

CONSTITUTIONAL CONVENTION 320.14  
Chief Clerks File - Com Proposal NO 17a

F I R S T E N R O L L E D C O P Y

Constitutional Convention  
Committee Proposal/17/a/Enrolled  
January 31, 1956

Alaska Constitutional Convention

COMMITTEE PRLPOSAL NO. 17/a

Introduced by Committee on Ordinances and Transitional Measures

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

SCHEDULE

\* \* \* \* \*

State  
Capital

1 Section 2. The capital of the State of Alaska  
2 shall be at Juneau.

\* \* \* \* \*

Ordinance to  
Abolish  
Fish Traps

3 Section 24. If this constitution shall be  
4 accepted by the electors and a majority of all the  
5 votes cast for and against the ordinance to abolish  
6 fish traps shall be cast for adoption of the ordinance,  
7 then the following shall become operative upon the  
8 effective date of this constitution:

9 "As a matter of immediate public necessity,  
10 to relieve economic distress among individual  
11 fishermen and those dependent upon them for a  
12 livelihood, to conserve the rapidly dwindling  
13 supply of salmon in Alaska, to ensure fair  
14 competition among those engaged in commercial

1 fishing, and to make manifest the will of the  
2 people of Alaska, the use of fish traps for the  
3 taking of salmon for commercial purposes is  
4 hereby prohibited in all the coastal waters of  
5 the State."

Questions  
Returns

6 Section 25. Each qualified voter who offers to  
7 vote upon this Constitution shall be given a ballot  
8 by the election judges which in substance shall  
9 contain the following proposition:

10	Shall the ordinance prohibiting	<u>          </u>
11	the use of fish traps for the	YES
12	taking of salmon for commercial	<u>          </u>
13	purposes be adopted?	NO

ENGROSSED COPY

Constitutional Convention  
Committee Proposal/17/a/Engrossed  
January 30, 1956

Alaska Constitutional Convention

COMMITTEE PROPOSAL NO. 17/a

Introduced by Committee on Ordinances and Transitional Measures

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

SCHEDULE

\* \* \* \* \*

State  
Capital

1 Section 2. The capital of the State of Alaska  
2 shall be at Juneau.

\* \* \* \* \*

Ordinance to  
Abolish Fish Traps 3

3 SECTION 20. IF THIS CONSTITUTION SHALL BE ACCEPTED  
4 BY THE ELECTORS AND A MAJORITY OF ALL THE VOTES CAST FOR  
5 AND AGAINST THE ORDINANCE TO ABOLISH FISH TRAPS SHALL  
6 BE CAST FOR ADOPTION OF THE ORDINANCE, THEN THE FOLLOW-  
7 ING SECTION SHALL BECOME EFFECTIVE:

8 "AS A MATTER OF IMMEDIATE PUBLIC NECESSITY, TO  
9 RELIEVE ECONOMIC DISTRESS AMONG INDIVIDUAL FISHERMEN  
10 AND THOSE DEPENDENT UPON THEM FOR A LIVELIHOOD, TO  
11 CONSERVE THE RAPIDLY DWINDLING SUPPLY OF SALMON IN  
12 THE PUBLIC DOMAIN OF ALASKA, TO ENSURE FAIR COMPE-  
13 TITION AMONG THOSE ENGAGED IN COMMERCIAL FISHING,  
14 AND TO MAKE MANIFEST THE WILL OF THE PEOPLE OF

1 ALASKA PENDING THE ESTABLISHMENT OF THE FIRST  
2 STATE LEGISLATURE, THE USE OF FISH TRAPS FOR  
3 THE TAKING OF SALMON FOR COMMERCIAL PURPOSES  
4 IS HEREBY PROHIBITED IN ALL THE WATERS OF THE  
5 STATE UNTIL OTHERWISE PROVIDED BY LAW. VIOLA--  
6 TIONS OF THIS SECTION SHALL BE PUNISHABLE BY A  
7 FINE NOT TO EXCEED \$5,000.00 AND BY CONFISCATION  
8 OF THE FISH TRAPS. THE POLICE POWER OF THE  
9 STATE SHALL BE USED TO THE EXTENT NECESSARY TO  
10 ENFORCE THIS SECTION." ]

Questions  
Returns

11 [ SECTION 21. EACH QUALIFIED VOTER WHO OFFERS TO  
12 VOTE UPON THIS CONSTITUTION SHALL BE GIVEN A BALLOT BY  
13 THE ELECTION JUDGES WHICH IN SUBSTANCE SHALL CONTAIN  
14 THE FOLLOWING PROPOSITION:

15 FOR ORDINANCE ABOLISHING FISH TRAPS   
16 AGAINST ORDINANCE ABOLISHING FISH TRAPS  ]

, Ordinance to  
Abolish  
Fish Traps

17 Section 24. If this constitution shall be accepted  
18 by the electors and a majority of all the votes cast  
19 for and against the ordinance to abolish fish traps  
20 shall be cast for adoption of the ordinance, then the  
21 following shall become operative upon the effective  
22 date of this constitution:

23 "As a matter of immediate public necessity,  
24 to relieve economic distress among individual  
25 fishermen and those dependent upon them for a

1 livelihood, to conserve the rapidly dwindling  
2 supply of salmon in Alaska, to ensure fair com-  
3 petition among those engaged in commercial  
4 fishing, and to make manifest the will of the  
5 people of Alaska, the use of fish traps for the  
6 taking of salmon for commercial purposes is hereby  
7 prohibited in all the coastal waters of the State."

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rns

8 Section 25. Each qualified voter who offers to  
9 vote upon this Constitution shall be given a ballot  
10 by the election judges which in substance shall  
11 contain the following proposition:

12 Shall the ordinance prohibiting  
13 the use of fish traps for the  
14 taking of salmon for commercial  
15 purposes be adopted?"

YES

NO

Constitutional Convention

By Ordinance Committee

Date: January 25, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 17/a

MR. PRESIDENT:

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

Committee Amendment

~~Strike Sections 20 and 21 and substitute the following:~~

*Ordinance to abolish Fish Traps*  
~~Section 20.~~ <sup>24</sup> If this constitution shall be accepted by the electors and a majority of all the votes cast for and against the ~~proposition~~ <sup>ordinance</sup> to abolish fish traps shall be cast for adoption of the ~~proposition~~ <sup>ordinance</sup>, then the following shall become ~~effective~~ <sup>operative</sup> upon the

*entry into force of this constitution:* <sup>effective date</sup> "As a matter of immediate public necessity, to relieve

economic distress among individual fishermen and those dependent upon them for a <sup>100%</sup> livelihood, to conserve the rapidly dwindling supply of salmon in Alaska, to ensure fair competition among those engaged in commercial fishing, and to make manifest the will of the people of Alaska ~~pending the establishment of the first state legislature~~, the use of fish traps for the taking of salmon for commercial purposes is hereby prohibited in all the coastal waters of the State, ~~until otherwise provided by law.~~ <sup>Violations</sup> ~~of this section shall be punishable by a fine not to exceed~~

~~\$5,000.00 and by confiscation of the fish traps.] The  
police power of the State shall be used to the extent  
necessary to enforce this section."~~

Questions  
Returns

Section 23. Each qualified voter who offers to vote upon  
this Constitution shall be given a ballot by the election judges  
which in substance shall contain the following proposition:

Shall the ~~proposed constitutional~~ <sup>ordinance</sup> provision \_\_\_\_\_  
prohibiting the use of fish traps for the YES  
taking of salmon for commercial purposes  
~~until otherwise provided by law, become~~  
~~effective?"~~ <sup>be adopted?</sup> \_\_\_\_\_  
NO



Amendment No. \_\_\_\_\_

Constitutional Convention  
Committee on Ordinances  
By and Transitional Measures

Date January 26, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 17/a

MR. PRESIDENT:

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

Strike Sections 20 and 21 and substitute the following:

"Section 20. If this constitution shall be accepted by the electors and a majority of all the votes cast for and against the proposition to abolish fish traps shall be cast for adoption of the proposition, then the following shall become effective:

'As a matter of immediate public necessity, to relieve economic distress among individual fisherman and those dependent upon them for a livelihood, to conserve the rapidly dwindling supply of salmon in Alaska, to ensure fair competition among those engaged in commercial fishing, and to make manifest the will of the people of Alaska pending the establishment of the first state legislature, the use of fish traps for the taking of salmon for commercial purposes is hereby prohibited in all the coastal waters of the state until otherwise provided by law. Violations of this section shall be punishable by a fine not to exceed \$5,000.00 and by confiscation of the fish traps. The police power of the State shall be used to the extent necessary to enforce this section.'

Section 21. Each qualified voter who offers to vote upon this Constitution shall be given a ballot by the election judges which in substance shall contain the following proposition:

'Shall the proposed constitutional provision prohibiting the use of fish traps for the taking of Salmon for commercial purposes until otherwise provided by law, become effective?'"

YES

NO

Strike the words "until otherwise provided by law" in sections 20 and 21.

Strike the words "pending the establishment of the first state legislature and retain the comma.

Amendment No. \_\_\_\_\_

Constitutional Convention  
Committee on Ordinances  
By and Transitional Measures

Date January 26, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 17/a

MR. PRESIDENT:

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

Strike "by a fine not to exceed \$5,000.00 and".

Strike the last sentence of Section 24.

Strike the last five lines of Section 25 and insert the following:  
"Shall the proposed constitutional ordinance prohibiting the use of  
fish traps for the taking of salmon be adopted?".

..... the words "for commercial purposes" be inserted after "salmon"  
in above amendment.

On lines 3 and 4 strike the word "proposition" and insert the word  
"ordinance" and insert the following language after the word "effective"  
on line 4. "Upon the entry into force of this constitution".

Amendment No. \_\_\_\_\_

Constitutional Convention  
Committee on Ordinances  
By and Transitional Measures

Date January 30, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 17/a

MR. PRESIDENT:

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

Strike the last sentence of Section 24 pertaining to violations.

~~XXXXX~~

Section 25, strike the word "constitutional".

Section 24, line 4, change "effective" to "operative" and change  
"entry into force" to "effective date".

Constitutional Convention  
Committee Proposal/17/a  
January 24, 1956

Alaska Constitutional Convention

COMMITTEE PROPOSAL NO. 17/a

Introduced by Committee on Ordinances and Transitional Measures  
RESOLVED, that the following be agreed upon as part of  
the Alaska State Constitution:

SCHEDULE

\* \* \* \* \*

State  
Capital

1 Section 2. The capital of the State of Alaska  
2 shall be at Juneau.

\* \* \* \* \*

Ordinance  
to Abolish  
Fish Traps

3 [Section 20. If this constitution shall be accepted  
4 by the electors and a majority of all the votes cast for  
5 and against the ordinance to abolish fish traps shall  
6 be cast for adoption of the ordinance, then the follow-  
7 ing section shall become effective:

8 "As a matter of immediate public necessity, to  
9 relieve economic distress among individual fishermen  
10 and those dependent upon them for a livelihood, to  
11 conserve the rapidly dwindling supply of salmon in  
12 in the public domain of Alaska, to ensure fair  
13 competition among those engaged in commercial fish-  
14 ing, and to make manifest the will of the people of

1 Alaska pending the establishment of the first  
2 state legislature, the use of fish traps for  
3 the taking of salmon for commercial purposes  
4 is hereby prohibited in all the waters of the  
5 State until otherwise provided by law. Viola-  
6 tions of this section shall be punishable by a  
7 fine not to exceed \$5,000.00 and by confiscation  
8 of the fish traps. The police power of the  
9 State shall be used to the extent necessary to  
10 enforce this section."

Questions  
Returns

11 Section 21. Each qualified voter who offers to  
12 vote upon this Constitution shall be given a ballot  
13 by the election judges which in substance shall con-  
14 tain the following proposition:

15 FOR ORDINANCE ABOLISHING FISH TRAPS

16 AGAINST ORDINANCE ABOLISHING FISH TRAPS

\* \* \* \* \*

Constitutional Convention  
Committee Proposal/17  
January 20, 1956

ALASKA CONSTITUTIONAL CONVENTION

REPORT OF COMMITTEE ON ORDINANCES  
AND TRANSITIONAL MEASURES

Hon. William A. Egan  
President, Constitutional Convention

Dear Mr. President:

Your Committee on Ordinances submits herewith its proposed Schedule to the Constitution consisting of 17 sections.

Delegate proposals have been fully considered. Portions of Proposal No. 39 were adopted.

Delegate Proposal No. 46 was considered legislative.

Delegate Proposal No. 33 on fish traps was augmented and is submitted on a favorable vote 5 for and 4 against.

Delegate Proposal 28 on the State Capital was adopted in part. Delegate Proposals No. 11 and No. 24 were considered.

Committee Proposal No. 4 was considered and rejected in favor of other handling of the Capital in the Schedule.

Both as to fish traps and the capital, members of the Committee reserve the right to speak as they see fit when the matter comes to the convention floor.

The term of office for the first Governor and Secretary was adopted as proposed by the Executive Committee.

The TENNESSEE PLAN ORDINANCE will be submitted  
separately.

Respectfully submitted,

Robert J. McNealy, Chairman

James Hurley, Vice-Chairman

Herb Hilscher

Seaborn J. Buckalew

Yule F. Kilcher

William W. Knight

W. W. Laws

B. D. Stewart

H. R. VanderLeest

Constitutional Convention  
Committee Proposal/17  
January 20, 1956

Alaska Constitutional Convention

COMMITTEE PROPOSAL NO. 17

Introduced by Committee on Ordinances and Transitional Measures

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

SCHEDULE

That no inconvenience may result because of change from a territorial to a state form of government, it is declared and ordained:

Effective  
Date

1 Section 1. This Constitution shall be in force  
2 immediately upon the admission of Alaska into the  
3 Union as a State.

State  
Capital

4 Section 2. The capital of the State of Alaska  
5 shall be at Juneau.

Former Laws  
in Force

6 Section 3. All laws of the Territory of Alaska  
7 in force at the time this Constitution takes effect  
8 and not inconsistent therewith shall be and remain in  
9 force as the laws of the State until they expire by  
10 their own limitation, are altered or repealed.

Saving of  
Existing  
Rights and  
Liabilities

11 Section 4. Except as otherwise provided in this  
12 Constitution, all civil, criminal and administrative  
13 proceedings, rights, contracts, taxing powers, liabilities,



1 and property of whatsoever nature shall continue un-  
2 affected notwithstanding the taking effect of this  
3 Constitution, except that the State, or subdivision  
4 thereof, shall be the legal successor to the  
5 Territory, or subdivision thereof, in respect thereof  
6 and all pending causes brought under or by virtue of  
7 territorial law shall be transferred in their entirety  
8 to the proper State Court or body when organized as  
9 though commenced, filed or lodged therein at the first  
10 instance.

Officers  
to  
Continue

11 Section 5. All officers of the Territory and any  
12 subdivision thereof who are in office by election  
13 or appointment on the date this Constitution takes  
14 effect shall continue to hold their offices and to  
15 perform the functions thereof in a manner not in-  
16 consistent with this Constitution, unless the functions  
17 of their offices are abolished or until their  
18 successors shall have qualified in accordance with this  
19 Constitution or any laws enacted pursuant thereto.

Debts Due  
and  
Owed

20 Section 6. The debts and liabilities of the  
21 Territory shall be assumed and paid by the State, and  
22 all debts owed to the Territory shall be collected by  
23 the State; all property and records of whatsoever nature  
24 owned or held by the territory, or any agency thereof,  
25 shall inure to the State.

Citizens  
of  
State

1           Section 7. When this Constitution takes effect,  
2 all persons domiciled in Alaska, citizens of the  
3 United States, shall be citizens of the state for all  
4 purposes.

5           Requirements as to residence citizenship or other  
6 status or qualifications prescribed by this  
7 Constitution shall be satisfied by corresponding  
8 residence, citizenship or other status or qualifications  
9 under the Territory.

Seal, Flag

10           Section 8. Until otherwise provided by law, the  
11 seal of the territory shall be the seal of the state and  
12 the legislature shall prescribe seals for courts,  
13 officers or boards created by this Constitution, or by  
14 law.

15           The flag of the territory shall be the flag of the  
16 State.

Ratifica-  
tion

17           Section 9. This Constitution shall be submitted to  
18 the voters of Alaska for ratification or rejection at the  
19 territorial primary election to be held on the 24th day  
20 of April, 1956, to be conducted according to existing  
21 laws regulating primary elections, so far as applicable,  
22 except as herein provided.

Questions  
Returns

23           Section 10. Each elector who offers to vote upon  
24 this Constitution shall be given a ballot by the election  
25 judges which in substance shall contain the following:

1 FOR THE CONSTITUTION / /

2 AGAINST THE CONSTITUTION / /

3 The returns of this election shall be made to the  
4 Governor of Alaska and shall be canvassed substantially  
5 in the manner provided by law for territorial elections.

Accepted  
Governor  
to Act

6 Section 11. If a majority of all the votes cast  
7 for and against the Constitution shall be given for  
8 the Constitution, then this document shall be deemed  
9 to be approved and accepted by the people of Alaska,  
10 and shall take effect accordingly. The Governor of  
11 Alaska shall forthwith submit a certified copy of the  
12 Constitution through the President to the Congress  
13 for approval, together with a statement of the votes  
14 cast thereon.

Governor to  
Proclaim  
Election

15 Section 12. When the people of the Territory ratify  
16 this Constitution and the same is approved by the duly  
17 constituted authority of the United States admitting  
18 Alaska into the Union, the governor of the Territory  
19 shall, within 30 days after receipt of the official  
20 notification of such approval, issue a proclamation for  
21 a primary and general election, at which officers for  
22 all state elective offices provided for by this  
23 Constitution shall be nominated and elected; provided  
24 that the officers to be elected shall include two  
25 senators, and one representative to the Congress to be

1 elected at large, unless otherwise elected by virtue  
2 of a separate ordinance to this Constitution.

First  
Elections

3 Section 13. Said primary election shall take place  
4 not less than 40 nor more than 90 days after said  
5 proclamation and the general election shall take place  
6 within 50 days after the primary election. All elections  
7 provided for in these ordinances shall be conducted,  
8 insofar as possible, under territorial laws relating  
9 to elections of members of the legislature and the returns  
10 thereof shall be made, canvassed and certified in the  
11 manner prescribed by law. The Governor shall thereupon  
12 certify the results thereof to the President.

Officers  
to Take  
Office

13 Section 14. Upon the issuance by the President of  
14 a proclamation announcing the results of said election  
15 and the admission of this State to the Union, the officers  
16 elected and qualified shall proceed to exercise and dis-  
17 charge the duties of their respective offices.

Term of  
Governor  
and  
Secretary

18 Section 15. The first Governor and secretary of  
19 state shall hold office for a term beginning with the  
20 day on which they are elected and qualified and ending  
21 at noon on the first Monday in December of the even  
22 year following the next Presidential election. This  
23 term shall count as a full term for purposes of deter-  
24 mining eligibility for reelection only if it is four  
25 years or more in duration.

1 (Proposal 14, Page 3-4 contains provision to elect state  
2 senators and representatives.)

Certifica-  
tion of  
Senators  
and  
Representa-  
tives

3 Section 16. The Governor of the State and  
4 secretary of state shall certify the election of the  
5 senators and a representative to the Congress in the  
6 manner prescribed by law unless said senators and  
7 representatives have been otherwise seated by the  
8 Congress.

Supplemental  
Provision

9 Section 17. The Territorial Legislature may enact  
10 laws necessary to supplement and make effective these  
11 ordinances in order to assure the functioning and orderly  
12 transfer of the Government until the officers provided  
13 for by this Constitution are elected and qualified,  
14 and until this Constitution takes effect.

Ordinance  
to  
Abolish  
Fish Traps

15 Section 18. If this Constitution shall be accepted  
16 by the electors and a majority of all the votes cast for  
17 and against the ordinance to abolish fish traps shall be  
18 cast for adoption of the ordinance, then the following  
19 section shall be added to the Article entitled "General  
20 and Miscellaneous Provisions", and shall be part of this  
21 Constitution.

22 "Section \_\_\_\_\_. As a matter of urgency, to  
23 relieve economic distress among individual  
24 fishermen and those dependent upon them for  
25 a livelihood, to conserve the rapidly dwindling

*To 17a*

1 supply of salmon in Alaska, to make manifest the  
2 will of the people of Alaska at the earliest  
3 possible date, the use of fish traps for the  
4 taking of salmon for commercial purposes is  
5 hereby prohibited in all the waters of the state.  
6 Violations of this section shall be punishable by  
7 a fine not to exceed \$5,000.00 and by confiscation  
8 of the fish traps. The police power of the state  
9 shall be used to the extent necessary to enforce  
10 this section."

Questions  
Returns

*2017a* →

11 Section 19. Each qualified voter who offers to  
12 vote upon this Constitution shall be given a ballot by  
13 the election judges which in substance shall contain the  
14 following proposition:

15 FOR ABOLISHING FISH TRAPS

16 AGAINST ABOLISHING FISH TRAPS

First  
Judicial  
Council  
(Transi-  
tional)

17 Section 20. The first members of the Judicial  
18 Council shall, notwithstanding Section 8, Article\_\_\_\_,  
19 be appointed for terms as follows: three attorney  
20 members for one, three and five years respectively,  
21 and three non-attorney members for two, four, and  
22 six years respectively. The six members so appointed  
23 shall submit to the Governor nominations to fill the  
24 initial vacancies on the Supreme Court, including the  
25 office of Chief Justice. Once the Chief Justice is  
26 appointed, he shall assume his seat on the Judicial Council.