and in determining such cost no account shall be made of the material and press work of the advance sheets or temporary publication of the Session Laws.

Sec. 4-3-13. Auditor to call for bids and contract for printing and supplies. Thirty days prior to the opening of any legislative session for the Territory of Alaska it shall be the duty of the Auditor to call for bids and enter into contracts for the printing required by this chapter and also for the purchase of all supplies required by the said Legislature.

Sec. 4-3-14. Restrictions on printing and publication for sale. It shall be unlawful for any person to print and publish for sale the Session Laws of any session in book form within two years after the adjournment of such session, other than those ordered printed by the Auditor of the Territory of Alaska; Provided, however, that no expenditure in excess of Thirty-Five Hundred Dollars, the amount

appropriated for such purpose by the Congress of the United States, shall be permitted or allowed for the printing of the session laws and resolutions of the First Session of the Territorial Legislature, and provided, further, that the restriction as to printing and publication as provided by this section, shall not apply to any general compilation or revision of the laws of this Territory, or to a compilation or revision of any special law or laws on any special subject.

Chapter 4

Attendance and Examination of Witnesses

Sec. 4-4-1. Subpoenas: Issuance: Form and requisites. A subpoena requiring the attendance of any witness before either House of the Legislature, or a committee thereof may be issued by the President of the Senate, or the Speaker of the House, or the chairman of any committee, when authorized to do so by the House or Senate or both, before whom the attendance of the witness is desired, and it is sufficient if:

1. It states whether the proceeding is before the Senate, or the House, or a committee;

2. It is addressed to the witness;

3. It requires the attendance of such witness at the time and place certain;

4. It is signed by the President of the Senate, or the Speaker of the House, or by the chairman of a committee under due authority from the House or Senate, or both.

Sec. 4-4-2. Service of subpoena and return thereof. The subpoena may be served by any person competent as a witness in the courts of

Alaska and over the age of twenty-one (21) years and his affidavit that he delivered a copy to the witness is evidence of service.

Sec. 4-4-3. Contempt: Disobeying subpoena or refusing to testify. If any witness neglect or refuse to obey such subpoena, or appearing neglect or refuse to testify or to produce upon reasonable notice any material and proper books, papers or documents in his possession or under his control, the Senate or House of Representatives may by resolution entered on the journal of the Senate, or House of Representatives, as the case may be, commit him for contempt, provided, however, that if any such contempt be committed before a committee, such committee shall report the contempt to the Senate or House of Representatives, as the case may be, for such action as may be deemed necessary by the Senate or House of Representatives.

Sec. 4-4-4. Arrest for disobedience to subpoena. Any witness neglecting or refusing to attend in obedience to subpoena may be arrested by the sergeant-at-arms and brought before the Senate or House of Representatives, as the case may be. The only warrant or authority necessary authorizing such arrest is a copy of a resolution of the Senate or House of Representatives signed by the President of the Senate or Speaker of the House of Representatives, as the case may be, and countersigned by the secretary of the Senate or the clerk of the House of Representatives, as the case may be.

Sec. 4-4-5. Witness fees and mileage. All persons appearing before any of the bodies herein designated, in response to a

subpoena as herein provided shall be paid four dollars ($4.00) for each day's attendance before such body, and for the time necessary in coming and returning to his or her place of residence and mileage at the rate of 15 cents per mile for the distance traveled in going to and returning from the place of attendance, from the monies in the territorial treasury, and the Territorial Treasurer shall pay said fees and mileage to any witness upon presentation by him of a certificate of attendance and mileage due, signed by the presiding officer of the House which authorized issuance of subpoena.

Sec. 4-4-6. Swearing witness: Perjury: Penalty. The President of the Senate and Speaker of the House of Representatives and the chairman of every committee of either body shall have the power to administer an oath to any witness appearing before such body, and any person who shall wilfully swear or affirm falsely concerning any matter material to the subject under investigation or inquiry, shall be deemed guilty of perjury and upon conviction thereof in the district court shall be punished by imprisonment in the penitentiary for not less than one year or more than five years.

Sec. 4-4-7. Self-incrimination: Grant of immunity on claim of privilege. Any person who is called as a witness before the Senate, House of Representatives, or any committee of either the House or Senate, or committee of both the House and Senate, and refuses to answer any question or to produce any book, paper or document relating to the matter under inquiry, on the ground that the answer to such question or the production of such book, paper or document may tend to criminate himself, may be granted immunity from punishment for the offense to which the question or evidence

relates by resolution of the House which is conducting the inquiry, duly passed and entered upon its journal, and such witness may then be compelled to answer the questions, or produce the evidence.

Whenever a witness is granted immunity and compelled to testify or produce evidence after claiming the privilege of self incrimination, he shall not thereafter be prosecuted in any court for the offense to which the question of evidence relates.

Sec. 4-4-8. Disobedience to subpoena or refusal to testify as misdemeanor: Punishment. Any person who shall be subpoenaed in accordance with the provisions of this Act, and shall fail, neglect or refuse to attend at the time and place where his presence is required, or fail, neglect or refuse to bring with him any books, papers, or instruments or other evidence designated in the subpoena, or who having attended in response to such subpoena, or having appeared voluntarily, shall refuse to testify as to any material and proper matter within the power of the Senate, House of Representatives or committee to investigate, shall be guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars ($100.00), and not more than five hundred dollars ($500.00), or by imprisonment in the federal jail for not less than thirty (30) days, and not more than six months.

Chapter 5

Legislative Supplies

Sec. 4-5-1. Inventory of supplies. The Secretary of the Senate and the Clerk of the House of the Legislature of the Territory of Alaska, shall, immediately after the close of each session of the Legislature, make a full and complete inventory of all Legislative supplies on hand in their respective departments. One copy of such inventory shall be filed with the Auditor of the Territory and one copy given to the Governor.

Sec. 4-5-2. Conditioning supplies for storage and turning them over to Governor. Upon completion of inventory, the Secretary of the Senate and Clerk of the House shall cause such supplies as mimeographs and other mechanical devices to be thoroughly cleaned and in proper condition for storage and shall then turn over to the Governor all supplies.

Sec. 4-5-3. Governor as custodian of supplies: Delivery to Legislature upon convening. The Governor is hereby made custodian of Legislative supplies and he shall receive all such supplies as the Secretary of the Senate and the Clerk of the House shall inventory and turn over to him. He shall cause all such supplies to be stored and held until the convening of the next Legislature and thereupon he shall deliver to such Legislature, all supplies so held.

Sec. 4-5-4. Auditor to deliver copy of inventory. Upon the convening of the Legislature and the completion of the organization of Senate and House, the Auditor of the Territory shall deliver to the Printing and Purchasing Committees of Senate and House, a copy of the inventory filed with him by the Secretary and Clerk

of the last Legislature.

Sec. 4-5-5. "Legislative supplies" defined. The term "Legislative Supplies", as used in this Act, shall be construed to mean all stationery, plain and printed forms, all mimeograph machines and typewriters and supplies for same, all files and cabinets, and all other supplies that have been purchased for Legislative use.

Sec. 4-5-6. Penalty for destruction, misappropriation of, or failure to account for supplies. Any person who shall wilfully destroy or misappropriate any Legislative supplies or who shall fail to account for or turn over to the proper authorities, such supplies at such times as provided in this Act, shall be guilty of a misdemeanor, and upon conviction, thereof, shall be punished by a fine of not more than two hundred dollars ($200.00), or be imprisoned for a period of not more than three months, or by both such fine and imprisonment in the discretion of the Court.

FEDERAL BLDG. FAIRBANKS, ALASKA 1946 JAN 18 PM

KPA057KU071

FA AM012 203 NL PD 1 EXA KOTZEBUE ALASKA 18

PRESIDENT WILLIAM EGAN

CONSTITUTIONAL CONVENTION FBK

2031

WE UNDERSTAND GREAT AMOUNT OF WORK TO BE REQUIRED FROM EARLY LEGISLATURES OF NEW STATE OF ALASKA BUT MEMBERS OUR GROUP UNANIMOUS IN REQUEST FOR INFORMATION ON NECESSARY FOR CONSTITUTIONAL PROVISION FOR ANNUAL LEGISLATIVE MEETINGS WHICH ON CONSERVATIVE ESTIMATE WE FIGURE WILL COST AT LEAST QUARTER OF MILLION EACH YEAR STOP WE BELIEVE WITH NO TIME LIMIT PLACED ON LEGISLATIVE MEETINGS AND SPECIAL SESSIONS POSSIBLE CONSTITUTION SHOULD PROVIDE FOR MEETINGS EVERY TWO YEARS ONLY STOP WE UNDERSTAND ONLY THIRTEEN STATES HAVE ANNUAL MEETINGS TIME DEMANDS OF WHICH WILL ELIMINATE MANY FROM LEGISLATIVE ACTIVITY AND WE PROTEST THIS PROVISION IN PROPOSAL

PAGE TWO

FIVE STOP WE ALSO REQUEST EXPLANATION OF FAILURE TO INCLUDE SINGLE SUBJECT PROVISION FOR INTRODUCTION OF BILLS AS PROVIDED FOR IN CONSTITUTIONS OF THIRTY NINE STATES WE BELIEVE THIS IS SERIOUS OMISSION FROM PROVISIONS COVERING LEGISLATIVE PEROGATIVE AND RQUEST ECH SECOND DIVISION DELEGATE TO DO EVERYTHING POSSIBLE TO HAVE THIS INCLUDED AS SAFE GUARD AGAINST SPECIAL INTEREST AND POLITICAL MANEUVERS AND SECURE NECESSARY TWO THIRDS SUPPORT TO RECONSIDER PROPOSAL FIVE ON THESE SUBJECTS STOP MEMBERS OUR CHAMBER STUDYING PROPOSALS TO GAIN BACKGROUND FOR ANALYSIS OF CONSTITUTION WHEN PRESENTED FOR RATIFICATION AND WE CONGRATULATE DELEGATES ON EXCELLENT WORK SO VITAL TO ALL ALASKA

ARCTIC CIRCLE CHAMBER OF COMMERCE E S RADEAU PRESIDENT

file

TELEGRAM

ALASKA COMMUNICATION SYSTEM
SIGNAL CORPS, UNITED STATES ARMY
FEDERAL BLDG., FAIRBANKS, ALASKA

1956 JAN 18 PM 3 57

KPA057KU071

FA AM012 203 NL PD 1 EXA KOTZEBUE ALASKA 18

PRESIDENT WILLIAM EGAN

CONSTITUTIONAL CONVENTION FBK

2031

WE UNDERSTAND GREAT AMOUNT OF WORK TO BE REQUIRED FROM EARLY LEGISLATURES OF NEW STATE OF ALASKA BUT MEMBERS OUR GROUP UNANIMOUS IN REQUEST FOR INFORMATION ON NECESSARY FOR CONSTITUTIONAL PROVISION FOR ANNUAL LEGISLATIVE MEETINGS WHICH ON CONSERVATIVE ESTIMATE WE FIGURE WILL COST AT LEAST QUARTER OF MILLION EACH YEAR STOP WE BELIEVE WITH NO TIME LIMIT PLACED ON LEGISLATIVE MEETINGS AND SPECIAL SESSIONS POSSIBLE CONSTITUTION SHOULD PROVIDE FOR MEETINGS EVERY TWO YEARS ONLY STOP WE UNDERSTAND ONLY THIRTEEN STATES HAVE ANNUAL MEETINGS TIME DEMANDS OF WHICH WILL ELIMINATE MANY FROM LEGISLATIVE ACTIVITY AND WE PROTEST THIS PROVISION IN PROPOSAL

~~Vacancies~~

Vacancies

Section 4. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

Disqualifications

Section 5. No member of the legislature shall hold any office which has been created, or the salary or emoluments of which have been increased while he was a member of the legislature, during the term for which he was elected and for one year after the expiration of such term. No legislator or other elective or appointive officer of this state shall file or run for election to any other state office until his services shall have been terminated. The restrictions of this section shall not apply to positions of employment or elections appertaining to any constitutional convention of this state.

Privileges of members

Section 6. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

Salary and expenses

Section 7. During legislative sessions legislators shall receive as compensation not less than the daily compensation of the Governor of the State of Alaska and shall be entitled while in attendance to the per diem travel allowance of the Governor and for two days prior thereto and two days thereafter. The presiding officers of the respective houses may receive longer terminal salary and per diem as the legislature may direct.

Regular

Section 8. The legislature shall meet in odd numbered

years on the fourth Monday in January for a period not to exceed 60 days and in even numbered years on the fourth Monday in January for a period not to exceed 30 days. By a vote of three-fifths of all the legislators sitting as one body any session may be extended for not to exceed 10 additional days, and at the expiration of the extension may by a vote of two-thirds of all the legislators sitting as one body extend an additional 10 days, and at the expiration of the second extension may by a vote of three-fourths of all the legislators sitting as one body extend an additional 5 days. In no case shall the longer term continue more than 85 days nor the shorter term for longer than 55 days. Neither house may adjourn or recess for a period longer than three days without the consent of the other house.

Special session

Section 9. Special sessions may be called by the Governor of the state of Alaska. Special sessions may be ordered by a vote of two-thirds of the legislators, through a poll directed by the legislative council, and the Governor shall cause the legislature to assemble in special session.

When the Legislature ~~shall be~~ is convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

Interim Committees

17 Section 10. There shall be a legislative council and such
18 other interim committees as the legislature may establish. The
19 council and other committees may meet between sessions and per-
20 form such duties and employ other persons as the legislature may
21 direct or permit. Members of the council and other committees
22 may receive compensation and expenses during the performance of
23 their duties in the same amounts as during a session of the
24 legislature.

Rules of Procedure

25 Section 11. The Houses of ~~the~~ each legislature shall adopt

12 the ~~members in the house bringing the motion~~ Senators. Such motion shall
13 list fully the basis for the proceeding. The trial on impeach-
14 ment shall be conducted before ~~both houses in joint session,~~ the House of Representatives,
15 and ~~the Chief~~ a Justice of the Supreme Court designated by the Court shall preside.

Judgment of impeachment shall not extend beyond removal from office, but shall not prevent punishment of such officer by the courts on charges growing out of the same matter.

24 expenditure of monies shall become law by a two-thirds affirma-
25 tive vote of the total number of legislators to which the state

is entitled. Such bills carrying appropriation, dealing with taxation or affecting payments of monies under existing statutes, or an item or items in the general appropriations bill shall become law upon the affirmative vote of three-fourths of the total number of legislators to which the state is entitled. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses. If the Governor neither signs nor vetoes a bill within ten days (Sundays excepted) after it is delivered to him, it shall become law without his signature, unless the legislature adjourns sine die prior to the expiration of such three days. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be law in like manner as if he had signed it, unless the legislature, by its adjournment, prevents the return of the bill, in which case it shall not be a law.

Section 15. The legislature shall have the authority to establish the procedure for enactment of bills into law and no bill shall become law without a vote of a majority of the membership of each house, and the yeas and nays on final passage shall be entered in the journal. Every bill, except bills for appropriations and bills for codification, revision or rearrangement of existing laws, shall be confined to one subject, which shall be expressed in the title. Bills for appropriations shall be confined to appropriations.

Section 16. No law passed by the legislature, except the general appropriation act, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of emergency, which emergency must be expressed in the act, the legislature shall, by a vote of two-thirds of all the members, otherwise direct.

any case where a general Act can be made applicable and whether a general act can be made applicable shall be a matter for judicial determination. No local act shall take effect until approved by a majority of the qualified voters voting thereon in the district to be affected, except acts repealing local or special acts in effect before the adoption of this constitution and receiving two-thirds vote of all members of the legislature on the question of repeal.

Appropriations restricted.

Section 18. No appropriation shall be made for ~~charitable~~, industrial, ~~educational or benevolent purposes to any person~~, ~~corporation or community not under the absolute control of the State~~; nor to any denominational or sectarian institution or association.

Remission of taxes prohibited

Section 17. No obligation or liability of any person, association or corporation held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislature nor shall such liability or obligation be extinguished except by the payment thereof into the proper treasury.

Referendum

Section 20. Any bill failing of passage by the legislature may be submitted to referendum by order of the Governor either in its original form or with such amendments which were considered by the legislature, as he may designate. Any bill which, having passed the legislature, is returned thereto by the Governor with objections and, upon reconsideration is not approved by the

majorities required by this constitution, may be submitted to referendum by a majority of all the members. Bills thus submitted to referendum shall be voted on at the next succeeding regular election occurring at least sixty days after action is taken to submit them, unless the legislature shall provide for their submission at an earlier date.

Freedom of religion

Section ~~19~~ 27. The legislature for the State of Alaska shall never pass any law which ~~shall~~ affects the freedom of religious worship nor shall any inhabitant of this state be molested in person or property on account of his or her mode of religious worship.

Patent lands

Section ~~20~~ 27. The state of Alaska and its people do agree that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of the Act of admission of this state, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights) the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property, belonging to the United States or which may belong to said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has

prescribed or may hereafter prescribe and except when held by individual natives in fee without restrictions on alienation; and that no taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restriction on alienation; and no legislative act by the State of Alaska shall be taken thereon. Nothing in this section shall prevent this state from accepting any payments in lieu of taxes that may be authorized by the Congress.

Section ~~2F~~ 23. The legislature shall not pass any act which ~~shall~~ tax the property and lands of citizens of the United States residing without ~~this~~ the state at a higher rate than the lands and other property belonging to residents of the State of Alaska.

Add to Section 20

This section shall not apply to bills containing appropriations, raising or earmarking revenues, nor to local or special bills.

Joint Address

Section 13a. Any civil officer, except the Governor, may be removed for cause which need not be sufficient ground for impeachment. The cause or causes shall be stated at length in a concurrent resolution and entered on the journal of each House. The resolution must be passed by vote of a majority of the members of each House. No officer shall be removed unless he has been served with a statement of the cause alleged, and had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the journals.

ok

Substitutes for Sections 7 & 8.

Salary and Travel Expense

Section 7. Each ~~The~~ member~~s~~ of the legislature shall receive an annual salary equal to one-third of the salary of the Governor, and shall be entitled to travel expenses in going to and returning from sessions. The presiding officers of the respective houses may receive an additional salary, and members of the legislature may receive a per diem allowance for expenses while in session, as the legislature may direct.

Regular Session

Section 8. The legislature shall convene on the Fourth Monday in January each year. Neither house may adjourn or recess for a period longer than three days without the concurrence of the other house.

Constitutional Convention
Committee Proposal/5
December 14, 1955

ALASKA CONSTITUTIONAL CONVENTION

REPORT OF THE COMMITTEE ON

LEGISLATIVE BRANCH

Hon. William A. Egan
President, Alaska Constitutional Convention

Dear Mr. President:

Your Committee on Legislative Branch submits the attached proposed Article, together with a commentary and explanation of its reasons for its decisions.

The committee considered Delegate Proposals Numbers 23 and 25 and incorporated some of their provisions in its report.

Respectfully submitted,

Steve McCutcheon, Chairman

John McNees, Secretary

George D. Cooper

Helen Fischer

Jack Hinckel

Eldor Lee

I do not concur as to Sections 13, 14, 15, and 21.

Dora M. Sweeney

Constitutional Convention
Committee Proposal/5
December 14, 1955

Constitutional Convention of Alaska

COMMITTEE PROPOSAL NO. 5

Introduced by Committee on Legislative Branch

LEGISLATIVE POWERS AND DUTIES

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

ARTICLE ON LEGISLATIVE BRANCH

Legislative Power

Section 1. The legislative power and authority of the state is vested in a legislature, which consists of a Senate of not more than 20 members and a House of Representatives of not more than 40 members.

Qualifications of Members

Section 2. A senator shall be at least 25 years of age and have resided in Alaska at least 3 years, and in the district to be represented at least one year, immediately prior to filing for office, and shall otherwise be a qualified elector.

A representative shall be at least 21 years of age and have resided in Alaska at least 3 years, and in the district to be represented at least one year, immediately prior to filing for office, and shall otherwise be a qualified elector.

Election; Terms

Section 3. Members of the legislature shall be elected on the day provided for general elections, and their terms of office shall begin on the fourth Monday of the following January. The term of office of members of the

House of Representatives is two years. The term of office of members of the Senate is four years, and one-half of the members shall be elected each two years.

Vacancies

Section 4. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

Disqualifications

Section 5. No member of the legislature shall hold any other office which has been created, or the salary or emoluments of which have been increased while he was a member of the legislature, during the term for which he was elected and for one year after the expiration of such term. No legislator or other elective or appointive officer of this state shall file or run for election to any other state office until his services have been terminated, but a member of one house of the legislature may be nominated and elected to the other house. This section shall not apply to positions of employment in or elections to any constitutional convention.

Privileges of Members

Section 6. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their

1 respective houses, and in going to and returning from
2 the same.

Salary and Travel Expense

3 Section 7. Each member of the legislature shall receive
4 an annual salary equal to one-third of the salary of the
5 Governor, and shall be entitled to travel expenses in go-
6 ing to and returning from sessions. The presiding offi-
7 cers of the respective houses may receive an additional
8 salary, and members of the legislature may receive a per
9 diem allowance for expenses while in session, as the
10 legislature may direct.

Regular Sessions

11 Section 8. The legislature shall convene on the fourth
12 Monday in January each year. Neither house may adjourn
13 or recess for a period longer than three days without the
14 concurrence of the other.

Special Sessions

15 Section 9. Special sessions may be called by the Governor.
16 Special sessions may be ordered by a vote of two-thirds
17 of the legislators, through a poll directed by the legis-
18 lative council, which shall cause the legislature to assem-
19 ble in special session. When the legislature is convened
20 in special session by the Governor there shall be no legis-
21 lation upon subjects other than those designated in the
22 proclamation of the Governor calling such session, or
23 presented to them by the Governor. No special session
24 shall be of longer duration than thirty days.

Interim Committees

25 Section 10. There shall be a legislative council and
26 such other interim committees as the legislature may

establish. The council and other committees may meet between sessions and perform such duties and employ other persons as the legislature may direct or permit. Members of the council and other committees may receive an allowance for expenses during the performance of their duties.

Rules of Procedure

Section 11. The Houses of each legislature shall adopt uniform rules of procedure. Each house shall have the power to choose its officers and employees, shall be the judge of the elections and qualifications of its members; and each house shall keep a journal of its proceedings. A majority of the members of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members. The legislature shall have the power to regulate lobbying.

Suits against State

Section 12. The legislature shall direct by law in what manner and in what court suits may be brought against the state or agencies thereof.

Impeachment

Section 13. All civil officers of this state shall be liable for impeachment by the legislature. A motion for impeachment shall arise in the Senate and shall be by two-thirds vote of all the Senators. Such motion shall list fully the basis for the proceeding. The trial on impeachment shall be conducted before the house of representatives, and a Justice of the Supreme Court designated by the Court shall preside. A vote of two-thirds of all the members of

1 the house of representatives is required to render a judg-
2 ment of impeachment. Judgment of impeachment shall not
3 extend beyond removal from office, but shall not prevent
4 punishment of such officer by the courts on charges growing
5 out of the same matter.

Joint Address

6 Section 14. Any civil officer, except the Governor, may
7 be removed for cause which need not be sufficient ground
8 for impeachment. The cause or causes shall be stated at
9 length in a concurrent resolution and entered on the jour-
10 nal of each house. The resolution must be passed by vote
11 of a majority of the members of each house. No officer
12 shall be removed unless he has been served with a state-
13 ment of the cause alleged, and had an opportunity to be
14 heard. On the question of removal, the yeas and nays
15 shall be entered on the journals.

Veto by Governor

16 Section 15. The governor shall have the power to veto
17 bills passed by the legislature. If the Governor vetoes
18 a bill he shall return it to the house of representatives
19 together with his objections. The legislature sitting as
20 one body shall reconsider the passage of the bill. Bills
21 not carrying appropriations or affecting the expenditure
22 of monies shall become law by a two-thirds vote of the
23 total number of legislators to which the state is entitled.
24 Bills carrying appropriations, dealing with taxation or
25 affecting payments of monies under existing statutes, or

1 an item or items in the general appropriations bill shall
2 become law upon the affirmative vote of three-fourths of
3 the total number of legislators to which the state is
4 entitled. The vote on reconsideration of a vetoed bill
5 shall be entered on the journals of both houses. While
6 the legislature is in session, if the Governor neither
7 signs nor vetoes a bill within fifteen days (Sundays ex-
8 cepted) after it is delivered to him, it shall become law
9 without his signature. If the legislature is not in
10 session and the Governor neither signs nor vetoes a bill
11 within twenty days (Sundays excepted) after it has been
12 presented to him, the same shall be law in like manner
13 as if he had signed it.

Bills; Enactment

14 Section 16. The legislature shall establish the procedure
15 for enactment of bills into law, and no bill shall become
16 law without a vote of a majority of the membership of each
17 house, and the yeas and nays on final passage shall be
18 entered in the journal. Every bill, except bills for ap-
19 propriations and bills for codification, revision, or re-
20 arrangement of existing laws, shall be confined to one
21 subject, which shall be expressed in the title. Bills
22 for appropriations shall be confined to appropriations.

Time of Taking Effect

23 Section 17. No law passed by the legislature, except the
24 general appropriation act, shall take effect until ninety
25 days after the adjournment of the session at which it was

enacted, unless in case of emergency, which emergency must be expressed in the act, the legislature shall, by a vote of two-thirds of all the members of each house, otherwise direct.

Local or Special Acts Prohibited

Section 18. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a matter for judicial determination. No local act shall take effect until approved by a majority of the qualified voters voting thereon in the district to be affected.

Appropriation Restriction

Section 19. No appropriation shall be made for other than a public purpose; nor to any denominational or sectarian institution or association.

Remission of Taxes Prohibited

Section 20. No obligation or liability of any person, association or corporation held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislature nor shall such liability or obligation be extinguished except by the payment thereof into the proper treasury.

Referendum

Section 21. Any bill failing of passage by the legislature may be submitted to referendum by order of the Governor either in its original form or with such amendments which were considered by the legislature, as he may designate. Any bill which, having passed the legislature, is returned

1 thereto by the Governor with objections and, upon reconsid-
2 eration is not approved by the majorities required by this
3 constitution, may be submitted to referendum by a majority
4 of all the members sitting as one body. Bills thus sub-
5 mitted to referendum shall be voted on at the next suc-
6 ceeding regular election occurring at least sixty days
7 after action is taken to submit them, unless the legisla-
8 ture shall provide for their submission at an earlier date.
9 This section shall not apply to bills containing appropria-
10 tions, raising or earmarking revenues, nor to local or
11 special bills.

Freedom of Religion

12 Section 22. The legislature shall never pass any law which
13 affects the freedom of religious worship nor shall any
14 inhabitant of this state be molested in person or property
15 on account of his or her mode of religious worship.

Native Lands

16 Section 23. The state of Alaska and its people do agree
17 that they forever disclaim all right and title to any
18 lands or other property not granted or confirmed to the
19 State or its political subdivisions by or under the author-
20 ity of the Act of Admission of this state, the right or
21 title to which is held by the United States or is subject
22 to disposition by the United States, and to any lands or
23 other property (including fishing rights) the right or
24 title to which may be held by any Indians, Eskimos, or
25 Aleuts (hereinafter called natives) or is held by the

1 United States in trust for said natives; that all such
2 lands or other property, belonging to the United States or
3 which may belong to said natives, shall be and remain
4 under the absolute jurisdiction and control of the United
5 States until disposed of under its authority, except to
6 such extent as the Congress has prescribed or may here-
7 after prescribe and except when held by individual natives
8 in fee without restrictions on alienation; and that no
9 taxes shall be imposed by the State upon any lands or other
10 property now owned or hereafter acquired by the United
11 States or which, as hereinabove set forth, may belong to
12 said natives, except to such extent as the Congress has
13 prescribed or may hereafter prescribe, and except when held
14 by individual natives in fee without restriction on alien-
15 ation; and no legislative act by the State of Alaska shall
16 be taken thereon. Nothing in this section shall prevent
17 this state from accepting any payments in lieu of taxes
18 that may be authorized by the Congress.

Taxes on Nonresidents

19 Section 24 The legislature shall not pass any act which
20 taxes the property and lands of citizens of the United
21 States residing without the state at a higher rate than
22 the lands and other property belonging to residents of
23 the State of Alaska.

Board of Apportionment

24 Section 25. There shall be a Board of Apportionment to
25 be composed of one member elected from each house and

1 three members of the public appointed by the Governor;
2 and the Chief Justice shall preside, without a vote. In
3 the event that either house shall fail to elect a member
4 of the board the governor shall appoint one member of that
5 house to serve on the Board of Apportionment. Any three
6 members of the Board constitute a quorum, but no reappor-
7 tionment shall take effect without the affirmative vote
8 of three members. The Board shall have the power to
9 reapportion and redistrict both the house and the senate,
10 not oftener than once in six years but at least once each
11 twelve years, and the Supreme Court shall issue an order
12 fixing the boundaries and the number of members to be
13 elected in each Senatorial and House District.

Constitutional Convention
Committee Proposal/5
December 14, 1955

ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Legislative Article

(Sec. 1 Size of Houses)

There seems to be widespread opinion that small houses focus the attention of the people upon the legislature better than do large ones, for the personalities and voting records of a few legislators may be understood by the public but they will not make the effort necessary to keep up with large houses. In small houses, moreover, the members may grow to know one another well and to proceed with the minimum formality. Instead of setting the number, therefore, it is here set at a maximum with no minimum.

(Sec. 2 Age and Residence)

The age and residence requirements for senators and representatives are set low in order to induce young people to take an early and active part in the democratic process.

(Sec. 3 Election Day and Term)

The election day is to be provided by act of the legislature, and the date at which legislators take their seats is the same as in the Territorial Legislature. The term of two years for members of the House and four for the Senate is common in the majority of states.

(Sec. 4 Vacancies)

The Legislature is permitted under the proposed wording to provide for special elections if it cares to use such a more expensive method than appointment by the governor for the unexpired term.

(Sec. 5 Dual Officeholding)

It is generally agreed that the temptation to create jobs or to increase the salary in existing jobs which legislators would then accept ought to be removed. There have been instances in which legislators have virtually coerced governors into appointing them to state offices as the price for their acting on the governor's program; such deals would be prevented by requiring a year to elapse before eligibility. This section, furthermore, would prevent any state official from using his office or expense account as a vehicle for campaigning for another office.

(Sec. 6 Legislative Immunity)

This immunity from actions of slander for words spoken in debate is an ancient and necessary protection for members of parliaments. The wording is almost the same as that in the United States Constitution.

(Sec. 7 Salary and Travel)

Most states have not paid legislators respectable salaries, and then the citizens have often been disappointed when their legislators were not respectable, either. Good salaries will not automatically

produce good legislators; rather, they make their selection possible. Poor salaries, on the other hand, tend to produce two types of legislators: Those who have private means, and who are, consequently, likely to be upper-class in their attitudes; and, second, those who are on the payroll of some outside interest and who are sent to the legislature to vote as that interest desires. Such legislators are, in some states, called "the inside lobby". The interests that control these legislators do not want them to vote for higher legislative salaries, lest they get too independent, and this opposition is added to the sentiment that the poorly paid legislators are not worth more than they are paid. A consequence is that the legislature, which ought to be the forum of the people, has come to be that branch of the state government that the people have held in the lowest regard. The people's business is sufficiently important so that men should make careers of being legislators, as they make careers of being in Congress; and we should pay them enough to make careers possible and respectable.

Since the governor occupies a single, conspicuous office, payment of more adequate salaries to governors has generally been possible, and the states have therefore attracted many fine men as candidates. But since the value of money changes over the years, it is undesirable to put dollar amounts in a constitution. Instead, it appears that both objectives (higher salaries and no dollar amounts) may be reached at once by tying the salaries of governors and legislators together.

(Sec. 8 Regular Sessions)

Having paid legislators so poorly that they got poor legislators,

some states have sought to cure that evil by limiting the number of days the legislature could remain in session on the theory that the less the legislators were at the capitol the less harm they could do. This is essentially an anti-democratic view, for it presumes that the representatives of the people ought not to be available to represent them except for short and limited periods. It seems better to pay legislators well and then to trust them to stay in session as long as necessary. As our states increase in population, the 30-day and 60-day sessions set in some constitutions have become more and more obviously inadequate, and to do the necessary business such tricks have had to be resorted to as setting phoney legislative days, stopping the clock, forcing the governor to call special sessions, and so on.

The date for the meeting (the fourth Monday in January) is the date used by the Territorial Legislature.

The requirement that neither house may adjourn without the consent of the other is universal. It is necessary to prevent one house from stopping the public business by adjourning.

(Sec. 9 Special Sessions)

Some constitutions permit only the executive to call special sessions, but if the governor has performed some questionable action when the legislature is not in session he can prevent or postpone being queried about it by refusing to call a special session. The newer constitutions have, therefore, set up some arrangement by which the legislators may without him produce a special session.

The other provisions of this section are almost standard constitutional equipment.

(Sec. 10 Legislative Council and Interim Committees)

Provision for these is also now almost standard. Their authorization is desirable lest a question be raised about the legislature's constitutional ability to designate committees to act when the legislature is no longer in session.

(Sec. 11 Rules)

Different sets of rules have occasionally led to trickery and often have led to citizen confusion. It is difficult for a citizen to understand why one house cannot do what the other can do. To avoid these situations both houses are required to adopt uniform rules.

The other provisions of this section are usual in constitutions, except perhaps for the regulation of lobbying. That power is here specifically given to the legislature, because in some jurisdictions cases have arisen to challenge the right of the legislature, under the freedom of petition rights, to regulate the behavior of lobbyists.

(Sec. 12 Suits against the State)

Congress has by law permitted suits by aggrieved or injured citizens against the United States, and most states permit under various restrictions suits against municipalities and other local governments. It is no longer regarded as justice for the states to preserve absolute immunity against legal action for injuries its agents may commit.

(Sec. 13 Impeachment)

This section provides that all civil officers are subject to impeachment and removal from office by the legislature. In order to avoid unwarranted use of this power by the legislature the section provides that the Senate shall bring the action by a two-thirds vote. Since the Senate is composed of members with four-year terms it is expected that the Senators will not be over-hasty in bringing the impeachment proceeding. Because an impeachment proceeding is essentially a judicial action, one of the Justices of the Supreme Court will preside during the trial before the House of Representatives.

(Sec. 14 Joint Address)

Removal of officers, other than the Governor, by concurrent resolution of the legislature is authorized by this section. State Legislatures have not used the method of joint address too frequently. It permits the removal of officers for causes less than the high crimes that are usually the basis for impeachment proceedings; for example, removal on joint address permits removal for negligence, senility, or other inability.

(Sec. 15 Veto by Governor)

In many state constitutions, and in Alaska at present, the time allowed to the Governor for consideration of bills is so short that he is often unable to give them full and careful study. This section provides that the Governor will have fifteen days to sign or veto a bill while the legislature is in session and twenty days when the legislature

is not in session. With the extended time allowed, the Governor is required to take positive action to sign or veto a bill, or the bill becomes law without his signature.

A two-thirds vote of the members of both houses sitting as one body is required to override a veto on ordinary bills. However, on revenue and appropriation bills, which affect the Governor's budget program, a majority of three-fourths is required to override a veto.

(Sec. 16 Bills: enactment)

Instead of incorporating specific requirements for the form and procedure of enacting bills, this section, like the United States Constitution, leaves this matter to the legislature. However, the section requires that the votes on final passage shall be recorded, and that bills shall be confined to one subject, except for revisions or consolidations and appropriation bills, which may cover many subjects. The use of riders on appropriation bills is prohibited, because of the abuses that have arisen in the Congress and in some states which do not have such a restriction.

(Sec. 17 Time of Taking Effect)

In order that a single date may be established when all bills, except emergency measures, will become laws, this section provides that the laws passed by any session will take effect 90 days after adjournment of each session. Exceptions are provided for the general appropriation bill, and, by a special two-thirds majority, any emergency measure. The emergency is required to be stated in the bill which will

tend to prevent use of this device for measures that are not, in fact, emergency legislation needed to prevent the disruption of governmental processes.

(Sec. 18 Local or Special Acts Prohibited)

The legislature is prohibited from passing any local or special act when a general act can be made applicable . The question of whether a general act can be made applicable is made a matter of judicial determination. This method seems to be much better than attempting to enumerate the kinds of local or special acts that are prohibited. Local acts when permitted are required to be submitted to the voters of the district to be affected before taking effect as law.

(Sec. 19 Appropriation Restriction)

This section prohibits appropriations for other than public purposes and to sectarian or denominational institutions or associations. Your Committee knows that several proposals to this convention relate to a "public purpose" clause. Your Committee believes that some agreement must be reached as to just what language should be adopted to carry out the desires of this convention.

(Sec. 20 Remission of Taxes Prohibited)

This section prohibits the remission of taxes by the State or any municipal corporation. The section is added to ensure that no advantage will be gained by delinquent taxpayers.

(Sec. 21 Referendum)

Despite attempts to ensure a harmonious legislative-executive relationship by other sections of this Article, it is always possible that at times a deadlock will occur where a bill deemed necessary by the Governor will fail of passage, or a bill which a majority of the Legislature deems necessary but for which it cannot obtain the special majority required to override a veto. This section permits either the Governor or the Legislature to resolve such a deadlock by submitting the bill to a vote of the people. The provision does not apply to revenue or appropriation measures, nor to local or special legislation.

(Sec. 22, 23, 24)

These sections contain language which is directed by the enabling acts to be in the state constitution. Section 23 makes clear that the state may accept payments in lieu of taxes from the Federal government.

(Sec. 25 Board of Apportionment)

A board is set up here to eliminate delays in apportionment and reapportionment. All branches of the state government are involved in its selection, and its determinations are enforcable by the Supreme Court.

Convention

Constitutional Convention
~~VII/Legislative~~/8
December 2, 1955

REPORT OF THE
COMMITTEE ON LEGISLATIVE BRANCH

REFERENCE OF PROPOSALS ON CAPITAL TO RESOLUTIONS COMMITTEE

The Committee on the Legislative branch, to which Proposal Number 11 and Resolution No. 4 were refered wish to report that it feels this proposal and resolution are not properly a matter of this committee and therefore recommends that these proposals be referred to the Committee on Resolutions. The above proposal and resolution relate to the capital of the State Government. Other proposals on the same subject have been referred to the Committee on Resolutions.

Every word

C C

Report of the Committee on the Legislative Branch — Concurrence 18 — December

Reference of Proposals on Capital to Resolutions Committee

Rule 16 Sec F.

The Committee on the Legislative branch, to which proposals Number 11 and Resolution No. 4 were refered wish to report that it feels these proposals and resolution are not properly a matter of this committee and therefore recommend that these proposals be referred to consideration by the Committee on Resolutions. The second proposal and resolution relate to the capital of the State Government. Other proposals on the same subject ~~[illegible]~~ of the Committee on Resolutions have been referred to.

Thomas Stewart
Steven McCutcheon

Constitutional Convention
Delegate Proposal/25
Referred to Legislative
Branch
November 26, 1955

Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 25

Introduced by Robert J. McNealy

LEGISLATURE TO DELEGATE AUTHORITY TO, AND RESTRICT, AGENCIES

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

1 Where necessary for implementation or effectuation of
2 legislative policy, the legislature may delegate the auth-
3 ority to make and promulgate reasonable rules and regula-
4 tions which shall have, upon publication thereof, as the
5 Legislature may provide, the force and effect of law; but
6 no such authority shall be delegated unless such legisla-
7 tive policy is expressed in clear, definite and precise
8 standards by which any such rule or regulation may be
9 tested for validity; and provided, further, that no per-
10 son, agency, commission or department in which said auth-
11 ority has been vested shall sit in judgment on alleged
12 violations of its own rules or regulations or otherwise
13 exercise any judicial or quasi-judicial powers.