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IN THE HOUSE

BY MESSRS. KAY, GREUEL,
FAGERSTROM, AND DUFFIELD

HOUSE BILL NO. 7

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act providing for the calling and holding of a Constitutional Convention, the ratification of a Constitution, the election of State Officers, and for other purposes."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. All citizens of the United States who are qualified to vote for representatives of the Territorial Legislature of Alaska are hereby authorized to vote for and choose delegates, having the same qualifications, to form a constitutional convention in said Territory. The convention shall consist of twenty-six delegates apportioned among the several judicial divisions of Alaska as follows: First judicial division, six delegates; second judicial division, three delegates; third judicial division, ten delegates; fourth judicial division, five delegates; and two delegates to be chosen at large from the entire Territory.

The Governor of Alaska shall, within thirty days after the approval of this Act, issue a proclamation ordering an election of such delegates to be held at a time designated in the proclamation within eight months after the approval of this Act, and providing also for preceding primary election and for filings by independent or nonparty candidates, which proclamation shall be issued at least two months prior to

1 the time of holding said primary election and five months
2 before the date of election of such delegates. The nomination,
3 filing, and election of such delegates shall be conducted, the
4 returns made, the results ascertained; and the certificates of
5 persons elected to such convention issued in the same manner,
6 as nearly as is practicable as is prescribed by the laws
7 regulating nominations and elections of members of the
8 Territorial Legislature of Alaska.

9 Section 2. The delegates to the convention so elected
10 shall meet at the capital of said Territory on the first
11 Tuesday following the ninetieth day after their election, for
12 a session of not to exceed seventy-five days, and after
13 organization shall declare on behalf of the people of the
14 proposed State that they adopt the Constitution of the
15 United States, whereupon the said convention shall form a
16 constitution and State government for the proposed State.

17 The constitution shall be republican in form; shall
18 make no distinction in civil or political rights on account
19 of race or color, and shall not be repugnant to the Constitu-
20 tion of the United States and the principles of the Declara-
21 tion of Independence. Said convention shall provide, by
22 ordinance, irrevocable without the consent of the United
23 States and the people of said State:

24 First. That perfect freedom of religious worship shall
25 be secured, and that no inhabitant of said State shall ever
26 be molested in person or property on account of his or her
27 mode of religious worship.

28 Second. That no taxes shall be imposed by the State
29 upon lands or property therein belonging to or which may

1 hereafter be acquired by the United States or reserved for
2 its use; but nothing herein, or in the ordinance herein
3 provided for, shall preclude the said State from taxing, as
4 other lands and other property are taxed, any lands and other
5 property owned or held by any native outside of a native
6 reservation unless otherwise prohibited by Congress.

7 Third. That the debts and liabilities of said Territory
8 of Alaska shall be assumed and paid by said State and all
9 debts owed to said Territory of Alaska shall be collected by
10 said State.

11 Fourth. That provision shall be made for the establishment
12 and maintenance of a system of public schools which shall be
13 open to all children of said State and free from sectarian
14 control.

15 Fifth. That all provisions of this Act reserving rights
16 or powers to the United States, as well as those prescribing
17 the terms or conditions of the grants of lands or other
18 property herein made to said State, are consented to fully
19 by said State and its people.

20 Sixth. That the lands and other property belonging to
21 citizens of the United States residing without said State
22 shall never be taxed at a higher rate than the lands and
23 other property belonging to residents thereof.

24 Section 3. After a constitution and State government
25 have been formed in compliance with the provisions of this
26 Act, the convention forming the same shall provide by
27 ordinance for submitting said constitution, for ratification
28 or rejection, to the people of said proposed State at an
29 election to be held at a date to be fixed by said convention,

1 which shall be not less than seventy-five nor more than one
2 hundred days from the date of its adjournment, at which
3 election the citizens of said proposed State who are qualified
4 to vote for members of the Territorial Legislature of Alaska
5 shall vote directly for or against the proposed constitution
6 and for or against any provisions separately submitted. The
7 returns of said election shall be made to the Governor of
8 Alaska, who shall cause the same to be canvassed by the
9 canvassing board of the Territory of Alaska in the manner
10 now provided by law for the canvass of votes cast in general
11 Territorial elections, and if a majority of the votes cast
12 on that question shall be for the constitution, the Governor
13 of the Territory of Alaska shall, within thirty days, issue
14 a proclamation for the election of all State and other officers
15 provided for in said constitution including members of the
16 State legislature, said election to take place not earlier
17 than two months nor later than six months after the date of
18 issuance of said proclamation by the Governor.

19 Section 4. The constitutional convention shall by
20 ordinance provide that in case of ratification of the consti-
21 tution by the people an election shall be held at the time
22 named in the proclamation of the Governor of said Territory
23 hereinbefore provided, at which election officers for a full
24 State government, including a governor, members of the State
25 legislature, one Representative and two Senators in the
26 Congress of the United States to be elected at large from
27 said State, and such other officers as the constitution shall
28 prescribe, shall be chosen by the qualified voters of Alaska.
29 Unless the constitutional convention shall by ordinance

1 otherwise provide, such election, and an antecedent primary
2 election, shall be held, and the returns thereof made, can-
3 vassed, and certified by the canvassing board, in the same
4 manner, as nearly as practicable, as is now prescribed by
5 law for the nomination, filing, and election, and canvass
6 and certification of election of Territorial officers and
7 members of the Territorial legislature. When such State
8 and other officers and members of the State legislature and
9 a Representative and Senators in the Congress of the United
10 States shall be so elected and the returns thereof made,
11 canvassed, and certified as herein provided, the Governor of
12 said Territory shall certify the result of said election to
13 the President of the United States, and the Representative
14 and Senators from said State in the Congress of the United
15 States so elected and certified shall thereupon present
16 themselves in the House of Representatives and Senate of the
17 United States and take their seats therein.

18 Upon admission of Alaska as a State as herein provided
19 and upon election and qualification of the officers of the
20 State government formed in pursuance of and in accordance
21 with the provisions of said constitution, said officers shall
22 forthwith proceed to exercise all of the duties and functions
23 of their respective offices; and all of the laws in force in
24 the Territory of Alaska at the time of admission of said
25 State into the Union shall be and continue in full force and
26 effect throughout said State except as modified or changed
27 by this Act, or by the constitution of the State, or as
28 thereafter modified or changed by the legislature of the
29 State. All of the laws of the United States not locally

1 inapplicable shall have the same force and effect within said
2 State as elsewhere within the United States.

3 Section 5. The sum of \$100,000, or so much thereof as
4 may be necessary, is hereby authorized to be appropriated,
5 out of any money in the Treasury of the Territory of Alaska
6 not otherwise appropriated, for defraying the expenses of the
7 elections provided for in this Act and of the convention, and
8 for the payment of the members and officers and employees
9 thereof under the same rules and regulations and at the same
10 rates as are now provided by law for the payment of the
11 Territorial Legislature of the Territory of Alaska, and the
12 disbursements of the money appropriated by this section shall
13 be made by the secretary of the Territory of Alaska.

14 Section 6. No writ, action, indictment, cause, or pro-
15 ceeding pending in the District Court for the Territory of
16 Alaska on the date when said Territory shall become a State,
17 and no case pending in an appellate court upon appeal from
18 the District Court for the Territory of Alaska at the time
19 said Territory shall become a State, shall abate by the
20 admission of the State of Alaska into the Union, but the
21 same shall be transferred and proceeded with as hereinafter
22 provided.

23 All civil causes of action and all criminal offenses
24 which shall have arisen or been committed prior to the ad-
25 mission of said State, but as to which no suit, action or
26 prosecution shall be pending at the date of such admission,
27 shall be subject to prosecution in the appropriate State
28 courts or in the United States District Court for the District
29 of Alaska in like manner, to the same extent, and with like

1 right of appellate review, as if said State had been created
2 and said courts had been established prior to the accrual of
3 said causes of action or the commission of such offenses; and
4 such of said criminal offenses as shall have been committed
5 against the laws of the Territory shall be tried and punished
6 by the appropriate courts of said State, and such as shall
7 have been committed against the laws of the United States
8 shall be tried and punished in the United States District
9 Court for the District of Alaska.

10 Section 7. All appeals and writs of error taken from
11 the District Court for the Territory of Alaska to the Supreme
12 Court of the United States or the United States Circuit Court
13 of Appeals for the Ninth Circuit, previous to the admission
14 of Alaska as a State, shall be prosecuted to final determina-
15 tion as though this Act had not been passed. All cases in
16 which final judgment has been rendered in such district
17 court, and in which appeals or writs of error might be had
18 except for the admission of such State, may still be sued
19 out, taken, and prosecuted to the Supreme Court of the
20 United States or the United States Circuit Court of Appeals
21 for the Ninth Circuit under the provisions of then existing
22 law, and there held and determined in like manner; and in
23 either case, the Supreme Court of the United States, or the
24 United States Circuit Court of Appeals, in the event of
25 reversal, shall remand the said cause to either the State
26 supreme court or other final appellate court of said State,
27 or the United States district court for said district, as
28 the case may require: PROVIDED, That the time allowed by
29 existing law for appeals and writs of error from the district

1 court for said Territory shall not be enlarged thereby, and
2 all appeals and writs of error not sued out from the final
3 judgments of said court at the time of the admission of such
4 State shall be taken within six months from such time.

5 Section 8. All causes pending in the District Court for
6 the Territory of Alaska at the time of the admission of
7 Alaska as a State which are of such nature as to be within
8 the jurisdiction of a district court of the United States
9 shall be transferred to the United States District Court
10 for the District of Alaska for final disposition. All other
11 causes pending in the district for the Territory of Alaska
12 at the time of the admission of Alaska as a State shall be
13 transferred to the appropriate State court of Alaska. All
14 final judgments and decrees rendered upon such transferred
15 cases in the United States District Court for the District
16 of Alaska may be reviewed by the Supreme Court of the United
17 States or by the United States Circuit Court of Appeals in
18 the same manner as is now provided by law with reference to
19 the judgments and decrees in existing United States district
20 courts.

21 Section 9. Jurisdiction of all cases pending or deter-
22 mined in the District Court for the Territory of Alaska not
23 transferred to the United States District Court for the Dis-
24 trict of Alaska shall devolve upon and be exercised by the
25 courts of original jurisdiction created by said State, which
26 shall be deemed to be the successor of the District Court
27 for the Territory of Alaska with respect to cases not so
28 transferred and, as such, shall take and retain custody of
29 all records, dockets, journals, and files of such courts

1 pertaining to such cases. The files and papers in all cases
2 so transferred to the United States District court, together
3 with a transcript of all book entries to complete the record
4 in such particular cases so transferred, shall be in like
5 manner transferred to said district court.

6 Section 10. All cases pending in the District Court for
7 the Territory of Alaska at the time said Territory becomes
8 a State not transferred to the United States District Court
9 for the District of Alaska shall be proceeded with and deter-
10 mined by the courts created by said State, with the right
11 to prosecute appeals or writs of error to the appellate courts
12 created by said State, and also with the same right to pro-
13 secute appeals or writs of error from the final determination
14 in said causes made by the court of last resort created by
15 such State to the Supreme Court of the United States, as now
16 provided by law for appeals and writs of error from the
17 court of last resort of a State to the Supreme Court of the
18 United States.

19 Section 11. All Acts or parts of Acts in conflict with
20 the provisions of this Act are hereby repealed.
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