

FOLDER NO.

420.8

Constitutional Convention
Committee Proposal/8/a
Style & Drafting/Article VIII
January 30, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its re-draft of the Article on Natural Resources 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

REPORT OF THE STYLE AND DRAFTING COMMITTEE

Constitutional Convention
X/Resources/8/a
Style and Drafting/Article VIII
January 29, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

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

ARTICLE VIII

NATURAL RESOURCES

Statement
of Policy

1 Section 1. It is the policy of the State to en-
2 courage the settlement of its land and the development
3 of its resources by making them available for maximum
4 use consistent with the public interest.

General
Authority

5 Section 2. The legislature shall provide for the
6 utilization, development and conservation of all natural
7 resources belonging to the State, including land and
8 waters, for the maximum benefit of its people.

Common
Use

9 Section 3. Wherever occurring in their natural
10 state, fish, wildlife/ and waters are reserved to the
11 people for common use.

Sustained
Yield

12 Section 4. Fish, forests, wildlife, grasslands and
13 all other replenishable resources belonging to the State
14 shall be utilized, developed and ~~conserved~~ ^{maintained} on the sus-
15 tained yield principle, subject to preferences among
16 beneficial uses.

Facilities and Improvements 1 Section 5. The legislature may provide for facilities
2 ties, improvements and services to assure greater utili-
3 zation, development, reclamation and settlement of lands,
4 and to assure fuller utilization and development of the
5 fisheries, wildlife and waters.

State Public Domain 6 Section 6. Lands and interests therein, including
7 submerged and tidal lands, possessed or acquired by ~~the~~
8 the State, and not used or intended exclusively for gov-
9 ernmental purposes, constitute the state public domain.
10 The legislature shall provide for the selection of lands
11 granted to the State by the United States, and for the
12 administration of the state public domain.

Special Purpose Sites 13 Section 7. The legislature may provide for the ac-
14 quisition of sites, objects and areas of natural beauty
15 or of historic, cultural, recreational ^{or} scientific
16 value. It may reserve them from the public domain and
17 provide for their administration and preservation for the
18 use, enjoyment and welfare of the people.

Leases 19 Section 8. The legislature may provide for the
20 leasing of, and the issuance of ^{permits for} ~~exploration permits~~ to any
21 part of the public domain or interest therein, subject
22 to reasonable concurrent uses. Leases and permits shall
23 provide, among other conditions, for payment by the
24 party at fault for damage or injury arising from non-
25 compliance with terms governing concurrent use and for

1 forfeiture in the event of breach of conditions.

Sales and
Grants

2 Section 9. Subject to the provisions of this section,
3 the legislature may provide for the sale or grant of state
4 lands, or interests therein, and establish sales procedures.
5 All sales or grants shall contain reservations to the
6 State of all resources as may be required by Congress or
7 the State and shall provide for access to these resources.
8 Reservation of access shall not ^{unnecessarily} impair the owners' use,
9 prevent the control of trespass, nor preclude compensation
10 for damage.

Public
Notice

11 Section 10. No disposals or leases of state lands,
12 or interests therein, shall be made without prior public
13 notice and other safeguards of the public interest as
14 may be prescribed by law.

Mineral
Rights

15 Section 11. Discovery and appropriation shall be
16 the basis for establishing a right in those minerals
17 reserved to the State which, upon the date of ratification
18 of this constitution by the people of Alaska, were subject
19 to location under the federal mining laws. Prior discovery,
20 location and filing, as prescribed by law, shall establish
21 a prior right to these minerals and also a prior right to
22 permits, ^{leases and} transferable licenses, ~~and leases~~ for their
23 extraction, ~~and processing~~. Continuation of these rights
24 shall depend upon the performance of annual labor, ^{or} the
25 payment of fees, rents or royalties, or upon other

*authorized by the state and not prohibited
by Congress.*

1 requirements as may be prescribed by law. Surface uses
2 of land by a mineral claimant shall be limited to those
3 necessary for the extraction ^{or} and basic processing of the ~~of the~~
4 mineral deposits. ^{, or for both. discovery and approp-}
5 mineral lands may be authorized by the State unless ^{riation shall constitute a right, subject to further}
6 prohibited by Congress. ^{requirements of law, to patent of mineral lands if} The provisions of this section
7 shall apply to all other minerals reserved to the State
8 which by law are declared subject to appropriation.

Leases and
Permits

9 Section 12. The legislature shall provide for the
10 issuance, types and terms of leases for coal, oil, gas,
11 oil shale, sodium, phosphate, potash, sulfur, pumice and
12 other minerals as may be prescribed by law. Leases and
13 permits giving the exclusive right of exploration for
14 these minerals for specific periods and areas, subject
15 to reasonable concurrent exploration as to different
16 classes of minerals, may be authorized by law. Like
17 leases and permits giving the exclusive right of prospect-
18 ing by geophysical, geochemical and similar methods for
19 all minerals may also be authorized by law.

Water
Rights

20 Section 13. All surface and subsurface waters re-
21 served to the people for common use, except mineral and
22 medicinal waters, are subject to appropriation. Priority
23 of appropriation shall give prior right. Except for
24 public water supply, an appropriation of water shall be
25 limited to stated purposes and subject to preferences

1 among beneficial uses, concurrent or otherwise, as
2 prescribed by law, *and to the general reservation of*
fish and wildlife.

Access to
Navigable
Waters

3 Section 14. Free access to the navigable or public
4 waters of the State, as defined by ~~law,~~ *the legislature* shall not be
5 denied any citizen of the United States or resident of
6 the State, except that the legislature may by general law
7 regulate and limit such access for other beneficial uses
8 or public purposes.

No Exclu-
sive Right
of Fishery

9 Section 15. No exclusive right or special privilege
10 of fishery shall be created or authorized in the natural
11 waters of the State.

Protection
of Rights

12 Section 16. No person shall be involuntarily divested
13 of his right to the use of waters, his interests in lands,
14 or improvements affecting either, except for a
15 superior beneficial use or public purpose and then only
16 with just compensation and by operation of law.

Uniform
Application

17 Section 17. Laws and regulations governing the use
18 or disposal of natural resources shall apply equally to
19 all persons similarly situated with reference to the
20 subject matter and purpose to be served by the law or
21 regulation.

Private
Ways of
Necessity

22 Section 18. Proceedings in eminent domain may be
23 undertaken for private ways of necessity to permit
24 essential access for extraction or utilization of
25 resources. Just compensation shall be made for property

resultant

1 taken or for ^a damages to other property rights.

Residual
Powers
(To General
Provisions)

2 Section 19. The enumeration of specified powers
3 shall not be construed as limitations on other implied
4 powers of the State in relation to the utilization,
5 development and conservation of natural resources, except
6 as specifically provided in this article.

State
Boundaries
(To General
Provisions)

7 Section 20. The State of Alaska shall consist of
8 all the territory, together with the territorial waters
9 appurtenant thereto, included in the Territory of Alaska
10 upon the date of ratification of this constitution by
11 the people of Alaska.

*Part B
Article XII*

Amendment No. _____

Constitutional Convention
Committee on
By Style and Drafting

Date January 30, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 8/a (Article VIII)

MR. PRESIDENT:

I move that (Committee) Proposal No. 8/a(VIII) amended
as follows:

Page 2, line 15, change second word "of" to "or", line 7, same
page, strike word "the".

Line 22, page 3, following the word "permits", insert "leases and"
and strike "and leases" later in the line.

Lines 3 and 4 - on line 3, strike "and" and insert "or", on line 4,
strike the period and insert a comma and add "or for both".

Section 14, line 4, delete "law" and insert "the legislature".

Section 3, line 10, strike the comma after "wildlife".

Page 3, line 8, Section 9, insert "unnecessarily" between "in" and
"impair".

Page 6, line 1, insert "resultant" before "damages".

Constitutional Convention
Committee Proposal/8/a
Style & Drafting/Article VIII
January 30, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its re-
draft of the Article on Natural Resources 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

REPORT OF THE STYLE AND DRAFTING COMMITTEE

Constitutional Convention
X/Resources/8/a
Style and Drafting/Article VIII
January 29, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

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

ARTICLE VIII

NATURAL RESOURCES

Statement
of Policy

1 Section 1. It is the policy of the State to en-
2 courage the settlement of its land and the development
3 of its resources by making them available for maximum
4 use consistent with the public interest.

General
Authority

5 Section 2. The legislature shall provide for the
6 utilization, development and conservation of all natural
7 resources belonging to the State, including land and
8 waters, for the maximum benefit of its people.

Common
Use

9 Section 3. Wherever occurring in their natural
10 state, fish, wildlife, and waters are reserved to the
11 people for common use.

Sustained
Yield

12 Section 4. Fish, forests, wildlife, grasslands and
13 all other replenishable resources belonging to the State
14 shall be utilized, developed and conserved on the sus-
15 tained yield principle, subject to preferences among
16 beneficial uses.

REPORT OF THE STYLE AND DRAFTING COMMITTEE

Constitutional Convention
X/Resources/8/a
Style and Drafting/Article VIII
January 29, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

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

ARTICLE VIII

NATURAL RESOURCES

Statement
of Policy

1 Section 1. It is the policy of the State to en-
2 courage the settlement of its land and the development
3 of its resources by making them available for maximum
4 use consistent with the public interest.

General
Authority

5 Section 2. The legislature shall provide for the
6 utilization, development and conservation of all natural
7 resources belonging to the State, including land and
8 waters, for the maximum benefit of its people.

Common
Use

9 Section 3. Wherever occurring in their natural
10 state, fish, wildlife, and waters are reserved to the
11 people for common use.

Sustained
Yield

12 Section 4. Fish, forests, wildlife, grasslands and
13 all other replenishable resources belonging to the State
14 shall be utilized, developed and conserved on the sus-
15 tained yield principle, subject to preferences among
16 beneficial uses.

Facilities and Improvements 1 Section 5. The legislature may provide for facilities,
2 ties, improvements and services to assure greater utilization,
3 zation, development, reclamation and settlement of lands,
4 and to assure fuller utilization and development of the
5 fisheries, wildlife and waters.

State Public Domain 6 Section 6. Lands and interests therein, including
7 submerged and tidal lands, possessed or acquired by the
8 the State, and not used or intended exclusively for governmental
9 purposes, constitute the state public domain.
10 The legislature shall provide for the selection of lands
11 granted to the State by the United States, and for the
12 administration of the state public domain.

Special Purpose Sites 13 Section 7. The legislature may provide for the acquisition
14 of sites, objects and areas of natural beauty
15 or of historic, cultural, recreational or scientific
16 value. It may reserve them from the public domain and
17 provide for their administration and preservation for the
18 use, enjoyment and welfare of the people.

Leases 19 Section 8. The legislature may provide for the
20 leasing of and the issuance of exploration permits to any
21 part of the public domain or interest therein, subject
22 to reasonable concurrent uses. Leases and permits shall
23 provide, among other conditions, for payment by the
24 party at fault for damage or injury arising from non-
25 compliance with terms governing concurrent use and for

1 forfeiture in the event of breach of conditions.

Sales and
Grants

2 Section 9. Subject to the provisions of this section,
3 the legislature may provide for the sale or grant of state
4 lands, or interests therein, and establish sales procedures.
5 All sales or grants shall contain reservations to the
6 State of all resources as may be required by Congress or
7 the State and shall provide for access to these resources.
8 Reservation of access shall not impair the owners' use,
9 prevent the control of trespass, nor preclude compensation
10 for damage.

Public
Notice

11 Section 10. No disposals or leases of state lands,
12 or interests therein, shall be made without prior public
13 notice and other safeguards of the public interest as
14 may be prescribed by law.

Mineral
Rights

15 Section 11. Discovery and appropriation shall be
16 the basis for establishing a right in those minerals
17 reserved to the State which, upon the date of ratification
18 of this constitution by the people of Alaska, were subject
19 to location under the federal mining laws. Prior discovery,
20 location and filing, as prescribed by law, shall establish
21 a prior right to these minerals and also a prior right to
22 permits, transferable licenses and leases for their
23 extraction and processing. Continuation of these rights
24 shall depend upon the performance of annual labor, the
25 payment of fees, rents or royalties, or upon other

1 requirements as may be prescribed by law. Surface uses
2 of land by a mineral claimant shall be limited to those
3 necessary for the extraction and basic processing of the
4 mineral deposits. The granting of deeds or patents to
5 mineral lands may be authorized by the State unless
6 prohibited by Congress. The provisions of this section
7 shall apply to all other minerals reserved to the State
8 which by law are declared subject to appropriation.

Leases and
Permits

9 Section 12. The legislature shall provide for the
10 issuance, types and terms of leases for coal, oil, gas,
11 oil shale, sodium, phosphate, potash, sulfur, pumice and
12 other minerals as may be prescribed by law. Leases and
13 permits giving the exclusive right of exploration for
14 these minerals for specific periods and areas, subject
15 to reasonable concurrent exploration as to different
16 classes of minerals, may be authorized by law. Like
17 leases and permits giving the exclusive right of prospect-
18 ing by geophysical, geochemical and similar methods for
19 all minerals may also be authorized by law.

Water
Rights

20 Section 13. All surface and subsurface waters re-
21 served to the people for common use, except mineral and
22 medicinal waters, are subject to appropriation. Priority
23 of appropriation shall give prior right. Except for
24 public water supply, an appropriation of water shall be
25 limited to stated purposes and subject to preferences

1 among beneficial uses, concurrent or otherwise, as
2 prescribed by law.

Access to
Navigable
Waters

3 Section 14. Free access to the navigable or public
4 waters of the State, as defined by law, shall not be
5 denied any citizen of the United States or resident of
6 the State, except that the legislature may by general law
7 regulate and limit such access for other beneficial uses
8 or public purposes.

No Exclu-
sive Right
of Fishery

9 Section 15. No exclusive right or special privilege
10 of fishery shall be created or authorized in the natural
11 waters of the State.

Protection
of Rights

12 Section 16. No person shall be involuntarily divested
13 of his right to the use of waters, his interests in lands,
14 or improvements affecting either, except for a
15 superior beneficial use or public purpose and then only
16 with just compensation and by operation of law.

Uniform
Application

17 Section 17. Laws and regulations governing the use
18 or disposal of natural resources shall apply equally to
19 all persons similarly situated with reference to the
20 subject matter and purpose to be served by the law or
21 regulation.

Private
Ways of
Necessity

22 Section 18. Proceedings in eminent domain may be
23 undertaken for private ways of necessity to permit
24 essential access for extraction or utilization of
25 resources. Just compensation shall be made for property

Residual
Powers
(To General
Provisions)

1 taken or for damages to other property rights.
2 Section 19. The enumeration of specified powers
3 shall not be construed as limitations on other implied
4 powers of the State in relation to the utilization,
5 development and conservation of natural resources, except
6 as specifically provided in this article.

State
Boundaries
(To General
Provisions)

7 Section 20. The State of Alaska shall consist of
8 all the territory, together with the territorial waters
9 appurtenant thereto, included in the Territory of Alaska
10 upon the date of ratification of this constitution by
11 the people of Alaska.