310.12X - CONSTITUTIONAL CONVENTION
C/P No. 12 - General and Miscellaneous Provisions

1) Original
2) Enrolled
   Jan. 23, 1956 (C/P's 15 & 16 added)
3) Jan. 30, 1956

ACE 585118
Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Article on General and Miscellaneous for consideration by the Convention.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale
RESOLVED; that the following be agreed upon as part of the Alaska State Constitution:

ARTICLE XII
GENERAL AND MISCELLANEOUS

Civil Service

Section 1. The legislature shall establish a system under which the merit principle will govern the employment of persons by the State.

Retirement Systems

Section 2. Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired.

Disqualification for Disloyalty

Section 3. No person who advocates, or who aids or belongs to any party or organization or association which advocates, the overthrow by force or violence of the government of the United States or of the State shall be qualified to hold any public office of trust or profit under this constitution.
Section 4. All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation:

"I do solemnly swear, or affirm, that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, and that I will faithfully discharge my duties as ______ to the best of my ability". The legislature may prescribe further oaths or affirmations.

Section 5. The State and its political subdivisions may cooperate with the United States and its territories and with other states and their political subdivisions on matters of common interest. The respective legislative bodies may make appropriations for this purpose. The governor shall act as the agent of the State in all intergovernmental relations involving the State.

Section 6. Titles and subtitles shall not be used in construing this constitution. Personal pronouns used in this constitution shall be construed as including persons of both sexes.

Section 7. The enumeration of specified powers in this constitution shall not be construed as limiting the powers of the State.

Section 8. The provisions of this constitution
Self-executing shall be construed to be self-executing whenever possible.

Law-Making Powers

Section 9. As used in this constitution, the terms "by law" and "by the legislature", or variations of these terms, are used interchangeably when related to law-making powers. Unless clearly inapplicable, the law-making powers assigned to the legislature may be exercised by the people through the initiative, subject to the limitations of Article XI.

Office of Profit

Section 10. Service in the armed forces of the United States or of the State is not an office or position of profit as the term is used in this constitution.

Consent to Enabling Act

Section 11. All provisions of the act admitting Alaska to the Union which reserve rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property, are consented to fully by the State and its people.

State University

Section 12. The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be
Section 13. The University of Alaska shall be governed by a board of regents. The regents shall be nominated and appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.
ALASKA CONSTITUTIONAL CONVENTION

Report of the Committee on Executive Branch

Honorable William A. Egan
President, Alaska Constitutional Convention

Dear Mr. President:

The Committee on the Executive Branch presents for consideration and adoption by the Convention the attached article entitled General and Miscellaneous Provisions; although these provisions are of particular interest to this committee, they were not included in the proposed Article on the Executive Branch because they have application also to the other branches of government.

A commentary is also attached which explains the purpose of each section.

Respectfully submitted,
Victor Rivers, Chairman
Frank Barr
John C. Boswell
Thomas C. Harris
Maynard D. Londborg
Katharine Nordale
H. R. VanderLeest
ALASKA CONSTITUTIONAL CONVENTION
COMMITTEE PROPOSAL NO. 12

Introduced by Committee on Executive Branch
Article Containing General and Miscellaneous Provisions

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

Merit 1  Section 1. The legislature shall provide for a
Principle 2  system under which the employment of persons by the
3  State shall be governed by the merit principle.
Employees 4  Section 2. Membership in any employees' retire-
Retirement 5  ment system of the State or any political subdivision
6  thereof shall be a contractual relationship, the
7  accrued benefits of which shall not be diminished or
8  impaired.
Disqualification 9  Section 3. No person who advocates, or who
for Dis-
loyalty 10  aids or belongs to any party, organization or
11  association which advocates, the overthrow by force
12  or violence of the government of this State or of
13  the United States shall be qualified to hold any
14  public office or employment.

Oath of 15  Section 4. All public officers, before entering
Office 16  upon the duties of their respective offices, shall
17  take and subscribe to the following oath or affirmation

COMMITTEE PROPOSAL NO. 12
"I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Alaska, and that I will faithfully discharge my duties as ______ to the best of my ability".

The legislature may prescribe further oaths or affirmations.

Section 5. The State and its political subdivisions may cooperate with the United States and its territories and with other states and their political subdivisions on matters of common interest and, to the extent consistent with the laws of the United States, with foreign nations. The respective legislative bodies may appropriate such sums as may be necessary for this purpose. In all intergovernmental relations involving the state, the Governor shall act as the agent of the state.
Constitutional Convention
Committee Proposal/12
December 16, 1955

CONSTITUTIONAL CONVENTION OF ALASKA
COMMITTEE PROPOSAL NO. 12
Commentary on the Article on General and Miscellaneous Provisions

Section 1. Merit Principle: Only employment in certain Federally aided programs of the Territory is now governed by the merit principle. This section would call upon the legislature to establish a system under which employment generally by the state would be governed by the merit principle. A system governed by the merit principle would be one, for example, which comprehended professional, technical, clerical, and administrative positions of the state government. The positions comprehended within the system would be classified according to duties and responsibilities. Salary ranges would be established for the various classes of positions. Appointments would be made according to merit and fitness which would be ascertained, so far as practicable, by competitive examinations.

Section 2. Employee's Retirement. This will assure state and municipal employees who are now tied into various retirement plans that their benefits under these plans will not be diminished or impaired when the Territory becomes a state.

Section 3. Disqualification for Disloyalty. This conforms with the language of the Congressional enabling bills.
Section 4. Oath of Office. The oath is self-explanatory.

Section 5. Intergovernmental Relations. This provision is recommended mainly in order to make it clear that the state can participate in cooperative programs such as the Western Interstate Compact on Higher Education even though such programs may involve the expenditure of public funds outside the state. Some states have had to amend their constitutions in order to participate in such programs.

This provision would also authorize local government units in Alaska to cooperate with Federal agencies on grant-in-aid programs such as housing and airport construction. Local government units could maintain direct relations with Federal agencies, but the Governor would serve as agent for the state in developing the intergovernmental relations of state agencies.

In view of the close relationships which Alaska will have with the neighboring Canadian provinces, explicit authority is granted to the state to cooperate with foreign nations to the extent consistent with the laws of the United States.
ALASKA CONSTITUTIONAL CONVENTION

COMMITTEE PROPOSAL NO. 12

Introduced by Committee on Executive Branch

Article Containing General and Miscellaneous Provisions

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

GENERAL AND MISCELLANEOUS PROVISIONS

Section 1. The legislature shall provide for a system under which the employment of persons by the State shall be governed by the merit principle.

Section 2. Membership in any employees' retirement system of the State or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

Section 3. No person who advocates, or who aids or belongs to any party, organization or association which advocates the overthrow by force or violence of the government of this State or of the United States shall be qualified to hold any public office of trust or profit under this constitution.

Section 4. All public officers, before entering upon the duties of their respective offices, shall take
and subscribe to the following oath or affirmation "I
do solemnly swear (or affirm) that I will support and
defend the Constitution of the United States, and the
Constitution of the State of Alaska, and that I will
faithfully discharge my duties as _________________
to the best of my ability". The legislature may pre-
scribe further oaths or affirmations.

Section 5. The State and its political subdivi-
sions may cooperate with the United States and its
territories and with other states and their political
subdivisions on matters of common interest. The res-
pective legislative bodies may appropriate such sums
as may be necessary for this purpose. In all inter-
governmental relations involving the state, the Gover-
nor shall act as the agent of the state.

Section 6. The University of Alaska is hereby
established as the state university and constituted
as a body corporate. It shall have title to all the
real and personal property now or hereafter set aside
for or conveyed to it, to be administered and disposed
of according to law. There shall be a board of regents
of the University of Alaska, the members of which shall
be nominated and appointed by the Governor, by and with
the advice and consent of a majority of the members of
both houses of the Legislature in joint session. The
1 Board shall have power, in accordance with law, to
2 formulate policy, and to appoint the President of the
3 University, who shall be its executive officer.

Rules of

4 Section 7. Titles, subtitles and marginal titles
Interpretation
5 are not to be used for purposes of interpreting this
6 Constitution.

7 Section 8. In this Constitution the personal pronoun
8 is to be interpreted to include persons of both sexes.

9 Section 9. The enumeration in this Constitution of
10 specified powers is not to be interpreted as a limitation
11 upon the powers of the state government.

12 Section 10. The provisions of this Constitution are
13 to be interpreted as self-executing whenever possible.

Office of

14 Section 11. Service in the armed forces of the
Profit
15 United States or of the State is not an office or position
16 of profit as the term is used in this Constitution.

Disclaim-

17 Section 12. The state of Alaska and its people do
er Regard
18 agree that they forever disclaim all right and title to
ing
19 any lands or other property not granted or confirmed to
Native
20 the State or its political subdivisions by or under the
Lands
21 authority of the Act of Admission of this state, the
22 right or title to which is held by the United States or
23 is subject to disposition by the United States, and to
24 any lands or other property (including fishing rights) the
25 right or title to which may be held by any Indians,
Consent to Enabling Act

Section 13. All provisions of the Act admitting Alaska to the Union which reserves rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property made to Alaska, are consented to fully by the state of Alaska and its people.