

*Withdrew*  
*Could be on bottom of calendar*

1 IN THE HOUSE

BY MESSRS. KAY, GREUEL,  
FAGERSTROM, AND DUFFIELD

2 HOUSE BILL NO. 7

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the calling and  
7 holding of a Constitutional Convention,  
8 the ratification of a Constitution, the  
9 election of State Officers, and for  
10 other purposes."  
11

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

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

24 The Governor of Alaska shall, within thirty days after  
25 the approval of this Act, issue a proclamation ordering an  
26 election of such delegates to be held at a time designated in  
27 the proclamation within eight months after the approval of  
28 this Act, and providing also for preceding primary election  
29 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 write 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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