

CONSTITUTIONAL CONVENTION 320.13
Chief Clerk File - Com Proposal No.
12. 15 & 16

Constitutional Convention
Committee Proposal/12/Engrossed
January 23, 1956

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

Merit 1 Section 1. The legislature shall provide for a
Principle 2 system under which the employment of persons by the State
3 shall be governed by the merit principle.
Employees 4 Section 2. Membership in any employees' retirement
Retirement 5 system of the State or any political subdivision thereof
6 shall be a contractual relationship, the accrued benefits
7 of which shall not be diminished or impaired.
Disqualifi- 8 Section 3. No person who advocates, or who aids or
cation for 9 belongs to any party, organization or association which
Disloyalty 10 advocates [,] the overthrow by force or violence of the
11 government of this State or of the United States shall be
12 qualified to hold any public office [OR EMPLOYMENT,] of
13 trust or profit under this constitution.
Oath of 14 Section 4. All public officers, before entering upon
Office 15 the duties of their respective offices, shall take and

1 subscribe to the following oath or affirmation "I do
2 solemnly swear (or affirm) that I will support and defend
3 the Constitution of the United States, and the Constitu-
4 tion of the State of Alaska, and that I will faithfully
5 discharge my duties as _____
6 to the best of my ability". The legislature may prescribe
7 further oaths or affirmations.

Inter- 8 Section 5. The State and its political subdivisions
Governmental 9 may cooperate with the United States and its territories
Relations 10 and with other states and their political subdivisions on
11 matters of common interest. AND, TO THE EXTENT CONSISTENT
12 WITH THE LAWS OF THE UNITED STATES, WITH FOREIGN NATIONS.
13 The respective legislative bodies may appropriate such sums
14 as may be necessary for this purpose. In all intergovern-
15 mental relations involving the state, the Governor shall
16 act as the agent of the state.

The Univer- 17 Section 6. The University of Alaska is hereby estab-
sity of 18 lished as the state university and constituted as a body
Alaska 19 corporate. It shall have title to all the real and personal
20 property now or hereafter set aside for or conveyed to it
21 [, WHICH SHALL BE HELD IN PUBLIC TRUST FOR ITS PURPOSES]
22 , to be administered and disposed of according to law.
23 There shall be a board of regents of the University of
24 Alaska, the members of which shall be nominated and appoint-
25 ed by the Governor, by and with the advice and consent of a

1 majority of the members of both houses of the legisla-
2 ture in joint session. The Board shall have power, in
3 accordance with law, to formulate policy, and to appoint
4 the President of the University, who shall be its execu-
5 tive officer.

Rules of Inter-
pretation

6 [SECTION 1 OF COMMITTEE PROPOSAL 15] Section 7.
7 Titles, subtitles and marginal titles are not to be
8 used for purposes of interpreting this Constitution.

9 [SECTION 2 OF COMMITTEE PROPOSAL 15] Section 8.
10 In this Constitution the personal pronoun is to be in-
11 terpreted to include persons of both sexes.

12 [SECTION 3 OF COMMITTEE PROPOSAL 15] Section 9.
13 The enumeration in this Constitution of specified powers
14 is not to be interpreted as a limitation upon the powers
15 of the state government.

16 [SECTION 4 OF COMMITTEE PROPOSAL 15] Section 10.
17 The provisions of this Constitution are to be interpreted
18 as self-executing whenever possible.

Office of
Profit

19 [SECTION 17 OF COMMITTEE PROPOSAL 2] Section 11.
20 Service in the armed forces of the United States or of the
21 State is not an office or position of profit as the term
22 is used in this Constitution.

Disclaimer Re-
garding Native
Lands

23 [SECTION 1 OF COMMITTEE PROPOSAL 16] Section 12.
24 The state of Alaska and its people do agree that they
25 forever disclaim all right and title to any lands or

1 other property not granted or confirmed to the State
2 or its political subdivisions by or under the auth-
3 ority of the Act of Admission of this state, the right
4 or title to which is held by the United States or is
5 subject to disposition by the United States, and to
6 any lands or other property (including fishing rights)
7 the right or title to which may be held by any Indians,
8 Eskimos, or Aleuts (hereinafter called natives) or is
9 held by the United States in trust for said natives;
10 that all such lands or other property, belonging to
11 the United States or which may belong to said natives,
12 shall be and remain under the absolute jurisdiction and
13 control of the United States until disposed of under
14 its authority, except to such extent as the Congress
15 has prescribed or may hereafter prescribe and except
16 when held by individual natives in fee without restric-
17 tions on alienation; and that no taxes shall be imposed
18 by the State upon any lands or other property now owned
19 or hereafter acquired by the United States or which, as
20 hereinabove set forth, may belong to said natives, ex-
21 cept to such extent as the Congress has prescribed or
22 may hereafter prescribe, and except when held by indi-
23 vidual natives in fee without restriction on aliena-
24 tion. §; AND NO LEGISLATIVE ACT BY THE STATE OF ALASKA
25 SHALL BE TAKEN THEREON. NOTHING IN THIS SECTION SHALL

1 PREVENT THIS STATE FROM ACCEPTING ANY PAYMENTS IN LIEU
2 OF TAXES THAT MAY BE AUTHORIZED BY THE CONGRESS. THE
3 FOREGOING ORDINANCE SHALL BE IRREVOCABLE WITHOUT THE
4 CONSENT OF THE UNITED STATES AND THE PEOPLE OF THIS
5 STATE.]

Consent to
Enabling Act

6 [SECTION 2. COMMITTEE PROPOSAL 16. THE STATE OF
7 ALASKA AND ITS PEOPLE HEREBY CONSENT TO ALL AND SINGULAR
8 THE PROVISIONS OF THE ENABLING ACT THAT IS PASSED BY
9 CONGRESS AND APPROVED BY THE PRESIDENT FOR THE ADMISSION
10 OF ALASKA INTO THE UNION OF STATES.] Section 13. All
11 provisions of the Act admitting Alaska to the Union
12 which reserves rights or powers to the United States.
13 as well as those prescribing the terms or conditions of
14 the grants of lands or other property made to Alaska,
15 are consented to fully by the state of Alaska and its
16 people.

University of
Alaska

17 [SECTION 3. THE UNIVERSITY OF ALASKA IS HEREBY
18 ESTABLISHED AS THE STATE UNIVERSITY AND CONSTITUTED A
19 BODY CORPORATE TO CONTINUE UNINTERRUPTED IN ALL RESPECTS
20 AS PROVIDED BY LAW.]

FIRST ENROLLED COPY

Constitutional Convention
Committee Proposal/12/Enrolled
January 23, 1956

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

Merit	1	Section 1. The legislature shall provide for a
Principle	2	system under which the employment of persons by the State
	3	shall be governed by the merit principle.
Employees	4	Section 2. Membership in any employees' retirement
Retirement	5	system of the State or any political subdivision thereof
	6	shall be a contractual relationship, the accrued benefits
	7	of which shall not be diminished or impaired.
Disqualifi-	8	Section 3. No person who advocates, or who aids or
cation for	9	belongs to any party, organization or association which
Disloyalty	10	advocates the overthrow by force or violence of the gov-
	11	ernment of this State or of the United States shall be
	12	qualified to hold any public office of trust or profit
	13	under this constitution.
Oath of	14	Section 4. All public officers, before entering
Office	15	upon the duties of their respective offices, shall take

1 and subscribe to the following oath or affirmation "I
2 do solemnly swear (or affirm) that I will support and
3 defend the Constitution of the United States, and the
4 Constitution of the State of Alaska, and that I will
5 faithfully discharge my duties as _____
6 to the best of my ability". The legislature may pre-
7 scribe further oaths or affirmations.

Inter-

Governmental
Relations

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

The Univer-
sity of
Alaska

16 Section 6. The University of Alaska is hereby
17 established as the state university and constituted
18 as a body corporate. It shall have title to all the
19 real and personal property now or hereafter set aside
20 for or conveyed to it, to be administered and disposed
21 of according to law. There shall be a board of regents
22 of the University of Alaska, the members of which shall
23 be nominated and appointed by the Governor, by and with
24 the advice and consent of a majority of the members of
25 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
Interpre- 5 are not to be used for purposes of interpreting this
tation 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,

1 Eskimos, or Aleuts (hereinafter called natives) or is
2 held by the United States in trust for said natives; that
3 all such lands or other property, belonging to the United
4 States or which may belong to said natives, shall be and
5 remain under the absolute jurisdiction and control of the
6 United States until disposed of under its authority, ex-
7 cept to such extent as the Congress has prescribed or may
8 hereafter prescribe and except when held by individual
9 natives in fee without restrictions on alienation; and
10 that no taxes shall be imposed by the State upon any lands
11 or other property now owned or hereafter acquired by the
12 United States or which, as hereinabove set forth, may
13 belong to said natives, except to such extent as the Con-
14 gress has prescribed or may hereafter prescribe, and ex-
15 cept when held by individual natives in fee without res-
16 triction on alienation.

Consent
to
Enabling
Act

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

Amendment No.

4

Constitutional Convention

By Ed Committee

Date 1-20-54

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 12

MR. PRESIDENT:

I move that (Committee) Proposal No. 12 be amended
as follows:

*Sec 4, Line 5. Delete remainder of line 5 after
comma up to and including the word purposes
on line 4*

*approved
H/C*

Amendment No. 2

Constitutional Convention

By of Committee

Date 1-24-54

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 12

MR. PRESIDENT:

I move that (Committee) Proposal No. _____ be amended
as follows:

*Sec. 2 Line 14. Delete THE WORDS "OR EMPLOYMENT"
INSERT "OF TRUST OR PROFIT UNDER THIS CONSTITUTION,"*

*adopted
y/c*

Amendment No. 5

Constitutional Convention

By Chief Laws

Date Jun. 21, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 12

MR. PRESIDENT:

I move that (Committee) Proposal No. 12 be amended
as follows:

Line 11, Sec 3: Strike the comma

adopted
4/10

Amendment No. 3

Constitutional Convention

By Ed Committee

Date 1-20-56

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 12

MR. PRESIDENT:

I move that (Committee) Proposal No. _____ be amended
as follows:

Sec. 5 Line 11. INSERT PERIOD AFTER THE WORD "INTEREST"

DELETE REMAINDER OF SENTENCE

*adopted
m/c*

Amendment No. 6

Constitutional Convention

By Sundborg

Date Jan. 21, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 12

MR. PRESIDENT:

I move that (Committee) Proposal No. 12 be amended
as follows:

*insert "General and Miscellaneous
Provisions" in capitals after
the resolve clause.*

*accepted
H.C.*

Constitutional Convention
Committee Proposal/12
December 15, 1955

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

Engrossed copy

Constitutional Convention
Committee Proposal/12/Engrossed
~~December 16, 1955~~
Jan 23 56

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

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.

Disquali- 9 Section 3. No person who advocates, or who
fication 10 aids or belongs to any party, organization or
for Dis- 11 association which advocates [] the overthrow by force
loyalty 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. *of trust or profit under this constitution*

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

1 "I do solemnly swear (or affirm) that I will support
2 and defend the Constitution of the United States,
3 and the Constitution of the State of Alaska, and
4 that I will faithfully discharge my duties as _____
5 _____ to the best of my ability".
6 The legislature may prescribe further oaths or
7 affirmations.

Inter- 8 Section 5. The State and its political sub-
Governmental 9 divisions may cooperate with the United States and
Relations 10 its territories and with other states and their
11 political subdivisions on matters of common interest.
12 [and, to the extent consistent with the laws of the
13 United States, with foreign nations.] The respective
14 legislative bodies may appropriate such sums as may
15 be necessary for this purpose. In all intergovern-
16 mental relations involving the state, the Governor
17 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.

Constitutional Convention
Committee Proposal/15
January 19, 1956

ALASKA CONSTITUTIONAL CONVENTION

Report of the **Style** and Drafting Committee

Honorable William A. Egan
Alaska Constitutional Convention

Dear President Egan:

Your committee on Style and Drafting submits herewith a proposal for consideration by the Convention. The proposal covers the subjects which the Committee Chairmen asked this Committee to consider (see Convention/16).

It would be appropriate for the Convention to consider this proposal in conjunction with Committee Proposal No. 12 on "General and Miscellaneous Provisions".

Respectfully submitted,

George Sundborg, Chairman

R. Rolland Armstrong

Edward V. Davis

Victor Fischer

Mildred R. Hermann

James J. Hurley

Maurice T. Johnson

George M. McLaughlin

Katherine D. Nordale

CONSTITUTIONAL CONVENTION OF ALASKA

Introduced by Committee on Style and Drafting

GENERAL AND MISCELLANEOUS PROVISIONS

Rules of
Interpre-
tation

1 Section 1. Titles, subtitles and marginal
2 titles are not to be used for purposes of inter-
3 preting this Constitution.

4 Section 2. In this Constitution the personal
5 pronoun is to be interpreted to include persons
6 of both sexes.

7 Section 3. The enumeration in this Constitution
8 of specified powers is not to be interpreted as a
9 limitation upon the powers of the state government.

10 Section 4. The provisions of this Constitution
11 are to be interpreted as self-executing whenever
12 possible.

*Journal of Jan. 21, 1956, page 4 - Motion to add this
to C/P 12 as Secs. 7, 8, 9, + 10. - and referred to
Engrossment and Enrollment.*

Amendment No. 1

Constitutional Convention

By Committee

Date Jan. 23, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 16

MR. PRESIDENT:

I move that (Committee) Proposal No. 16 be amended
as follows:

*Sec. 1. page 2, line 11 strike
semicolon and insert a
period and strike the balance
of the section.*

*adopted
roll call*

Amendment No. 2

Constitutional Convention

By McN

Date Committee

1-23-56

Committee

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 16

MR. PRESIDENT:

I move that (Committee) Proposal No. 16 be amended
as follows:

Page 2

Strike sections 2 ~~at~~

adopted
voice vote

Amendment No. 3

Constitutional Convention

By Committee

Date Jan. 23

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 16

MR. PRESIDENT:

I move that (Committee) Proposal No. 16 be amended
as follows:

Strike Section 3.

*accepted
M/C*

Amendment No. 4

Constitutional Convention

By W. O. Smith

Date Dec. 23, 1956

Jan. 24

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 16

MR. PRESIDENT:

I move that (Committee) Proposal No. 16 be amended

as follows:

Sec. 2 -

~~All~~ All provisions of the Act admitting

Alaska to the Union ^{which} ~~reserving~~ ^{es} 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 ~~said~~ ^{the} state of Alaska and its people.

adopted
roll call
held

Constitutional Convention
Committee Proposal/16
January 19, 1956

ALASKA CONSTITUTIONAL CONVENTION

Report of the Committee on Ordinances and Transitional Measures

Honorable William A. Egan
Alaska Constitutional Convention

Dear President Egan:

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

These are additional miscellaneous matters that can
appropriately be considered in conjunction with Committee
Proposal No. 12 on "General and Miscellaneous Provisions".

Respectfully submitted,

Robert J. McNealy, Chairman

James Hurley

Herb Hilscher

Seaborn J. Buckalew, Jr.

Eule F. Kilcher

William W. Knight

W. W. Laws

B. D. Stewart

H. R. VanderLeest

Committee Proposal No. 16

Constitutional Convention
Committee Proposal/16
January 19, 1956

Constitutional Convention of Alaska

COMMITTEE PROPOSAL NO. 16

Introduced by Committee on Ordinances and Transitional Measures

GENERAL AND MISCELLANEOUS PROVISIONS

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

Disclaimer
Regarding
Native Lands

1 Section 1. The state of Alaska and its
2 people do agree that they forever disclaim all
3 right and title to any lands or other property
4 not granted or confirmed to the State or its
5 political subdivisions by or under the authority
6 of the Act of Admission of this state, the right
7 or title to which is held by the United States
8 or is subject to disposition by the United States,
9 and to any lands or other property (including
10 fishing rights) the right or title to which may
11 be held by any Indians, Eskimos, or Aleuts (here-
12 inafter called natives) or is held by the United
13 States in trust for said natives; that all such
14 lands or other property, belonging to the United
15 States or which may belong to said natives, shall
16 be and remain under the absolute jurisdiction and
17 control of the United States until disposed of

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

Consent to
Enabling Act

19 [Section 2. The State of Alaska and its people
20 hereby consent to all and singular the provisions
21 of the Enabling Act that is passed by Congress and
22 approved by the President for the admission of
23 Alaska into the Union of States.] *insert Mr. Smith's
amendment*

University
of Alaska

24 [Section 3. The University of Alaska is hereby
25 established as the state university and constituted

- 1 a body corporate to continue uninterrupted in all
- 2 respects as provided by law.