CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO. 6

Introduced by: Maurice T. Johnson
and John B. Coghill

EDUCATION

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

Sec. 1. Every person has a right to education to the fullest
extent of the capabilities of each person and to the extent
permitted by the facilities of the state.

Sec. 2. The State's responsibility for the education of its
people is here declared to be clear, positive and final. The
Legislature may delegate by statute its responsibility, pow­
er and authority to local communities or political subdivi­
sions of the State, but such authority when delegated may be
extended, withheld or withdrawn at any time the Legislature
deems it necessary or expedient. It is the intent and pur­
pose of this article that Education shall be free from the
domination and control of any branch, department, or official
of the state government, or from any professional group or
person, and reserving all final control, power and authority
to the people of the State, through their chosen representa­
tives, the Legislature.

Sec. 3. The Legislature shall provide for the establishment,
maintenance and support of a uniform system of free public
schools, and such other educational institutions for special­
ized training and for the education of the physically and
mentally handicapped as may be deemed desirable. Such insti-
tutions shall be non-sectarian, non-political, and open and
available to all without regard to race, color, creed or age.

Sec. 4. The Legislature shall provide for the compulsory
attendance at some public school, unless other state approved
means of education are provided, of all the children in the
state who are sound in mind and body between the ages of
eight and sixteen, provided, however, the Legislature in its
discretion shall have power to require a greater range of com-
pulsory attendance, but in no case shall the range herein
given be reduced.

Sec. 5. The English language shall be the official language
of the School System and shall be taught in all schools of the
state whether Public, private, denominational or parochial.

Sec. 6. The Legislature may provide for the establishment of
private schools by individuals, groups, institutions or corp-
orations under charter from the State. The State shall estab-
lish minimum educational standards for such schools, but such
schools shall be secure in the right to teach such principles
as the governing body shall decide over and above the State
requirements, provided such teachings are not otherwise con-
trary to the statutes or the constitution of the State.

Sec. 7. No public funds from whatever source, local or state,
shall be used directly or indirectly for the support, opera-
tion or maintenance, including transportation and other auxil-
iary services, for any schools or children therein except
those Public Schools under the exclusive supervision and
direction of the State.

Sec. 8. All local and state school property, except income
property, shall be exempt from any form of state or local
taxation.

Sec. 9. The Legislature shall provide for the recall for
cause of any elected or appointed person or official connec­
ted with the Public School System.

Sec. 10. The general appropriations bill shall include ap­
propriations for the support and maintenance of Public educa­
tion. All funds so appropriated for schools shall have first
priority on state funds after funds appropriated for the sal­
aries of state officials.

Sec. 11. The Teachers' Retirement System shall be deemed a
contract between the individual members and the State, and
the Legislature shall make no laws or any other provisions
which shall diminish or impair this obligation. The Legis­
lature shall provide the manner of selecting the securities
for the investment of any Retirement Funds, prescribe the
rules and regulations and conditions upon which such funds
shall be invested, and do all things necessary for the
safety of the fund, and the State shall reimburse said Re­
tirement fund for all losses thereof which may in any manner
occur.
Sec. 12. The State shall incur no public school debt without first obtaining sanction of the people of the State in a state-wide referendum, and no local school unit shall incur any debt for any school purpose without first obtaining the approval of the people of the local unit.

Sec. 13. (a) The State hereby accepts all grants of land and donations of money made by the United States under the provisions of the Enabling Act, any other Acts of Congress, for the uses and purposes and upon the conditions, and under the limitations for which the same are granted or donated; and the faith of the State is hereby pledged to preserve such lands and moneys derived from the sale of any said lands as a sacred trust, and to keep the same for the uses and purposes for which they were granted or donated. (b) All proceeds of the sale of public lands that have heretofore been or may be hereafter given by the United States for the use and benefit of the Public Schools of the State, all such per centum as may be granted by the United States on the sales of public lands, timber, mineral or petroleum products, the proceeds of all property that shall fall to the State by escheat, the proceeds of all defunct school property, the proceeds of all gifts or donations to the State for Public Schools not otherwise appropriated by the terms of the gift, and such other appropriations, gifts or donations as shall be made by the Legislature, the United States,
any corporation, any person or institution for the benefit of the Public Schools, shall constitute the permanent school fund, the income from which shall be used for the maintenance of the Public Schools of the State. The principal shall be deemed a trust fund held by the State, and shall forever remain inviolate. It may be increased, but shall never be diminished. The State shall reimburse said permanent school fund for all losses thereof which may in any manner occur, and no portion of said fund shall be diverted for any other use or purpose.

(c) The interest and income of the permanent school fund, the net income from the leasing of public lands which have been or may be granted by the United States to the State for the use and benefit of the Public Schools, together with any revenues derived from taxes authorized to be levied for such purpose, any other sums which may be added thereto by law, shall be used and applied each year for the benefit of the Public Schools of the State, and no part of the fund shall ever be diverted from this purpose, or used for any other purpose than the support and maintenance of Public Schools for the equal benefit of all the people of the State.

(d) All public lands set apart to the State by Congress for charitable, penal, educational and public buildings purposes, and all lands taken in lieu thereof, may be sold by the State under such rules and regulations as the Legislature may pre-
scribe, in conformity with the regulations of the Enabling Act.

(e) The Legislature shall provide for the investment of the permanent school funds and other educational funds, but in no case shall such funds be loaned to the State or any political subdivision of the State. The Legislature shall provide the manner of selecting the securities for such funds, prescribe the rules and regulations, restrictions and conditions upon which such funds shall be loaned or invested, and do all things necessary for the safety of the funds and permanency of the investment. The State shall reimburse said permanent school fund and other educational funds for all losses thereof which may in any manner occur, and no portion of said funds shall be diverted for any other use or purpose.

Sec. 14. The enumeration in this article of specific functions shall not be construed as limitations upon the powers of the State government. The State government shall have full power to act for the government and good order of the State, and for the health, safety and welfare of its citizens, by all necessary and convenient means, subject only to the limitations prescribed in this constitution and in the Constitution of the United States.
BASIC PRINCIPLES OF EDUCATION TO BE INCLUDED IN THE
CONSTITUTION FOR THE STATE OF ALASKA

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Jointly Formulated and Approved
by the
Alaska School Boards Association
and the
Superintendents' Advisory Commission
meeting in Anchorage October 17 - 19, 1955

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1. Education is a paramount duty and responsibility of the State.

2. There shall be complete separation of Church and State.

3. The State shall establish a free non-sectarian and non-political public school system which shall be open to all, regardless of race or creed.

4. The State shall make no laws abridging the right of private education at private institutions which are chartered by the State and which maintain minimum standards set by the State.

5. The State shall require compulsory school attendance.

6. The English language shall be the official language of all schools within the State.

7. The appropriations made by the Legislature for the operation and maintenance of Public Schools shall be contained in the general Appropriations Bill, and this School Appropriation shall have priority over all other appropriations after the payment of salaries of personnel engaged in general administration of State affairs.

8. The Teachers Retirement System shall be deemed a contract between the State and the individual teacher.

9. The Constitution shall provide for a permanent school fund consisting of monies derived from the sale of lands granted by the several acts of Congress and by the State of Alaska and from other sources and shall provide for the investment, safety and perpetuation of the fund.

10. Each school district shall be deemed a taxing unit and shall certify to the proper collecting agency its millage rate levy without reference to any other taxing unit.

11. The members of the Board of Regents of the University of Alaska, the members of the State Board of Education and the Commissioner of Education shall be appointed in the same manner, and under the same conditions as prevail under the present Territorial form of Government.

12. It is recommended that the Constitutional Convention give serious consideration to the use of recall, initiative and referendum as a means of popular Government.
BASIC PRINCIPLES OF EDUCATION TO BE INCLUDED IN THE
CONSTITUTION FOR THE STATE OF ALASKA

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Notes of Explanation and Clarification

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1. Education is a paramount duty and responsibility of the State.

The State's responsibility for the education of its people must be made clear, positive and final. The Legislature may delegate by statute its responsibility, power and authority to local communities for political sub-divisions of the State but such authority, when delegated, may be extended, withheld or withdrawn at any time the Legislature deems it necessary or expedient. Our Federal Constitution makes no mention of education and at least by implication in the Tenth Amendment education is made a responsibility of the State. It is the intent and purpose of this principle that we should make it unmistakably clear that the chief and compelling responsibility for education rests upon the State. The United States has become industrial, scientific and democratic and as far as anyone can foresee, this type of social order will prevail for the next 50 or 100 years. The nation is committed to democracy wherein, as Robert M. Hutchins puts it "Every man is a ruler". If we are to solve the problems of an industrial, scientific and democratic society every person must learn to think for himself about the fundamental issues of human life and organized society. For a democratic society the alternatives are education, or the abandonment of universal suffrage. A democratic State must educate or die. In a democratic State then, education becomes a right as sacred and fundamental as the freedom of speech, freedom of the press and an impartial judiciary. For these reasons the constitution must proclaim and reiterate the right of every person to as much education as his capabilities will permit. So vital to the life of a democratic society is education that it cannot be left to the discretion of local Governments. It must be a compelling and positive responsibility of the State.

2. There shall be complete separation of Church and State.

The Constitution must positively prohibit the use of public funds - either State or local for private, denominational or parochial schools. This prohibition must be so air-tight as to eliminate any possibility of the use of public funds by private schools or non-public schools for textbooks, transportation, school lunches or any other purpose whatsoever, regular, auxiliary or incidental. This prohibition does not arise from any prejudice against private schools nor from any lack of appreciation of the work done by the Church in the history of education. The history of education in the United States shows clearly the unfortunate circumstances that arise when private schools are subsidized from public funds. Private or non-public schools thrive and multiply as a result of public subsidy. By this means, or in this way, public funds, always limited, are so divided that standards of all schools are thereby
reduced. The public schools, wholly dependent upon public funds are the ones most affected. In the early part of the 19th century in many eastern cities, and some States, Church schools did share in public funds. When grants were once made to any one Church school, then all other denominations immediately applied for their share. The result was so disastrous that public schools were established and public funds were forbidden to any school in which "any religious sectarian doctrine or tenant should be taught, inculcated or practiced".

3. The State shall establish a free non-sectarian and non-political public school system which shall be open to all, regardless of race or creed.

The schools must be non-sectarian and non-political. The non-sectarian aspect must be positively and unequivocally stated in the Constitution. Our trust in Divine Providence and our allegiance to the Christian principles can be stated but sectarianism must be prohibited in the public schools. The schools must be free and open to all races. There must be no "Jim Crow" legislation in Alaska.

4. The State shall make no laws abridging the right of private education at private institutions which are chartered by the State and which maintain minimum standards set by the State.

The Constitution should permit the establishment of private, denominational and parochial schools and such schools should be secure in their right to teach such things as the governing body shall decide in addition to the States' minimum requirements. The State has a stake in every child as a future citizen regardless of the type of school he attends, and consequently the State has the right and must set the minimum standards for all schools whether public or non-public. All private schools should be chartered by the State, and no school should be allowed to exist that does not maintain State minimum standards.

5. The State shall require compulsory school attendance.

Every State in the Union, has by its Constitution, or by statute, provided for compulsory school attendance. Education is so important to the State that it has the right and the responsibility to require compulsory attendance at a public school or a state approved private, denominational or parochial school. It is perhaps unwise to state in the Constitution or to give in the Constitution a particular age range. This can be done by statute, but the principle that the State has the right to compel parents to send their children to school should be included in our Constitution.

6. The English language shall be the official language of all schools within the State.

A common language is one of our greatest unifying forces. Here in Alaska we have experienced little difficulty with this problem, but in some States settlements of foreign born have continued to use the native tongue in its parochial schools. By Constitutional decree, English should be made the official language of all schools of the State of Alaska.
10. Each school district shall be deemed a taxing unit and shall certify to the proper collecting agency its millage rate levy without reference to any other taxing unit.

This principle implies that each school district created by the State shall be a fiscally independent unit. It assumes that the Constitution will provide for some intermediate collecting agency. The governing body of each taxing unit then should have the power to certify its millage tax levy to the collecting agency without reference to any other taxing unit. It implies that each taxing unit, whether it be a municipality, school district or public utility district shall be fiscally independent and subject only to restrictions and limitations set by the State Legislature.

11. The members of the Board of Regents of the University of Alaska, the members of the State Board of Education and the Commissioner of Education shall be appointed in the same manner, and under the same conditions as prevail under the present Territorial form of Government.

The history of education in the United States and some 22 years of experience in Alaska indicates clearly that an appointive State Board of Education is superior to an elected board. This appointed Board of Education should have the power to appoint a Commissioner of Education who will be selected on the basis of professional qualifications. Our experience with the present or Territorial plan of an appointive board has been so satisfactory that we believe that the plan should be adopted by the State Government. The schools must be kept free from any sort of political or partisan influence, and the appointive board is the best means of achieving this goal. The Board of Regents of the University of Alaska, as an appointive Board, has worked well, and the present plan, under the Territorial form of Government should be continued into the State Government. Under no circumstances should public education and higher education be combined under one Board. Experiences in the States with this type of organization has not always been successful. Alaska's experience over the last 22 years with an appointive Board of Education and a separate appointive Board of Regents for higher education has been so productive of good results that we believe that the State Government should adopt and continue the Territorial plan of organization. If the Territorial plan for education is adopted by the State, the transition from the Territorial form of Government to the State Government can be made with the same personnel and without confusion or difficulty.

12. It is recommended that the Constitutional Convention give serious consideration to the use of recall, initiative and referendum as a means of popular Government.

This recommendation, that the Constitutional Convention give serious consideration to the use of the recall, initiative and referendum, in reality has no place under these recommendations for education, but it is felt that it is so important that the recommendation should be made although, it is a general provision of the Constitution and not specifically educational in nature.
ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON
DIRECT LEGISLATION, AMENDMENT AND REVISION

Hon. William A. Egan
President, Alaska Constitutional Convention

Dear Mr. President:

Your Committee on Direct Legislation, Amendment and Revision presents for your consideration and adoption its proposed Articles on Initiative, Referendum and Recall; and Amendment and Revision.

The Committee proposal, while incorporating many of the ideas contained in Convention Proposals No. 29 and 34, and in other drafts submitted to the Committee, is a Committee substitute.

A section by section commentary of the subject matter has been prepared by your Committee for the use of the Delegates to the Convention.

Respectfully submitted,

E. B. Collins, Chairman
Jack Hinckel
M. R. Marston
Irwin L. Metcalf
Warren A. Taylor
W. O. Smith
Leonard King
RESOLVED, that the following be agreed upon as part of the Alaska State Constitution:

ARTICLE ON DIRECT LEGISLATION

Initiative 1
Section 1. The people reserve the power by petition to propose laws and to enact or reject such laws at the polls.

Referendum 4
Section 2. The people reserve the power to require, by petition, that laws enacted by the legislature be submitted to the voters for approval or rejection.

Procedure 7
Section 3. The legislature shall prescribe the procedures to be followed in the exercise of the powers of initiative and referendum, subject to the specific authority reserved herein. No law shall be enacted to hamper, restrict or impair the exercise of powers reserved herein by the people.

Petitions, 13
Section 4. Prior to general circulation, an initiative petition shall be signed by ten qualified electors as sponsors and have the constitutionality certified by the Attorney General. Certification shall be reviewable by the courts. A valid initiative or referendum petition required shall be signed by qualified electors equal to eight
percent of the number of votes cast for Governor in the preceding general election at which the Governor was chosen. Petitions shall be filed with the Attorney General, who shall prepare a ballot title, and the adequacy of the ballot title shall be reviewable by the courts. Initiative petitions may be filed at any time. Referendum petitions shall be filed within 90 days after adjournment of the legislative session at which the measure was passed. Laws proposed by the initiative shall be submitted to the voters by ballot title at an election not later than 180 days after the adjournment of the legislative session following the filing of the petition, unless the legislature enacts the measure initiated during the session. The question on referendum shall be submitted to the voters by ballot title not later than 120 days after the filing of a petition against the measure. A majority of the votes cast is necessary for the adoption of an initiated law, or the defeat of a measure referred. No law passed by the initiative may be vetoed by the Governor nor amended or repealed by the legislature for a period of three years.

Restrictions

Section 5. Neither the initiative nor referendum may be used as a means of making or defeating appropriations of public funds or earmarking of revenues nor for local or special legislation. Emergency acts are not
Recall

Section 6. Every elected public official in the State, except judicial officers, is subject to recall by the voters of the State or subdivision from which elected. Grounds for recall are malfeasance, misfeasance, nonfeasance, or conviction of a crime involving moral turpitude. The legislature shall prescribe the recall procedures.
ARTICLE ON REVISION AND AMENDMENT

Methods

Section 1. Revisions of or amendments to this constitution may be adopted by two succeeding legislatures, or be proposed by constitutional convention or by the legislature.

Proposals by Legislature

Section 2. Any legislature may by a two-thirds vote of each house propose amendments to the Constitution. Proposed amendments may be submitted by ballot title prepared by the Attorney General to the voters at the next general election. If a majority of the votes tallied on the question favor the adoption of the amendment, the amendment is adopted.

Proposed amendments may be submitted to the next legislature not less than two years after being proposed. If the second legislature by a two-thirds vote of each house favors the adoption of the amendment, the amendment is adopted.

Constitutional Convention

Section 3. The legislature may provide for Constitutional Conventions. If any ten-year period elapses during which the legislature has not called a convention, the Governor shall certify the question, "Shall there be a Constitutional Convention?" The question shall be submitted at the first general election following the expiration of such period. If a majority of the ballots cast upon the question are in the affirmative, delegates to the convention shall be
ARTICLE ON REVISION AND AMENDMENT

-2-

1 chosen at the next regular election unless the legisla-
2 ture provides for the election of delegates at a special
3 election.

4 Unless the legislature provides otherwise, the law
5 providing for the Alaska Constitutional Convention of
6 1955 shall be followed insofar as possible relating to
7 number of members, districts, convention powers, election
8 and certification of delegates, submission and ratifica-
9 tion of revisions and ordinances, and other applicable
10 provisions. The appropriation provisions of the law
11 shall be self-executing and shall constitute a first
12 claim on the general fund of the State Treasury. The
13 legislature may provide additional appropriations.
(Sec. 1 Initiative)

The initiative is the power of the people to initiate laws themselves and provide for a referendum on such laws without action by the legislature. This section reserves the authority of the people to initiate laws by petition and vote of the people directly.

(Sec. 2 Referendum)

This section permits the people to require that laws by the Legislature be referred to a vote of the people before taking effect. This power is known as the Referendum.

(Sec. 3 Procedure)

Many constitutions, in the states which make provision for the use of the initiative and referendum, contain a great degree of detail relating to the exercise of the initiative and referendum. This section permits the legislature to provide by law for some details, but provides that the legislature may not restrict the substantive rights guaranteed in Section 4, nor to require procedures more difficult than provided in Section 4.

(Sec. 4 Petition, Ballot title; election; vote required)

This section sets forth certain substantive provisions and minimum procedures affecting the exercise of the initiative
and referendum. To prevent waste of money on elections for laws that are unconstitutional, sponsors are required to submit a proposed law to the Attorney General for certification of its constitutionality, subject to court review, prior to the circulation of petitions. The provision is intended to stop, at the initial stage, the circulation of petitions for laws that would, even if approved by the voters, result in expensive court action.

If the legislature adopts a measure that is the subject of the initiative, the measure does not have to be submitted to the people.

Additional details of procedure may be provided by the legislature subject to the limits imposed by this section. The procedure outlined has the advantage of brevity while ensuring the substantive rights to the people.

(Sec. 5 Restrictions)

The exercise of the initiative is a fundamental right of the people, but special interest groups should not be permitted to unduly hamper the operation of government. The restrictions in Section 5 will prevent the abuses and problems that have sometimes arisen in the states permitting initiative and referendum. Neither the initiative nor referendum can be used with regard to emergency legislation, appropriations, or measures earmarking taxes and other revenues, or for special or local laws that are of interest to only one group of people or people in only one portion of the state.
(Sec. 6 Recall)

The right of the people to remove elected officials is preserved. The Legislature is directed to provide the methods to be used.
Commentary on the Article on Amendment and Revision

(Sec. 1 Methods)

This section outlines three methods by which the constitution may be amended or revised. (1) By action of two separate legislatures directly; (2) by action of one legislature and referral to the people; and (3) by constitutional convention.

(Sec. 2 Proposals by Legislature)

The Legislature, by a two-thirds vote, may submit a proposed amendment to a vote at a general election. Use of general election is intended to insure a substantial vote on the question.

An alternate method is provided which permits the legislature, by a two-thirds vote, to submit a proposed amendment to the next legislature, but not to a succeeding session of the same legislature. If the second legislature adopts the amendment by a two-thirds vote it becomes part of the constitution without referring it to a vote of the people.

(Sec. 3 Constitutional Convention)

The legislature is empowered to call a convention, but if the legislature does not provide for a convention each ten years, the question is submitted to the people at the following general election.

The legislature is authorized to prescribe the procedures and powers of a convention; but if it does not make such provisions, the law calling this convention will be followed insofar as practicable.
Hon. William A. Egan  
President, Alaska Constitutional Convention  

Dear Mr. President:  

Your Committee on Direct Legislation, Amendment and Revision presents for your consideration and adoption its proposed Articles on Initiative, Referendum, and Recall; and Amendment and Revision.  

The Committee proposal, while incorporating many of the ideas contained in Convention Proposals No. 29 and 34, and in other drafts submitted to the Committee, is a Committee substitute.  

A section by section commentary of the subject matter has been prepared by your Committee for the use of the Delegates to the Convention.  

Respectfully submitted,
Hon. William A. Egan 
President, Alaska Constitutional Convention 

Dear Mr. President:

Your Committee on Direct Legislation, Amendment and Revision presents for your consideration and adoption its proposed Articles on Direct Legislation, Initiative and Referendum, Recall; and Amendment and Revision.

The Committee proposal, while incorporating many of the ideas contained in Convention Proposals No. 29 and 34, and in other drafts submitted to the Committee, is a Committee substitute.

A section by section commentary of the subject matter has been prepared by your Committee for the use of the Delegates to the Convention.

Respectfully submitted,

[signature]

[signature]
(Sec. 1 Initiative)

The initiative is the power of the people to initiate laws themselves and provide for a referendum on such laws without action by the legislature. This section reserves the authority of the people to initiate laws by petition and vote of the people directly.

(Sec. 2. Referendum)

This section permits the people to require that laws passed by the Legislature be referred to a vote of the people before taking effect. This power is known as the Referendum.

(Sec. 3. Procedure)

Many constitutions, in the states which make provision for the use of the initiative and referendum, contain a great degree of detail relating to the exercise of the initiative and referendum. This section permits the legislature to provide by law for some details, but provides that the legislature may not restrict the substantive rights guaranteed in Section 4, nor to require procedures more difficult than provided in section 4.

(Sec. 4. Petition, Ballot title; election; vote required)

This section sets forth certain substantive provisions and minimum procedures affecting the exercise of the initiative
and referendum. To prevent waste of money on elections for laws that are unconstitutional, sponsors are required to submit a proposed law to the Attorney General for certification of its constitutionality, subject to court review, prior to the circulation of petitions. The provision is intended to stop, at the initial stage, the circulation of petitions for laws that would, even if approved by the voters, result in expensive court action.

If the legislature adopts a measure that is the subject of Initiation and referendum, additional details may be provided by the legislature subject to the limits imposed by this section: The procedure outlined has the advantage of brevity while ensuring the substantive rights to the people.

(Sec. 5. Restrictions)

The exercise of the initiative is a fundamental right of the people, but special interest groups should not be permitted to unduly hamper the operation of government. The restrictions in Section 5 will prevent the abuses and problems that have sometimes arisen in the states permitting initiative and referendum. Neither the initiation nor referendum can be used with regard to emergency legislation, appropriations, or measures earmarking taxes and other revenues, or for special or local laws that are of interest to only one group of people or people in only one portion of the state.

(Section 6. Recall)

The right of the people to remove elected officials is preserved. The Legislature is directed to provide the methods to be used.
Commentary on the Article on Amendment and Revision

(Sec. 1. Methods)

This section outlines three methods by which the constitution may be amended or revised. (1) By action of two separate legislatures directly; (2) by action of one legislature and referred to the people; and (3) by constitutional convention.

(Sec. 2. Proposals by Legislature)

The Legislature, by a two-thirds vote, may submit a proposed amendment to a vote at a general election. Use of general election is intended to insure a substantial vote on the question.

An alternate method is provided which permits the legislature, by a two-thirds vote, to submit a proposed amendment to the next legislature, but not to a succeeding session of the same legislature. If the second legislature adopts the amendment by a two-thirds vote it becomes part of the constitution without referring it to a vote of the people.

(Sec. 3 Constitutional Convention)

The legislature is empowered to call a convention, but if the legislature does not provide for a convention each ten years, the question is submitted to the people at the following general election.

The Legislature is authorized to prescribe the procedures and powers of a convention; but if it does not make such provisions, the law calling this convention will be followed insofar as practicable.
Constitutional Convention of Alaska

PROPOSAL NO.

Introduced by Committee on Direct Legislation

INITIATIVE, REFERENDUM AND RECALL

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

ARTICLE DIRECT LEGISLATION

Section 1. Initiative. The people reserve the power by petition to propose laws (and amendments to this Constitution) and to enact or reject such laws (and amendments) at the polls.

Section 2. Referendum. The people reserve the power to require, by petition, that measures (laws) enacted by the legislature be submitted to the voters for approval or rejection.

Section 3. Procedure. The legislature shall prescribe the procedures to be followed in the exercise of the powers of initiative and referendum. No law shall be enacted to hamper, restrict or impair the exercise of powers reserved herein to the people.

Section 4. Limitations. Neither the initiative nor referendum may be used as a means of making appropriations of public funds (nor for laws necessary for the immediate preservation of the public peace, health or safety,) nor for local or special legislation, nor for the support of public schools.)
Section 5. Recall. Every elected public official in the State of Alaska, except judicial officers, is subject to recall by the voters of the State or subdivision from which he (or she) is elected. The legislature shall prescribe the recall procedures.
Section 4

Prior to general circulation, an initiative petition shall be signed by ten qualified electors as sponsors and have the constitutionality certified by the attorney general. Certification shall be reviewable by the courts. A valid initiative or referendum petition shall be signed by qualified electors etc.
CONSTITUTIONAL CONVENTION OF ALASKA

PROPOSAL NO. _____

Introduced by Committee on Direct Legislation

INITIATIVE, REFERENDUM AND RECALL;

AMENDMENT AND REVISION

RESOLVED, that the following be agreed upon as part of the

Alaska State Constitution:

ARTICLE ____ — DIRECT LEGISLATION

Section 1. Initiative. The people reserve the power by
petition to propose laws and to amend or reject such laws at
the polls.

Section 2. Referendum. The people reserve the power to re­
quire, by petition, that laws enacted by the legislature be
submitted to the voters for approval or rejection.

Section 3. Procedure. The legislature shall prescribe the
procedures to be followed in the exercise of the powers of initi­
itive and referendum, subject to the specific authority reserved
herein. No law shall be enacted to hamper, restrict or impair
the exercise of powers reserved herein by the people.

Section 4. Petitions, ballot title, election, vote required.

An initiative or referendum petition shall be signed by qualified
electors equal to eight percent of the number of votes cast for
Governor in the preceding general election at which the Governor
was chosen. Petitions shall be filed with the Attorney General,
who shall prepare a ballot title, and the adequacy of the ballot
title shall be reviewable by the courts. Initiative petitions
may be filed at any time. Referendum petitions shall be filed
within 90 days after adjournment of the legislative session at which the measure was passed. Laws proposed by the initiative shall be submitted to the voters by ballot title at an election not later than 180 days after adjournment of the legislative session following the filing of the petition, unless the legislature enacts the measure initiated during the session. The question on referendum shall be submitted to the voters by ballot title not later than 120 days after the filing of a petition against the measure. A majority of the votes cast is necessary for the adoption of an initiated law, or the defeat of a measure referred. No law passed by the initiative may be amended or repealed by the legislature for a period of three years.

Section 5. Restrictions. Neither the initiative nor referendum may be used as a means of making or defeating appropriations of public funds nor for local or special legislation. Emergency acts are not subject to referendum.

Section 6. Recall. Every elected public official in the State, except judicial officers, is subject to recall by the voters of the State or subdivision from which elected. Grounds for recall are malfeasance, misfeasance, nonfeasance, or conviction of a crime involving moral turpitude. The legislature shall prescribe the recall procedures.
ARTICLE — REVISION AND AMENDMENT

Section 1. Methods. Revisions of or amendments to this constitution may be adopted by two succeeding legislatures, or proposed by constitutional convention or by the legislature.

Section 2. Proposals by Legislature. Any legislature may by a two-thirds vote of each house propose amendments to the Constitution. Proposed amendments may be submitted by ballot title prepared by the Attorney General to the voters at the next general election. If a majority of the votes tallied on the question favor the adoption of the amendment, the amendment is adopted.

Proposed amendments may be submitted to the next legislature not less than two years after being proposed. If the second legislature by a two-thirds vote of each house favors the adoption of the amendment, the amendment is adopted.

Section 3. Constitutional Convention. The legislature may provide for Constitutional Conventions. If any ten-year period elapses during which the legislature has not called a convention, the Governor shall certify the question, "Shall there be a Constitutional Convention?" The question shall be submitted at the first general election following the expiration of such period. If a majority of the ballots cast upon the question are in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature provides for the election of delegates at a special election.
Unless the legislature provides otherwise, the law providing for the Alaska Constitutional Convention of 1955 shall be followed relating to number of members, districts, convention powers, election and certification of delegates, submission and ratification of revisions and ordinances, and other applicable provisions. The appropriation provisions of the law shall be self-executing and shall constitute a first claim on the general fund of the State Treasury. The legislature may provide additional appropriations.
Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 34

Introduced by Yule F. Kilcher

CONVENTION FOR CONSTITUTIONAL REVISION

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

1. After the lapse of fifteen years during which a constitutional convention has not been convened, delegates to a constitutional convention shall be elected at the next regular election.

2. Unless the legislature shall otherwise provide, there shall be the same number of delegates to such Convention, who shall be elected from the same areas, and the Convention shall be convened in the same manner, as nearly as practicable, as required for the Alaska Constitutional Convention of 1955.

3. The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the elections, returns and qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause. The governor shall fill any vacancy by appointment of a qualified voter from the area concerned.
4. The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate, but no such revision or amendments shall be effective unless approved at a general election by a majority of all of the votes tallied upon the question, such majority constituting at least thirty-five percent of the total vote cast at such election, or at a special election by a majority of the total vote tallied upon such question, such majority constituting at least thirty-five percent of the total number of registered voters.
Section 1. The people reserve unto themselves power by petition to propose laws and amendments to this constitution, and directly to enact or reject such laws and amendments at the polls. This reserved power shall be known as the initiative. The initiative shall not be used for the appropriation of money other than of new revenues created and provided for thereby, or for any other purpose prohibited by this Constitution.

Section 2. The people also reserve unto themselves power to require, by petition, that measures enacted by the legislature be submitted to the qualified voters for their approval or rejection. This reserved power shall be known as the referendum.

Section 3. The referendum may be ordered for any lawful purpose except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools.

Section 4. That the legislature shall enact appropriate legislation to carry out the provisions of Sections 1 and 2 of this article, and facilitate their operation and effect without delay: Provided, That the authority hereby conferred upon the Legislature shall not be construed to grant to the legislature any exclusive power of lawmaking, nor any way limit the initiative and referendum powers reserved by the people.
Constitutional Convention of Alaska

DELEGATE PROPOSAL NO. 29

Introduced by Irwin L. Metcalf

INITIATIVE, REFERENDUM, AND RECALL — AMENDMENT & REVISION

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

1. ARTICLE I

2. Sec. 1. THE INITIATIVE. The people reserve to themselves power by petition to propose laws and amendments to this Constitution, and directly to enact or reject such laws and amendments at the polls. This reserved power shall be known as the Initiative.

3. Sec. 2. REQUIREMENTS OF INITIATIVE PETITION. — An Initiative petition shall contain either the full text of the measure proposed, or an adequate summary thereof, and to be valid, shall, in case of a proposed Law, be signed by qualified voters equal in number to 5% of total number of votes cast for the Office of Governor at last General Election. Every such Initiative Petition shall be filed with the Secretary of State not less than four months before the next and following General Election and shall contain an Enacting Clause and the full text of the proposed measure, and the Secretary of State shall submit the same to the vote of the people at the next General Election.
Sec. 3 REQUIREMENTS FOR INITIATIVE PETITIONS TO AMEND CONSTITUTION. — Proposal Petitions for Constitutional Amendments by means of the Initiative Machinery process shall not contain more than one Amended and Revised Article of this Constitution, or one new Article which shall not contain more than one subject and matters properly connected therewith, and the Enacting Clause thereon shall be: "Be it Resolved by the people of the State of Alaska that the Constitution be amended."

Sec. 4. RESTRICTIONS ON DIRECT LEGISLATION PROCEDURE. — The Initiative shall not be used for the appropriation of money other than of new revenues created and provided for thereby, or for any other purpose prohibited by this Constitution, nor for the Enactment of local or Special Legislation. No proposed measure submitted by the Initiative shall contain therein the name of any person to be designated as Administrator of any Department, office or agency to be established by the proposed Law or Constitutional Amendment.

No law shall be enacted to hamper, restrict or impair the exercise of powers herein reserved to the people. No measure adopted by vote of the qualified voters under the Initiative and referendum Provisions of this Constitution shall be repealed or amended by the Legislature within a period of three years following its adoption except by a two-thirds vote of each house of the Legislature.

Sec. 5. THE REFERENDUM. — The people also reserve to the
selves power to require, by petition, that measures enacted by the
Legislature be submitted to the qualified voters for their approval
or rejection. This reserved power shall be known as the Referendum.

Sec. 6. REFERENDUM—EXCEPTIONS—PROCEDURE.—A Referendum
may be ordered (except as to Laws necessary for the immediate pre-
servation of the public peace, health or safety, and laws making
appropriations for the current expenses of the State Government,
for the maintenance of State institutions and for the support of
Public Schools) either by petitions signed by 5% of the legal
voters in each of two-thirds of the Counties or corresponding pol-
itical subdivisions in the state, or by the State Legislature, as
other bills are enacted in such Legislature.

Referendum petitions shall be filed with the Secretary of
State within ninety days after the final adjournment date of that
session of the Legislature, which passed the bill on which the Ref-
erendum is demanded.

Sec. 7. VETO POWER—ELECTIONS—CONFLICTING LAWS CONCURRENTLY
ADOPTED—EFFECTIVE DATE.—The Veto power of the Governor shall not
extend to measures referred to the people either by the Initiative
or Referendum process. The question of approving or rejecting any
measure, against which a valid Referendum Petition is filed, shall
be submitted to the voters at a Special or General Election held
on the second Tuesday of the next and following November, unless
another day in same month is designated by the Governor for such
election.

DELEGATE PROPOSAL 'NO.'
Any measure submitted to the vote of the people either by Initiative or Referendum shall take effect when approved by a majority of the votes cast thereon, which majority must exceed in number 35% of the total vote cast for the Office of Governor at the last preceding General Election. When conflicting measures are approved at the same election, the one receiving the largest affirmative vote shall prevail.

Sec. 8. BASIS FOR COMPUTATION OF SIGNATURES REQUIRED. -- The total vote cast for the Office of Governor at the General Election last preceding the filing of any Initiative or Referendum Petition shall be used to determine the number of legally-qualified voters necessary to sign the petition. In submitting proposed Initiative or referendum measures to the Voters for a vote of ratification or rejection, the Secretary of State and all other officers shall be governed by General Laws.

Sec. 9. REQUIREMENTS FOR VOTERS SIGNING PETITIONS AND FOR PERSONS SUBMITTING SAME--PUBLICATION REQUIREMENTS PRIOR TO ELECTION. Only Qualified Voters are entitled to sign any Initiative or Referendum Petitions, whose names appear on the Voting Records from the last General Election. All Initiative and Referendum petitions, in order to be valid, must bear the signatures and addresses of petitioners pen-written in a clear and legible manner. And the person or persons submitting such Petitions shall make written Affidavit under the penalties of Perjury that all of the persons signing each and every page of each and every petition are person-DELEGATE PROPOSAL NO.
ally known to affiant to be true and bona fide qualified resident voters of the State of Alaska. Any Proposed Initiative or Referendum Measure or proposed Constitutional Amendments must be printed and published in full on a non-partisan basis in all established and legally recognized newspapers of general circulation throughout the State once a week for at least Six consecutive weeks just preceding the Election to be held thereon.

ARTICLE II

Sec. 1. RECALL OF OFFICERS AUTHORIZED. --Every Public Officer in the State of Alaska, excepting the Judicial Officers, is subject to recall by the legal voters of the State or of the Electoral District from which he or she is elected. The Legislature shall pass the necessary Laws to carry this provision in to effect.

ARTICLE III

METHODS BY WHICH THE CONSTITUTION MAY BE AMENDED OR REVISED.

Sec. 1. METHODS BY WHICH THE CONSTITUTION MAY BE AMENDED OR REVISED.-- The Constitution may be amended or Revised by the following methods:

a. By Initiative Process

b. By Proposed Amendment being originally adopted by a majority vote of both Houses of the Legislature, and thereafter submitted to the voters of the State on a Referendum Basis.

c. By a majority of both Legislative branches enacting a Law calling for the convening of a Constitutional Con-
vention for the purpose of preparing, adopting, and proposing Constitutional Amendments, such proposed Constitutional Amendments to be submitted to the Voters of the State for approval or rejection within 120 days following the adjournment date of such Constitutional Convention.

PROVIDED FURTHER That any Constitutional Amendment proposed by any one of the three methods herein-above mentioned, when submitted to the voters of the state for approval or rejection, must be approved by a majority of votes, cast at such election, greater than 50% of total number of votes cast for the Office of Governor at last preceding General Election, before taking effect.

DELEGATE PROPOSAL NO.
Section #1. - The Initiative. - The people reserve to themselves the power by petition to propose laws and directly to enact or reject such laws at the polls. This reserved power shall be known as the initiative.

Section #2. - Restrictions on Direct Legislative Procedure. - The initiative shall not be used as a means of making appropriations of public funds, nor the enactment of local or special legislation. No petition shall be considered a valid petition unless signed by qualified voters of a number or percentage to be established by the legislature. Each sheet of the petition, at the time of signing and filing, shall contain either the full text of the measure proposed or an adequate summary thereof. Not more than 25% of the signatures counted on any completed petition shall be voters of any one political sub-division of the State.

Section #3. - The Referendum. - The people also reserve to themselves the power to require, by petition, that measures enacted by the legislature be submitted to the qualified voters for their approval or rejection. This reserved power shall be known as the referendum.

Section #4. - Effect of referendum & Restrictions thereon. - A referendum petition shall have the same qualifications and be restricted in the same details as an initiative petition. A referendum may be ordered on any act or part of an act, except acts continuing existing taxes and acts making appropriations in amounts not in excess of those of the preceding fiscal year. When a referendum is ordered upon an act, or any part of an act, it shall suspend the operation thereof until such act, or part, is approved by the voters. The filing of a referendum petition against one or more items, sections or parts of an act shall not delay the remainder of the measure from becoming operative. If a referendum petition be filed against an emergency measure, such measure shall be operative until voted upon, and if not approved by a majority of the qualified voters voting thereon, it shall be deemed repealed.

Section #5. - Procedure. - All initiative petitions shall be filed with the Secretary of State and referred for report to the Legislative Council not less than three months before the next ensuing session of the legislature. All referendum petitions shall be filed with the Secretary of State not more than ninety days after adjournment of the session at which the measure to be referred was enacted. An initiative petition not enacted into law at the next ensuing session of the legislature shall be submitted by the governor, or such other person as shall be designated by law, to the qualified voters at the first election held not less than sixty days after the end of the session which failed to take the indicated action. The legislature may provide by law for a procedure by which the sponsors of the initiative petition may withdraw the petition at any time prior to its submission to the voters. The question of approving any measure against which a valid referendum petition is filed shall be submitted to the voters at the first regular or special election held not less than thirty days after such filing.
Section #6. - Passage of Laws by Initiative & Referendum. - Each measure shall be submitted by ballot title, which shall be descriptive but not argumentative or prejudicial. The ballot title of any initiated or referred measure shall be prepared by the legal department of the State, subject to review by the courts. The veto power of the Governor shall not extend to a measure initiated by, or referred to, the qualified voters. Any measure submitted to the vote of the qualified voters shall become law only when approved by a majority of the votes cast thereon; provided that, in addition, no initiative measure shall become effective if approved at a special election unless the affirmative votes cast therefor shall be equal to at least 35% of the total vote cast for Governor at the last preceding general election at which a Governor was chosen. Each measure so approved shall take effect thirty days after the date of the vote thereon, unless otherwise provided in the measure. When conflicting measures are approved at the same election the one receiving the largest affirmative vote shall prevail (to the extent of the conflict).

Section #7. - Special Elections. - Any referendum measure shall be submitted to the qualified voters at a special election, if so ordered by the Governor. Any such special election shall be held not less than ninety days nor more than one hundred and twenty days after the adjournment of the session at which the act was passed, or at which the indicated action was not taken, in the case of an initiated measure. No special elections shall be held during the months of May, June, July or August except for emergency measures.

Section #8. - Constitution Amendments. - The reserved right of initiative shall not apply to Constitutional Amendments. Constitutional Amendments shall be proposed only in accord with Article ____ of this constitution.

but shall permit petitioning the legislature for a constitutional convention if one has not been held for five years.
CONSTITUTIONAL CONVENTION OF ALASKA

Proposal to Committee on Direct Legislation
Introduced by M. R. Marston

Dealing with Direct Legislation via Initiative and Referendum

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

Section 1. a The Initiative - The people reserve to themselves the power to propose laws and to enact or reject such laws at the polls - This reserved power shall be known as the Initiative.

Section 1. b Laws or Amendments to the State Constitution may be proposed by direct Initiative and shall be submitted to the people by such course and in such a manner as may be prescribed by the Legislature.

Section 2. a The Referendum -- The people also reserve to themselves the power to require by petition that any laws enacted by the Legislature shall be submitted to the qualified voters for approval or rejection, except such emergency resources as may be necessary for the preservation of public peace, health or safety and also excepting any laws relating to appropriations, to local or to special legislation.

Section 2. b Either house of the legislative assembly may also call for a referendum on any of its own acts within ten days of the date of enactment.
Section 2. c -- The Legislature shall prescribe by law the course of such referendum petitions and the process of voting thereon.
Based upon my readings of all source materials furnished by the Public Administrative Service and the Statehood Committee on the subject of direct legislation, I have arrived at the conclusion that provision should be made in the Alaska Constitution for the initiative, referendum and recall. I wish to suggest that consideration be given to something like the following form:

Although the legislative power of the State shall be vested in the legislative assembly, the people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls, at their own option to approve or reject at the polls any act of the legislative assembly within certain limitations, and to recall officials as hereinafter provided.

The first power reserved to the people is the initiative. An initiative petition shall contain the full text of the measure proposed and shall be signed by qualified voters in the amount of eight percent of the total vote cast at the last general election for legislative statutes and ten percent of the vote cast for Constitutional amendments.

The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety and as to appropriation acts) by petition signed by qualified voters in the amount of ___ percent of the vote cast at the last general election. The legislative assembly may also call for a referendum on any of its acts by filing a notice of intent with the (President of the Senate, Secretary of State, Attorney General -- choose one) within ten days after enactment. The effect of such an act shall be held in abeyance until such time as the results of the referendum are official canvassed and declared. Any amendment to the Constitution, regardless of source, either by initiative from the people or act of the legislative assembly, must be submitted to the people for approval.

The third power is the power to recall any elected or appointed official,
except the members of the judiciary, after one year in office. Petitions for recall must state the causes or grounds for such recall and must be signed by qualified voters in the amount of twenty-five percent of the votes cast in the last general election.

An initiative, referendum, or recall petition after receiving the necessary number of signatures, must be submitted to the Attorney General to be passed upon as to constitutionality and legality. Within thirty days after receipt by him, it shall be filed with the Secretary of State who shall within ten days of receipt arrange for certification, publicity, and printing of ballots. The ballot shall be included in the next general election which shall be held within sixty days from the date of official certification by the Secretary of State.
WILLIAM EAGAN
PRESIDENT
CONSTITUTIONAL CONVENTION COLLEGE

BELIEVE PEOPLE ON KENAI PENINSULA WILL NOT RATIFY CONSTITUTION UNLESS INITIATIVE AND REFERENDUM INCLUDED. RECOMMEND AUTOMATIC CONSTITUTIONAL CONVENTION EVERY 25 YEARS. LETTER FOLLOWS.

HENNING N JOHNSON WILLIAM RAVER
Mr. James Hurley  
Delegate  
Constitutional Convention  
Fairbanks, Alaska  

Dear Sir:  

I'm sorry I wasn't able to be at the hearings in Palmer on December 29, as I intended when I talked with you at the Convention. The highway was closed by snow.  

I wanted to discuss several points with you. As it is developing, the Constitution does not provide suitable referendum, initiative and recall. As proposed by committee, the features are weak, and are being further outdone on the convention floor. There is no provision for constitutional amendment by popular move; delegates have not given as much attention to such improvements as unicameral legislature and proportional representation, as Alaskan public opinion warrants; one objection, among others, to the local government proposal, is that it gives the cities unwarranted control.  

As a whole, proposals are loaded with statutory material, details which should be left to future legislatures, in spite of the convention resolution to keep to matters of principal and form. I believe you have also expressed concern on this point. For example, the proposal of Committee #10 on Land and Resources, seven pages of mainly statutory material, is adequately expressed in principal in Section 3 of your Delegate Proposal No. 30 on State Lands and Natural Resources, as follows: "All natural resources shall be utilized for the benefit of all the people of the state."  

As you know, I have talked to hundreds of people about this constitution since last spring. The one constant demand of nearly all has been for a direct vote on issues, (and for any other measures that would make government simple and easily controlled by the people themselves.) Although the delegates have voted for initiative, referendum and recall in principle, they are not proceeding to make it workable; -- rather the contrary.  

I would like to have you present this letter to the Convention on behalf of the many Alaskans who have expressed their opinions to me, and I hope that it may be of support to you.  

With best wishes,  

Ben Hitchcock  
Caribou Creek  
Palmer