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

COMMITTEE PROPOSAL NO. 12 ENGROSSED
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 Constitu-
tion 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 intergovern-
mental relations involving the state, the Governor shall
act as the agent of the state.

Section 6. The University of Alaska is hereby estab-
lished as the state university and constituted as a body
and corporate. It shall have title to all the real and personal
property now or hereafter set aside for or conveyed to it
\( \text{\ldots} \), WHICH SHALL BE HELD IN PUBLIC TRUST FOR ITS PURPOSES,
, 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 appoint-
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.

6 \textbf{Section 7.} Titles, subtitles and marginal titles are not to be
7 used for purposes of interpreting this Constitution.

8 \textbf{Section 8.} In this Constitution the personal pronoun is to be in-
9 terpreted to include persons of both sexes.

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

13 \textbf{Section 10.} The provisions of this Constitution are to be interpreted
14 as self-executing whenever possible.

15 \textbf{Section 11.} Service in the armed forces of the United States or of the
16 State is not an office or position of profit as the term
17 is used in this Constitution.

18 \textbf{Section 12.} The state of Alaska and its people do agree that they
19 forever disclaim all right and title to any lands or
other property not granted or confirmed to the State or its political subdivisions by or under the authority of the Act of Admission of this state, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights) the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property, belonging to the United States or which may belong to said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe and except when held by individual natives in fee without restrictions on alienation; and that no taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restriction on alienation. AND NO LEGISLATIVE ACT BY THE STATE OF ALASKA SHALL BE TAKEN THEREON. NOTHING IN THIS SECTION SHALL
Consent to Enabling Act

Section 2. Committee Proposal 16. The state of Alaska and its people hereby consent to all and singular the provisions of the Enabling Act that is passed by Congress and approved by the President for the admission of Alaska into the Union of States.

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.

Section 3. The University of Alaska is hereby established as the state university and constituted a body corporate to continue uninterrupted in all respects as provided by law.
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 an oath of office.
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
Board shall have power, in accordance with law, to formulate policy, and to appoint the President of the University, who shall be its executive officer.

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

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

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

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

Section 11. 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.

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

Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property, belonging to the United States or which may belong to said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe and except when held by individual natives in fee without restrictions on alienation; and that no taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restriction on alienation.

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.
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 "come up to and including the word purposes on line 4"
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 12

MR. PRESIDENT:

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

Sec. 3 Line 14. Delete the words "or employment" and insert "or of trust or profit under this Constitution."
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 17

MR. PRESIDENT:

I move that (Committee) Proposal No. 17 be amended as follows:

Line 11, Sec 3: Strike the comma
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
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.
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. Lodborg
Katharine Nordale
H. R. VanderLeest
RESOLVED, that the following be agreed upon as part of the Alaska State Constitution:

**GENERAL AND MISCELLANEOUS PROVISIONS**

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

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.

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 or employment.

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 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 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.
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

Committee Proposal No. 15
Section 1. Titles, subtitles and marginal titles are not to be used for purposes of interpreting this Constitution.

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

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

Section 4. The provisions of this Constitution are to be interpreted as self-executing whenever possible.
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."
MR. PRESIDENT:

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

Strike sections 2
AMENDMENT TO (COMMITTEE) PROPOSAL NO. __/6

MR. PRESIDENT:

I move that (Committee) Proposal No. __/6 be amended as follows:

Strike Section 3.
AMENDMENT TO (COMMITTEE) PROPOSAL NO. 16

MR. PRESIDENT:

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

as follows:

Sec. 2 —

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 made to Alaska, are consented to fully by the State of Alaska and its People.
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
Tule F. Kilcher
William W. Knight
W. W. Laws
B. D. Stewart
H. R. VanderLeest

Committee Proposal No. 16
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 people do agree that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of the Act of Admission of this state, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights) the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property, belonging to the United States or which may belong to said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of.
Consent to Enabling Act

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

Section 2. The State of Alaska and its people
hereby consent to all and singular the provisions
of the Enabling Act that is passed by Congress and
approved by the President for the admission of
Alaska into the Union of States. 

Section 3. The University of Alaska is hereby
established as the state university and constituted
1. a body corporate to continue uninterrupted in all respects as provided by law.