

910

HJ

HB

65

-

HB

76

Randolph Hunter -

- state put up bond for appeal if convicted
- cosmetic approach to problem
- pass bill \$25-30 million, use money for re-election campaigns

Hank Ostrosky -

- against AA
- favors civil disobedience, would pre-
fe tax rebate to those who do it.
~~include legal services to~~

John Harlock -

- doesn't favor
- really civil action, not criminal
- state determine losses, sue
- Interior didn't do adequate impact sit

Tom Hofer -

- amend HB 65 to include international
counts, take case to one

Warren Olson -

- no compromise possible
- protect all people
- local hunters + fishermen ignored
- crowding into smaller areas
- protect all

Jerry McCutcheon -

- pro quiet bond
- jury nullification will happen
- leg oversight comm to screen

John Durbin -

- need leg oversight

- set up special legal unit under new AG to handle cases
- monitor closely

Randolph Hunter - can go both ways (crim + civil)

Fbks

Michael Jarey -

- tried in any other state?

1/31/79

Dan Hickey -

form anti trust, pot defense funds
const presumption of legality
unconst. statutory -

Art II, IV, Sec 6, Ak Const

Art VI - US Const - supremacy clause
oath uphold Const -

- judge adding to size of fine?
- payment of fines would go against supremacy clause

Notes - review AG litigation status

Rick Lindsay - Public Defender

Bill Analysis due from PD to Gov by Feb 5

AB 63 - low income already provided for -

- amend to cover .010 + .100
- PD not allowed in Fed court -
- civil as well as crim rep
- interfere w/ funding cycle?
- private bar more expensive, add arm to handle Fed cases?
- written application problem?

Gordon Epperly -

- admission that criminal act committed -

for - Dept
jury null -
oath ✓
residency -
rational basis

Gordon Kakowski - Pres 40-mile mining dist
- 71 mines, 38 of whom live livelihood
- up to \$1 million
- state should not enforce
- trouble getting across Dir Parks land

Frank Tyane -
- AA doesn't affect Natives, favors
AA

Rod Smith -
- opposed to leg
- Art II, Clause 3, Section } US
" 4 " } Court

Robert Stafford -
- opposes all 3
- law not violated
- land can be owned by Feds only
for 5 years
- AA unconstitutional
- law officer couldn't legally
arrest

Les Mark Anthony - dir AK Mines Assoc
and for Kautskha Mines
14 operators 40 miners - all wiped out
- important to define parameters under
which can sue Fed govt
- mining in parks + monuments maybe,
access very questionable
- latest leg on mining Dec 8, 1978

Gary Donaldson - Alaskans Unite Assoc, Pres
- AA illegal - agrees with Rod Smith
- leg not interested in const gov ruin
- bill in leg to declare state sovereign,



ALASKA
MINERS ASSOCIATION

(KETCHIKAN BRANCH)

P. O. BOX 5258

January 30, 1979

TELEPHONE:

Representative Terry Gardiner
Pouch V
Juneau, AK 99811

Dear Representative Gardiner:

The Ketchikan Branch of the Alaska Miners Association represents 100 members as individuals, businesses and affiliates in the Ketchikan and Wrangell area. We are in total support of the funding to fight our congressional battles with regards to D(2). We believe that in order to accomplish this, Alaskans must form a united front. We believe that the questions which are of paramount importance to any settlement and which must be answered in order to obtain our support are listed with respect to their relative importance.

- Removal of the Antiquities Act
- Conveyance of State Lands
- Conveyance of Native Lands
- Exclusion of known natural resources from land classification which prohibits its use
- Unrestricted access to and between all state and native lands
- State managements of fish and game within the borders of Alaska
- Subsistence access to all lands

We are of the opinion that in order to accomplish these ends a sum not to exceed \$5,000,000.00 should be appropriated, \$500,000.00 of which should be allocated to CMAL to further their lobbying efforts. In addition we support HB 63, 64, and 65 but we must go on record supporting HB 65 over 63.

Sincerely yours



Keldon G. Adams
Chairman
Ketchikan Branch

1/31 - #12

Charlie

It was really good to see you. I wish I were able to stay down here longer to watch how things work.

It was interesting to watch the committee hearing. I am glad I am not the one making the decisions on these land things. I guess I think that people who face a real economic hardship as a result of the Antiquities should be helped but I sure would be opposed to supporting wholesale disbandment of Federal land.

See you again.

Judy

LA21 1737 12.30 JA01 0024 12.30 01/31/79

TO: HOUSE JUDICIARY COMMITTEE & REP. RANDOLPH

FROM: ROGER C. BURGRAF
S. R. BOX 20086
FAIRBANKS, AK 99701
479-2596 (CAN BEST BE REACHED BETWEEN 6:00 - 9:00 A.M.
AND THE EVENINGS)

Raff

RE: ADDITIONAL COMMENTS TO MY TESTIMONY 1/30/79 VIA TELECONFERENCE

MESSAGE: I STILL MAINTAIN THAT HR65 BE PASSED SUBJECT TO THE
MODIFICATIONS PROPOSED BY MR. KEN FANNING OF THE REAL ALASKA COALITION.
I PROPOSE THAT IMMEDIATE STEPS SHOULD BE TAKEN THROUGH THE COURTS TO
OBTAIN AN INJUNCTION PROHIBITING THE FEDERAL GOVERNMENT FROM ENFORCING
REGULATIONS PROMULGATED UNDER CARTER'S INVOCATION OF THE ANTIQUITIES
ACT. THE ABOVE SHOULD BE INCLUDED IN ANY RESOLUTIONS PASSED BY BOTH
HOUSES REGARDING THE ANTIQUITIES ACT. THE PURPOSE OF THIS WOULD BE
TO PUT GOVERNOR HAMMOND ON NOTICE TO TAKE POSITIVE ACTION.

FBKS L10/AN/FOU

JA02 0001 11.54 JA01 0026 11.54 01/30/79

TO HOUSE JUDICIARY COMMITTEE
FROM PEGGY THOMPSON, KTN INFORMATION OFFICE

THE FOLLOWING IS FROM MR. TED CLIFTON, RT. 1, BOX 793

HOUSE BILL 63, 64 & 55 MUST BE PASSED IMMEDIATELY. THE FEDERAL
GOVERNMENT HAS DENIED THE STATE OF ALASKA AND HER PEOPLE THEIR
CONSTITUTIONAL AND STATEHOOD RIGHTS. THE STATE MUST THEREFORE
DEFEND HER PEOPLE AGAINST THIS TYRANNY. THAT WE MAY BE ALLOWED
TO CHOOSE OUR OWN LAND AND DESTINY, BOTH SOCIALLY AND
ECONOMICALLY. ALASKANS UNITE!!!! THANK YOU. TED CLIFTON
PEG/EOM

MESSAGE NO. 1

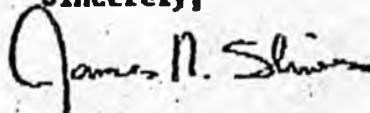
404 Sitka
Anchorage, AK 99501
274-9492

To The House Judiciary Committee:

I think that it would be totally inappropriate to set up a defence fund, using state money, to defend law breakers no matter what their motivation.

I am against setting this sort of foolish precedent.

Sincerely,



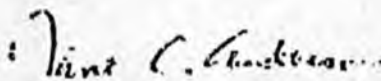
James N. Shives

MESSAGE NO. 2

To: House Judiciary Committee

I am totally in opposition to a state financial legal defense fund for Alaskans charged with violating rules of the new national monuments. If individuals would like to start such a fund that is fine but it hardly seems LEGAL to use state funds for such an activity. A fund to support such people will only encourage people to ~~blatantly~~ break laws and I do not see how the state could support that kind of action. If the legislature could set up a fund to pay expenses for lawbreakers in monuments then a similar fund could be set up for bank robbers, murderers and rapists. This is no way to protest the Antiquities Act. Personally I am very much in support of the new monuments and I refuse to let any of my money ---since I am a resident of Alaska and state funds would include my money ---- support people who willingly violate federal or state laws governing the monuments. I urge you to vote against this bill introduced by Charlie Parr.

Respectfully submitted,
Jane C. Anderson
Box 381
McKinley Park, AK 99755



1/29/79

To Whom It May Concern, (House Judiciary Committee)

I am against any expenditure of public money for the defense of law breaking such as intentional trespass. Implicit in the concept of civil disobedience is acceptance of the consequences of those acts. I am also opposed to the use of public money for lobbying purposes against the Antiquities Act, PLPMA withdrawal, or ~~public~~ d-2 legislation (of which I am a part, since I feel that there is a large group of Alaskans who pay taxes or generate money that is taxed.), who are in favor of a strong d-2 bill and protective status (esp: wilderness status) for large part of Alaska.

Sincerely,
Kent Schoenberg
Kent Schoenberg
Mile 1 Lower Hoffman Rd.

Anchorage 99507

907- 344-2169

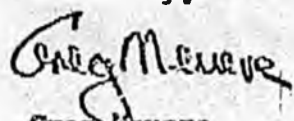
To The House Judiciary Committee:

I am opposed to the use of public and/or State funds being used as a defense fund for anyone who knowingly or unknowingly break any laws governing National Monuments in Alaska. Carried to its logical end, this policy would have the State footing the bill for any law breaker, which is absurd. Therefore, I feel no one deserves "special treatment" when it comes to these areas.

The regulations on these lands are readily available to anyone who is interested in using them from the National Park Office in Anchorage presently. Ignorance is no excuse. There is no need then, to violate the law ~~was~~, particularly when most "traditional uses" will be allowed.

Also, I am against the use of State funds for lobbying efforts against the FLPMA and Antiquities withdrawls. These are National Interest Lands, and I for one Alaskan, favor setting these lands aside for all U.S. citizens, not a small minority living in Alaska; and even all Alaskans do not oppose such classification of areas in this State.

In summation, may I say that the State is entitled to its rights and lands; and will have its hands full governing the resources under their rightful jurisdiction. No energy or money ought to be spent in such negative fashion as defending law breakers or lobbying opposition against National Interests.

Sincerely,

Greg Meuern

7506 Zurich Street
Anchorage, AK 99507

Mary E Weber
2100 Sundew Circle
Anchorage, Alaska 99502

Phone: 243-8012

To The House Judiciary Committee :

As a resident of Alaska I most sincerely oppose the use of any state funds for the defense of the people who break the laws regulating the use of the New National Monuments in Alaska.

I support the new areas and their designations. I feel a respect for their preservation and feel that even one cent spent on those who cannot respect that preservation is too much.

Please, lets use those monies to support those areas so that our Children will have a chance to see the Alaska that we know.

Sincerely,

Mary E. Weber

Mary E. Weber

Senate Bill #

House Bill #

In the Legislature of the State of Alaska

Eleventh Legislature - First Session

For an Act entitled: (Notice of Eviction)

(States Rights under the U.S. Constitution)

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA

WHEREAS - the State of Alaska was granted Statehood
on January 3, 1959. and

WHEREAS - ARTICLE I SEC.1. CLAUSE 1. of the U.S. Constitution
grants all legislative powers to Congress. and

ARTICLE I SEC.1. CLAUSE 1. LEGISLATIVE
POWER; THE CONGRESS. All legislative
powers herein ^{SHALL BE} vested in a Congress of
the United States, which shall consist
of a Senate and House of Representatives.

WHEREAS - ARTICLE I SEC.1. CLAUSE 1. of the U.S. Constitution
does not give the President of the United States
or his Secretaries any authority to legislate. and

WHEREAS - ARTICLE I SEC.8. CLAUSE 17. defines the
limitations of powers of Congress pertaining
to the purchase and use of lands within a
State. and

ARTICLE I SEC.8. CLAUSE 17. To exercise
exclusive Legislation in all District
(not exceeding ten Miles square) as
may, by Cession of Particular States,
and the Acceptance of Congress, become
the Seat of the United States, and to
exercise like Authority over all Places
PURCHASED by the CONSENT of the Legislature
of the State in which the Same shall be,
FOR the Erection of Forts, Magazines,
Arsenals, dock-Yards, and other needful
Buildings.

WHEREAS - ARTICLE IV SEC.3. CLAUSE 2. defines the authority
of Congress to dispose of territorial property.
NOT STATE PROPERTY. and

ARTICLE IV SEC.3. CLAUSE 2, The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

WHEREAS - The property of Alaska that was disposed of after Statehood; such as the ALASKA NATIVE LAND CLAIMS ACT, was aⁿ overexercise of powers of Congress which is not authorized by the U.S. Constitution. The ALASKA NATIVE LAND CLAIMS ACT should have been enacted prior to Statehood under the authority of ARTICLE IV SEC.3. CLAUSE 2. of the U.S. Constitution. and

WHEREAS - Congress attempted to force the people of the State of Alaska to waive their State Rights as gaurenteed under Amendment X. of the U.S. Constitution by legislating an unconstitutional Act known as the ALASKA STATEHOOD ACT. and

AMENDMENT X. RESERVED STATE POWERS. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

WHEREAS - Such Acts of Congress are unconstitutional acts, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose. and

16 AM JUR 2D 177, 178: The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose;

Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it;

No one is bound to obey an unstitutional law,

and no courts are bound to enforce it;

An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the Fundamental Law of the Land, it is superseded thereby;

The general rule is that an unconstitutional act of the Legislature (Congress) protects no one. It is said that all persons are presumed to know the law, meaning that ignorance of the law excuses no one; if any person (State) acts under an unconstitutional statute, he does so at his peril and must take the consequences.

WHEREAS - The U.S. Constitution declares itself under ARTICLE 6. SEC.1. CLAUSE 2. to be the Supreme Law of the Land. and

ARTICLE 6. SEC.1. CLAUSE 2. This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

THEREFORE:

We, the People of the State of Alaska, hereby give notice to the Federal Government of the United States and its Agencies; that you! the Federal Government, are to vacate all lands of the State of Alaska immediately upon the receipt of this notice with the exception; those lands described by ARTICLE I SEC.8. CLAUSE 17. of the U.S. Constitution. These exceptions are:

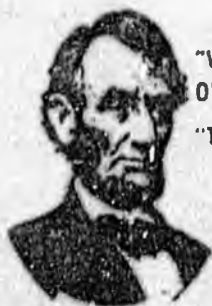
1. All U.S. Post Offices within the State of Alaska
2. All Federal Courts within the State of Alaska
3. Eielson Air Force Base at Fairbanks Alaska
4. Elmendorf Air Force Base at Anchorage Alaska
5. Fort Greely at Delta Junction Alaska
6. Fort Richardson at Anchorage Alaska

7. Fort Wainwright at Fairbanks Alaska
8. Navel Command Station at Adak Alaska
9. Navel Station at Adak alaska
10. All U.S. Coast Gaurd Installations
prior to the receipt of this notice

You! The Federal Government of the United States, is also hereby given notice that; We the People of the State of Alaska, do not recognize any Acts of Congress which do not conform to the laws of the U.S. Constitution of the United States of America.

The Alaska State Legislature shall provide a means of enforcement of this Act.

Public Code Title 42 ss 1986



"WE THE PEOPLE ARE THE RIGHTFUL MASTERS OF BOTH CONGRESS AND THE COURTS—NOT TO OVERTHROW THE CONSTITUTION. BUT TO OVERTHROW THE MEN WHO PERVERT TH' CONSTITUTION."
"TO SIN BY SILENCE WHEN THEY SHOULD PROTEST MAKES COWARDS OF MEN." — Abraham Lincoln



"THEY THAT CAN GIVE UP ESSENTIAL LIBERTY TO OBTAIN A LITTLE TEMPORARY SAFETY DESERVE NEITHER LIBERTY NOR SAFETY." — Benjamin Franklin



"I KNOW NO SAFE DEPOSITORY OF THE ULTIMATE POWERS OF THE SOCIETY BUT THE PEOPLE THEMSELVES. AND IF WE THINK THEM NOT ENLIGHTENED ENOUGH TO EXERCISE THEIR CONTROL WITH A WHOLESOME DISCRETION, THE REMEDY IS NOT TO TAKE IT FROM THEM, BUT TO INFORM (THEM)." —Thomas Jefferson (Author of the Declaration of Independence · Co-Author of U S Constitution)



"THE HIGH OFFICE OF PRESIDENT HAS BEEN USED TO FOMENT A PLOT TO DESTROY THE AMERICANS' FREEDOM. AND BEFORE I LEAVE OFFICE I MUST INFORM THE CITIZEN OF HIS PLIGHT."
—John F. Kennedy at Columbia University, 10 days before his assassination

§ 241. Conspiracy against rights of citizens.

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life. (June 25, 1948, ch. 645, 62 Stat. 696; Apr. 11, 1968, Pub. L. 90-284, title I, § 103(a), 82 Stat. 75.)

§ 242. Deprivation of rights under color of law.

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if death results shall be subject to imprisonment for any term of years or for life. (June 25, 1948, ch. 645, 62 Stat. 696; Apr. 11, 1968, Pub. L. 90-284, title I, § 103(b), 82 Stat. 75.)

TITLE 42.—THE PUBLIC HEALTH AND WELFARE

§ 1983. Civil action for deprivation of rights.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R. S. § 1979.)

TITLE 18.—CRIMES AND CRIMINAL PROCEDURE

TITLE 42.—THE PUBLIC HEALTH AND WELFARE

§ 1935. Conspiracy to interfere with civil rights.

(1) Preventing officer from performing duties.

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties:

(2) Obstructing justice; intimidating party, witness, or juror.

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and

truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on

the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. (R. S. § 1980.)

§ 1986. Same; action for neglect to prevent.

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action, and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages thereon, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. (R. S. § 1981.)

Public Law 85-508
85th Congress, H. R. 7999
July 7, 1958

AN ACT

72 Stat. 339.

To provide for the admission of the State of Alaska into the Union.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 8 (c) of this Act, the State of Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Alaska entitled, "An Act to provide for the holding of a constitutional convention to prepare a constitution for the State of Alaska; to submit the constitution to the people for adoption or rejection; to prepare for the admission of Alaska as a State; to make an appropriation; and setting an effective date", approved March 19, 1955 (Chapter 40, Session Laws of Alaska, 1955), and adopted by a vote of the people of Alaska in the election held on April 24, 1956, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

Alaska,
statehood.

Sec. 2. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, now included in the Territory of Alaska.

Territory.

Sec. 3. The constitution of the State of Alaska shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Constitution.

Sec. 4. As a compact with the United States said State and its people do agree and declare 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 this Act, 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: *Provided*, That nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act: *And provided further*, That no taxes shall be imposed by the United States upon any lands or other property now owned or hereafter owned 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

Compact
with U.S.

Title to
property.

Sec. 5. The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

Selection from
public lands.

Sec. 6. (a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: *And provided further*, That no selection hereunder shall be made in the area north and west of the line described in section 19 without approval of the President or his designated representative.

(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U. S. C., secs. 102-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 473; 48 U. S. C., secs. 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U. S. C., secs. 221-225), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: *Provided*, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the

Fish and
wildlife
resources.

first day of the first calendar year following the expiration of ninety legislative days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: *Provided*, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned, as of the date the State of Alaska shall be deemed to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section 8 (a) of the Act of September 2, 1937, as amended (16 U. S. C., sec. 699g-1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U. S. C., sec. 777k), shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea-otter skins made in accordance with the provisions of the Act of February 26, 1944 (58 Stat. 100; 16 U. S. C., secs. 631a-631g), as supplemented and amended. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Act of February 26, 1944, as supplemented and amended, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Act of February 26, 1944, as supplemented and amended, and the Act of June 28, 1937 (50 Stat. 325), as amended (16 U. S. C., sec. 772 et seq.).

(f) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.

(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September

55 Stat. 61

64 Stat. 43

Pub. Law 85-508
72 Stat., 341.

27, 1944 (58 Stat. 748; 43 U. S. C., sec. 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute conditional leases and to make conditional sales of such selected lands. As used in this subsection, the words "equitable claim subject to allowance and confirmation" include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

Mineral leases, permits, etc.

48 USC 432, paras.

(h) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181 and following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U. S. C., sec. 432 and following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless such lease, permit, license, or contract is in effect on the date of approval of this Act, and unless an application to select such lands is filed with the Secretary of the Interior within a period of five years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act, and shall include the entire area that is subject to each lease, permit, license, or contract involved in the selections. Any patent for lands so selected shall vest in the State of Alaska all right, title, and interest of the United States in and to any such lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all rentals, royalties, and other payments accruing after that date under such lease, permit, license, or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of such lease, permit, license, or contract: *Provided*, That nothing herein contained shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder.

Mineral land grants.

(i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

Schools and colleges.

(j) The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State, or its governmental

subdivisions, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

(k) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U. S. C., sec. 353), as amended, and the last sentence of section 35 of the Act of February 25, 1920 (41 Stat. 450; 30 U. S. C., sec. 191), as amended, are repealed and all lands therein reserved under the provisions of section 1 as of the date of this Act shall, upon the admission of said State into the Union, be granted to said State for the purposes for which they were reserved; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or an interest therein made prior to such repeal.

(l) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U. S. C., sec. 857), and in lieu of the swamp-land grant made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U. S. C., sec. 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U. S. C., secs. 301-308), which grants are hereby declared not to extend to the State of Alaska.

(m) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder.

SEC. 7. Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 3, 1958, to certify such fact to the Governor of Alaska. Thereupon the Governor, on or after July 3, 1958, and not later than August 1, 1958, shall issue his proclamation for the elections, as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers so elected shall in any event include two Senators and one Representative in Congress.

SEC. 8. (a) The proclamation of the Governor of Alaska required by section 7 shall provide for holding of a primary election and a general election on dates to be fixed by the Governor of Alaska: *Provided*, That the general election shall not be held later than December 1, 1958, and at such elections the officers required to be elected as provided in section 7 shall be, and officers for other elective offices provided for in the constitution of the proposed State of Alaska may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Alaska for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Alaska may prescribe. The Governor of Alaska shall certify the results of said elections to the President of the United States.

(b) At an election designated by proclamation of the Governor of Alaska, which may be the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special

Submerged lands. 43 USC 1301 note.

Certification by President.

Election of officers; date, etc.

election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, by separate ballot on each, the following propositions:

"(1) Shall Alaska immediately be admitted into the Union as a State?

"(2) The boundaries of the State of Alaska shall be as prescribed in the Act of Congress approved _____ and all claims

of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

"(3) All provisions of the Act of Congress approved _____

reserving rights or powers to the United States, as well as

those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people."

In the event each of the foregoing propositions is adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Alaska, ratified by the people at the election held on April 24, 1955, shall be deemed amended accordingly. In the event any one of the foregoing propositions is not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

The Governor of Alaska is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Alaska, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Alaska, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 7 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Alaska shall be deemed admitted into the Union as provided in section 1 of this Act.

Until the said State is so admitted into the Union, all of the officers of said Territory, including the Delegate in Congress from said Territory, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Alaska into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

(d) Upon admission of the State of Alaska into the Union as herein provided, all of the Territorial laws then in force in the Territory of Alaska shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution

Certification of voting results by Governor.

Proclamation by President.

Laws in effect.

of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within said State as elsewhere within the United States. As used in this paragraph, the term "Territorial laws" includes (in addition to laws enacted by the Territorial Legislature of Alaska) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Alaska prior to the admission of the State of Alaska into the Union, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Alaska at the time of the admission of the State of Alaska into the Union, (2) are not "Territorial laws" as defined in this paragraph, and (3) are not in conflict with any other provisions of this Act.

SEC. 9. The State of Alaska upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: Provided, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U. S. C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

SEC. 10. (a) The President of the United States is hereby authorized to establish, by Executive order or proclamation, one or more special national defense withdrawals within the exterior boundaries of Alaska, which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

(b) Special national defense withdrawals established under subsection (a) of this section shall be confined to those portions of Alaska that are situated to the north or west of the following line: Beginning at the point where the Porcupine River crosses the international boundary between Alaska and Canada; thence along a line parallel to, and five miles from, the right bank of the main channel of the Porcupine River to its confluence with the Yukon River; thence along a line parallel to, and five miles from, the right bank of the main channel of the Yukon River to its most southerly point of intersection with the meridian of longitude 160 degrees west of Greenwich; thence south to the intersection of said meridian with the Kuskokwim River; thence along a line parallel to, and five miles from the right bank of the Kuskokwim River to the mouth of said river; thence along the shoreline of Kuskokwim Bay to its intersection with the meridian of longitude 162 degrees 30 minutes west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 57 degrees 30 minutes north; thence east to the intersection of said parallel with the meridian of longitude 158 degrees west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 50 degrees north.

(c) Effective upon the issuance of such Executive order or proclamation, exclusive jurisdiction over all special national defense withdrawals established under this section is hereby reserved to the United States, which shall have sole legislative, judicial, and executive power within such withdrawals, except as provided hereinafter. The exclusive jurisdiction so established shall extend to all lands within the exterior boundaries of each such withdrawal, and shall remain in effect with respect to any particular tract or parcel of land only so long as such tract or parcel remains within the exterior boundaries of such a

Definitions.

House of Representatives membership.

National defense withdrawals.

Jurisdiction

withdrawal. The laws of the State of Alaska shall not apply to areas within any special national defense withdrawal established under this section while such areas remain subject to the exclusive jurisdiction hereby authorized: *Provided, however,* That such exclusive jurisdiction shall not prevent the execution of any process, civil or criminal, of the State of Alaska, upon any person found within said withdrawals: *And provided further,* That such exclusive jurisdiction shall not prohibit the State of Alaska from enacting and enforcing all laws necessary to establish voting districts, and the qualification and procedures for voting in all elections.

(4) During the continuance in effect of any special national defense withdrawal established under this section, or until the Congress otherwise provides, such exclusive jurisdiction shall be exercised within each such withdrawal in accordance with the following provisions of law:

(1) All laws enacted by the Congress that are of general application to areas under the exclusive jurisdiction of the United States, including, but without limiting the generality of the foregoing, those provisions of title 18, United States Code, that are applicable within the special maritime and territorial jurisdiction of the United States as defined in section 7 of said title, shall apply to all areas within such withdrawals.

(2) In addition, any areas within the withdrawals that are reserved by Act of Congress or by Executive action for a particular military or civilian use of the United States shall be subject to all laws enacted by the Congress that have application to lands withdrawn for that particular use, and any other areas within the withdrawals shall be subject to all laws enacted by the Congress that are of general application to lands withdrawn for defense purposes of the United States.

(3) To the extent consistent with the laws described in paragraphs (1) and (2) of this subsection and with regulations made or other actions taken under their authority, all laws in force within such withdrawals immediately prior to the creation thereof by Executive order or proclamation shall apply within the withdrawals and, for this purpose, are adopted as laws of the United States: *Provided, however,* That the laws of the State or Territory relating to the organization or powers of municipalities or local political subdivisions, and the laws or ordinances of such municipalities or political subdivisions shall not be adopted as laws of the United States.

(4) All functions vested in the United States commissioners by the laws described in this subsection shall continue to be performed within the withdrawals by such commissioners.

(5) All functions vested in any municipal corporation, school district, or other local political subdivision by the laws described in this subsection shall continue to be performed within the withdrawals by such corporation, district, or other subdivision, and the laws of the State or the laws or ordinances of such municipalities or local political subdivision shall remain in full force and effect notwithstanding any withdrawal made under this section.

(6) All other functions vested in the government of Alaska or in any office or agency thereof, except judicial functions over which the United States District Court for the District of Alaska is given jurisdiction by this Act or other provisions of law, shall be performed within the withdrawals by such civilian individuals or civilian agencies and in such manner as the President shall from time to time, by Executive order, direct or authorize.

(7) The United States District Court for the District of Alaska shall have original jurisdiction, without regard to the sum or value of any matter in controversy, over all civil actions arising within such withdrawals under the laws made applicable thereto by this section.

62 Stat. 693.

(c) Nothing contained in subsection (d) of this section shall be construed as limiting the exclusive jurisdiction established in the United States by subsection (c) of this section or the authority of the Congress to implement such exclusive jurisdiction by appropriate legislation, or as denying to persons now or hereafter residing within any portion of the areas described in subsection (b) of this section the right to vote at all elections held within the political subdivisions as prescribed by the State of Alaska where they respectively reside, or as limiting the jurisdiction conferred on the United States District Court for the District of Alaska by any other provision of law, or as continuing in effect laws relating to the Legislature of the Territory of Alaska. Nothing contained in this section shall be construed as limiting any authority otherwise vested in the Congress or the President.

Sec. 11. (a) Nothing in this Act shall affect the establishment, or the right, ownership, and authority of the United States in Mount McKinley National Park, as now or hereafter constituted; but exclusive jurisdiction, in all cases, shall be exercised by the United States for the national park, as now or hereafter constituted; saving, however, to the State of Alaska the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing now or hereafter in such area the right to vote at all elections held within the respective political subdivisions of their residence in which the park is situated.

(b) Notwithstanding the admission of the State of Alaska into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, including naval petroleum reserve numbered 4, whether such lands were acquired by cession and transfer to the United States by Russia and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Alaska for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: *Provided,*

(i) That the State of Alaska shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Alaska, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall rest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes. The provisions of this subsection shall not apply to lands withdrawn from the State of Alaska for

Mount McKinley National Park

Military, naval, etc. lands.

USC sec. Title 1.

Civil and criminal jurisdiction

Judicial and criminal provisions.

drawal or withdrawals as may be established pursuant to section 10 of this Act until such lands cease to be subject to the exclusive jurisdiction reserved to the United States by that section.

Sec. 12. Effective upon the admission of Alaska into the Union—

(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 81 of such title, is amended by inserting immediately after and underneath item 81 of such analysis, a new item to be designated as item 81A and to read as follows:

"81A. Alaska":

(b) Title 28, United States Code, is amended by inserting immediately after section 81 thereof a new section, to be designated as section 81A, and to read as follows:

"§ 81A. Alaska

"Alaska constitutes one judicial district.

"Court shall be held at Anchorage, Fairbanks, Juneau, and Nome.";

(c) Section 133 of title 28, United States Code, is amended by inserting in the table of districts and judges in such section immediately above the item: "Arizona * * * 2", a new item as follows: "Alaska * * * 1";

(d) The first paragraph of section 373 of title 28, United States Code, as heretofore amended, is further amended by striking out the words: "the District Court for the Territory of Alaska,"; *Provided*, That the amendment made by this subsection shall not affect the rights of any judge who may have retired before it takes effect;

(e) The words "the District Court for the Territory of Alaska," are stricken out wherever they appear in sections 333, 460, 610, 753, 1252, 1291, 1292, and 1348 of title 28, United States Code;

(f) The first paragraph of section 1252 of title 28, United States Code, is further amended by striking out the word "Alaska," from the clause relating to courts of record;

(g) Subsection (2) of section 1294 of title 28, United States Code, is repealed and the later subsections of such section are renumbered accordingly;

(h) Subsection (a) of section 2410 of title 28, United States Code, is amended by striking out the words: "including the District Court for the Territory of Alaska,";

(i) Section 3241 of title 18, United States Code, is amended by striking out the words: "District Court for the Territory of Alaska, the";

(j) Subsection (e) of section 3401 of title 18, United States Code, is amended by striking out the words: "for Alaska or";

(k) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "the Territory of Alaska,";

(l) Section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "the Territory of Alaska,";

(m) Section 2072 of title 28, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "and of the District Court for the Territory of Alaska";

(n) Subsection (q) of section 376 of title 28, United States Code, is amended by striking out the words: "the District Court for the Territory of Alaska,"; *Provided*, That the amendment made by this subsection shall not affect the rights under such section 376 of any present or former judge of the District Court for the Territory of Alaska or his survivors;

(o) The last paragraph of section 1943 of title 28, United States Code, is repealed;

(p) Section 2201 of title 28, United States Code, is amended by striking out the words: "and the District Court for the Territory of Alaska"; and

(q) Section 4 of the Act of July 28, 1950 (64 Stat. 380; 5 U. S. C., sec. 341b) is amended by striking out the word: "Alaska,".

Sec. 13. No writ, action, indictment, cause, or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory shall become a State, shall abate by the admission of the State of Alaska into the Union, but the same shall be transferred and proceeded with as hereinafter provided.

Continuation of suits.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Alaska in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said courts had been established prior to the accrual of said causes of action or the commission of such offenses; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Alaska.

Sec. 14. All appeals taken from the District Court for the Territory of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though this Act had not been passed. All cases in which final judgment has been rendered in such district court, and in which appeals might be had except for the admission of such State, may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit under the provisions of then existing law, and there held and determined in like manner; and in either case, the Supreme Court of the United States, or the United States Court of Appeals, in the event of reversal, shall remand the said cause to either the State supreme court or other final appellate court of said State, or the United States district court for said district, as the case may require; *Provided*, That the time allowed by existing law for appeals from the district court for said Territory shall not be enlarged thereby.

Appeals.

Sec. 15. All causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State which are of such nature as to be within the jurisdiction of a district court of the United States shall be transferred to the United States District Court for the District of Alaska for final disposition and enforcement in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts. All other causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court of Alaska. All final judgments and decrees rendered upon such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in

Transfer of cases.

72 Stat. 350.

Succession of courts.

the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.

Sec. 16. Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United States District Court for the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, dockets, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.

Sec. 17. All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the court of last resort of a State to the Supreme Court of the United States.

Jurisdiction of District Court. Termination date.

Sec. 18. The provisions of the preceding sections with respect to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until three years after the effective date of this Act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this Act, is prepared to assume the functions imposed upon it. During such period of three years or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore. The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section.

Federal Reserve System.

Sec. 19. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "When the State of Alaska is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section."

43 Stat. 168.
64 Stat. 873.
12 USC 1811
note.

72 Stat. 351.

SEC. 20. Section 2 of the Act of October 20, 1914 (38 Stat. 742; 48 U. S. C., sec. 433), is hereby repealed.

SEC. 21. Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, nor restore nationality heretofore lost under any law of the United States or under any treaty to which the United States may have been a party.

Immigration and Nationality.

SEC. 22. Section 101 (a) (36) of the Immigration and Nationality Act (66 Stat. 170, 8 U. S. C., sec. 1101 (a) (36)) is amended by deleting the word "Alaska."

SEC. 23. The first sentence of section 212 (d) (7) of the Immigration and Nationality Act (66 Stat. 188, 8 U. S. C., sec. 1182 (d) (7)) is amended by deleting the word "Alaska."

SEC. 24. Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 304 of the Immigration and Nationality Act (66 Stat. 237, 8 U. S. C., sec. 1404).

SEC. 25. The first sentence of section 316 (a) of the Immigration and Nationality Act (66 Stat. 239, 8 U. S. C., sec. 1421 (a)) is amended by deleting the words "District Courts of the United States for the Territories of Hawaii and Alaska" and substituting therefor the words "District Court of the United States for the Territory of Hawaii".

SEC. 26. Section 344 (d) of the Immigration and Nationality Act (66 Stat. 265, 8 U. S. C., sec. 1455 (d)) is amended by deleting the words "in Alaska and".

SEC. 27. (a) The third proviso in section 27 of the Merchant Marine Act, 1920, as amended (46 U. S. C., sec. 883), is further amended by striking out the word "excluding" and inserting in lieu thereof the word "including".

Transportation by water. 41 Stat. 297

(b) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its Territories or possessions, or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

SEC. 28. (a) The last sentence of section 9 of the Act entitled "An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes", approved October 20, 1914 (48 U. S. C. 439), is hereby amended to read as follows: "All net profits from operation of Government mines, and all bonuses, royalties, and rentals under leases as herein provided and all other payments received under this Act shall be distributed as follows as soon as practicable after December 31 and June 30 of each year: (1) 90 per centum thereof shall be paid by the Secretary of the Treasury to the State of Alaska for disposition by the legislature thereof; and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts."

Mines and mining. 38 Stat. 741

(b) Section 35 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (30 U. S. C. 191), is hereby amended by inserting immediately before the colon preceding the first proviso thereof the following: ", and of those from Alaska 62 1/2 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof".

41 Stat. 451

Separability
clause.

Sec. 29. If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

Repeals.

Sec. 30. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.

Approved July 7, 1958.

THE CONSTITUTION OF THE UNITED STATES

(Italicized portion has been changed by amendment)

THE PREAMBLE

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I THE HOUSE OF REPRESENTATIVES

The Legislative Department

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. (1) The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

(2) No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

(3) Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, *which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.* The actual enumeration shall be

made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; [and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose 3; Massachusetts, 8; Rhode Island and Providence Plantations, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; and Georgia, 3.]

(4) When vacancies happen in the Representation from any State, the Executive authority thereof shall issue Writs of Election to fill such Vacancies.

(5) The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

ARTICLE I: THE UNITED STATES SENATE

Section 3. (1) The Senate of the United States shall be composed of two Senators from each State, chosen by the *Legislature* thereof, for six years; and each Senator shall have one vote.

(2) Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; *and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.*

(3) No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

(4) The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

(5) The Senate shall choose their other officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

(6) The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

(7) Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

ARTICLE I: ORGANIZATION OF CONGRESS

Section 4. (1) The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, *except as to the places of choosing Senators.*

(2) The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5. (1) Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each house may provide.

(2) Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member.

(3) Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

(4) Neither house, during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section 6. (1) The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

(2) No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Section 7. (1) All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

(2) Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return; in which case it shall not be a law.

(3) Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

ARTICLE I: POWERS VESTED IN CONGRESS

Section 8. The Congress shall have power:

(1) To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

(2) To borrow money on the credit of the United States.

(3) To regulate commerce with foreign nations and among the several States, and with the Indian tribes.

(4) To establish a uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States.

(5) To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

(6) To provide for the punishment of counterfeiting the securities and current coin of the United States.

(7) To establish post-offices and post-roads.

(8) To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

(9) To constitute tribunals inferior to the Supreme Court.

(10) To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

(11) To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

(12) To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

(13) To provide and maintain a navy.

(14) To make rules for the government and regulation of the land and naval forces.

(15) To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

(16) To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

(17) To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

(18) To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

ARTICLE I: RESTRAINTS

Restraints Upon the United States

Section 9. [(1) The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.]

Obsolete since 1808.

(2) The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

(3) No bill of attainder or ex post facto law shall be passed.

(4) No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

(5) No tax or duty shall be laid on articles exported from any State.

(6) No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

(7) No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

(8) No title of nobility shall be granted by the United States. And no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present emolument, office, or title of any kind whatever from any king, prince, or foreign state.

Restraints Upon the States

Section 10. (1) No State shall enter into any treaty, alliance, or confederation, grant letters of marque and reprisal, coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

(2) No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

(3) No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships or war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II: THE EXECUTIVE DEPARTMENT

Section 1. (1) The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

(2) Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

(3) *The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*

(4) The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

(5) No person except a natural born citizen [or a citizen of the United States at the time of the adoption of this Constitution] shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years and been fourteen years a resident within the United States.

(6) In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

(7) The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

(8) Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Section 2. (1) The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

(2) He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court,

and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior offices as they think proper in the President alone, in the courts of law, or in the heads of departments.

(3) The President shall have power to fill up vacancies that may happen during the recess of the Senate, by granting commissions which will expire at the end of their next session.

Section 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III: THE JUDICIAL DEPARTMENT

Section 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section 2. (1) The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; *between a State and citizens of another State*; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, *citizens, or subjects*.

(2) In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

(3) The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. (1) Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(2) The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV: INTERSTATE AND FEDERAL RELATIONS

Relation of States to Each Other

Section 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. (1) The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

(2) A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

(3) [no person held to service or labor in one State, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.]

Obsolete.

Relation of The United States To States and Territories

Section 3. (1) New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

(2) The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the Executive (when the legislature cannot be convened), against domestic violence.

ARTICLES V AND VI: GENERAL PROVISIONS

Article V: Provision for Amending the Constitution

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided [that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the Ninth Section of the First Article; and] that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Article VI: National Debts, Etc.

(1) All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

Supremacy of the National Government

(2) This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Pledge — No Religious Test

(3) The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

**ARTICLE VII:
THE RATIFICATION OF THE CONSTITUTION**

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

**UNITED STATES CONSTITUTION
AMENDMENTS**

PREAMBLE TO THE BILL OF RIGHTS

The Convention of a number of the states, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses be added; and as extending the ground of public confidence in the government, will best insure the beneficent ends of its institutions, be it resolved;

Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Article II

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Article III

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

Article IV

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article V

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VI

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Article VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

Article VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Dec. 15, 1791

Article XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

(This amendment modifies Paragraph I, Section 2, of Article III. Jan. 8, 1798)

Article XII

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

(This amendment supplants Paragraph 3, Section I, of Article II.) [Sept. 25, 1804]

Article XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation. [Dec. 18, 1865]

Article XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

(Sections 1 and 2 of this amendment modify Paragraph 3, Section 2, of Article I.)

Section 3. No person shall be a Senator, or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a

member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

(Section 3 of this amendment supplements Paragraph 2, Section 2, of Article I; Paragraph 3, Section 3, of Article I; Paragraph 2, Section 1, of Article II; and, Paragraph 5, Section 1, of Article II.)
[July 28, 1868]

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. (July 28, 1868)

Article XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude. [Mar. 30, 1870]

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

(This amendment supplements Paragraph 1, Section 2, of Article .)

Article XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Article XVII

(1) The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

(Paragraph 1 of this amendment modifies Paragraph 1, Section 3, of Article I and Paragraph I, Section 4, of Article I.)

(2) When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

(Paragraph 2 of this amendment modifies Paragraph 2, Section 3, of Article I.)

(3) This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.
[Mar. 31, 1913]

Article XVIII

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress. [Jan. 29, 1919]

Article XIX

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

(This amendment supplements Paragraph 1, Section 2, of Article I.) [Aug. 26, 1920]

Article XX

Section 1. The terms of the President and Vice-President shall end at noon on the twentieth day of January, and the terms of Senators and Representatives at noon on the third day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the third day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission. [February 6, 1933.]

Article XXI

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by convention in the several States, as provided in the Constitution, within seven years from the date of the submission thereof to the States by the Congress. [December 5, 1933.]

Article XXII

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress. [February 27, 1951.]

Article XXIII

Section 1. The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice-President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice-President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation. [March 29, 1961.]

Article XXIV

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation. [January 23, 1964.]

Article XXV

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers

and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no ability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office. [February 10, 1967.]

ARTICLE XXVI

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote, shall not be denied or abridged by the United States or by any State on account of age.

Section 2. The Congress shall have power to enforce this article by appropriate legislation. [July 1, 1971]



Priorities

Unemployment insurance

Workmen's comp program review

Dept Agri & Forestry

Local roads & trails

Library

Delta agri project - continuation

Garden "

Insurance practices review

Land disposal review - AOL program review

(incl new lands)

Coal lab money (match)

Phil Holdsworth -

State land entire in 13 orig states, plus
Texas (1½ % Fed)

HC 65 - afraid of putting it in Dept of Law

Maybe best handled by private attorney

3 yr ½ income language limiting due to
seasonality of operations

p 1, line 28 - "or have required access through
those lands for such activities, or"
go to \$1 million

add - revert to general fund

- bit of money available from 6565

map - from Dick Randolph



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

AMENDMENT TO ANTIQUITIES LEGAL DEFENSE FUND BILLS

ALTERNATIVE #1

For HB 65, add the following language to Sec. 2 as subsection (3):

whose act or omission resulting in the detention, formal charge or conviction described in (2) of this section does not violate any law or regulation of this state; and

For HB 65, add the following sentence to Sec. 2, Subsection (3), as originally contained in the bill, and what would become subsection (4) if this amendment were adopted:

The department shall determine whether the act or omission constitutes a violation of any law or regulation of this state.

For HB 63, see attached bill with mark up of a similar amendment.

Funding Information
General Fund \$500,000
Other Funds -0-
\$500,000

BY PARR, ANDERSON, BARNES,
BEIRNE, BETTISWORTH, BRANSON,
BROWN, ELIASON, HAYES, MOSS,
MUNSON, RANDOLPH, ROGERS,
AND SMITH

1 IN THE HOUSE

2 HOUSE BILL NO. 65

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Law; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. (a) The legislature finds that the President of the United
10 States has acted arbitrarily and beyond the intent of law by using the Anti-
11 quities Act to close some 56,000,000 acres of Alaska land to public use. As
12 a result of the President's action many trappers, hunters and miners have had
13 their livelihood destroyed, a destruction not justified by a compelling
14 public interest. The legislature, as representatives of a free people, finds
15 such action intolerable and intends to seek redress through both the courts
16 and the Congress.

17 (b) The average citizen lacks the resources to oppose the massive power
18 of the federal government. The legislature finds it appropriate to assist
19 Alaskan citizens in resisting arbitrary action by the federal executive by
20 paying for legal assistance to those whose livelihoods have been taken away.

21 * Sec. 2. The sum of \$500,000 is appropriated from the general fund to
22 the Department of Law for the purpose of paying reasonable legal defense fees
23 for trial and appellate level legal representation for persons who

24 (1) for at least three years before December 1, 1978,

25 (A) have earned at least one-half of their annual income as a
26 direct result of activities conducted on lands declared to be national
27 monuments by Presidential proclamations 4611 - 4627, issued
28 December 1, 1978, under authority of 16 U.S.C. sec. 431; or

29 (B) have subsisted through subsistence hunting or fishing

1 entirely or partly on lands declared to be national monuments by Presi-
2 dential proclamations 4611 - 4627, issued December 1, 1978, under
3 authority of 16 U.S.C. sec. 431;

4 (2) are detained under a charge of, formally charged with, or
5 convicted of a crime under 16 U.S.C. secs. 431 - 433 or a rule or regulation
6 issued under 16 U.S.C. secs. 431 - 433 on lands declared to be national
7 monuments by Presidential proclamations 4611 - 4627, issued December 1, 1978,
8 under authority of 16 U.S.C. sec. 431, as a result of the continuation of
9 those activities described in (1) of this section; ~~and~~

10 (3) ~~INSERT AMENDMENT~~
11 (4) ~~(3)~~ make a written request to the department for the payment of
12 reasonable legal fees incurred in defending against the charge or in appeal-
13 ing the conviction, or both. (INSERT AMENDMENT) The department may establish a schedule of
14 reasonable legal fees for the defense or appeal.

15 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
16 070(c).
17
18
19
20
21
22
23
24
25
26
27
28
29

Introduced: 1/24/79
Referred: Judiciary and
Finance

BY FREEMAN, MOSS AND
RANDOLPH

1 IN THE HOUSE

2 HOUSE BILL NO. 63

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Antiquities Act Legal Defense
7 Fund."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.85 is amended by adding a new section to read:

10 Sec. 18.85.165. ANTIQUITIES ACT LEGAL DEFENSE FUND. (a) There is
11 created an Antiquities Act Legal Defense Fund, administered by the
12 public defender in accordance with the provisions of this section.

13 (b) The public defender shall pay from the Antiquities Act Legal
14 Defense Fund the reasonable attorney fees of people who qualify under
15 (c) of this section for trial and appellate level legal representation.

16 (c) A person qualifies for payment of reasonable attorney fees
17 from the Antiquities Act Legal Defense Fund if he makes a written re-
18 quest to the public defender for payment, and

19 (1) he is being detained by a law enforcement officer in
20 connection with a criminal charge for violation of a provision of 16
21 U.S.C. secs. 431 - 433 or a rule or regulation issued under 16 U.S.C.
22 secs. 431 - 433 on lands declared to be national monuments by Presi-
23 dential proclamations 4611 - 4627, issued December 1, 1978, under
24 authority of 16 U.S.C. sec. 431 ^{AND the act OR omission resulting in} ~~or this detention~~ does not violate ANY
25 law or regulation of this state; or

26 (2) he is under formal charge of having committed, or is
27 being detained for conviction of a crime under 16 U.S.C. secs. 431 - 433
28 or a rule or regulation issued under 16 U.S.C. secs. 431 - 433 on lands
29 declared to be national monuments by Presidential proclamations 4611 -
4627, issued December 1, 1978, under authority of 16 U.S.C. sec. 431 ~~AND the Act OR omission resulting in this formal charge OR~~
detention does not violate -1- ANY LAW OR regulation of
this state. HB 63

(d) The public defender shall determine whether the act or omission constitutes a violation of any law or regulation of this state.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(d) The public defender shall determine the reasonableness of attorney fees for which payment is requested under this section and shall pay from the Antiquities Act Legal Defense Fund only the amount he determines to be reasonable.



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

AMENDMENT TO ANTIQUITIES LEGAL DEFENSE FUND BILLS

ALTERNATIVE #2

No payment for legal defense fees for trial or appellate level legal representation may be provided under this section for persons whose acts or omissions constitute a violation of any law or regulation of this state.

(For HB 65, add above language to Sec. 2 as subsection (c).)

(For HB 63, add above language to Sec. 1 as subsection (d) and change present (d) to (f).)

For HB 65, add the following language as subsection (d) to Sec. 2.

The department shall determine whether the act or omission constitutes a violation of any law or regulation of this state.

For HB 63, add the following language as subsection (e) to Sec. 1.

The public defender shall determine whether the act or omission constitutes a violation of any law or regulation of this state.

Funding Information

General Fund \$500,000
Other Funds -0-
\$500,000

BY PARR, ANDERSON, BARNES,
BEIRNE, BETTISWORTH, BRANSON,
BROWN, ELIASON, HAYES, MOSS,
MUNSON, RANDOLPH, ROGERS,
AND SMITH

1 IN THE HOUSE

2 HOUSE BILL NO. 65

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Law; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. (a) The legislature finds that the President of the United
10 States has acted arbitrarily and beyond the intent of law by using the Anti-
11 quities Act to close some 56,000,000 acres of Alaska land to public use. As
12 a result of the President's action many trappers, hunters and miners have had
13 their livelihood destroyed, a destruction not justified by a compelling
14 public interest. The legislature, as representatives of a free people, finds
15 such action intolerable and intends to seek redress through both the courts
16 and the Congress.

17 (b) The average citizen lacks the resources to oppose the massive power
18 of the federal government. The legislature finds it appropriate to assist
19 Alaskan citizens in resisting arbitrary action by the federal executive by
20 paying for legal assistance to those whose livelihoods have been taken away.

21 * Sec. 2. The sum of \$500,000 is appropriated from the general fund to
22 the Department of Law for the purpose of paying reasonable legal defense fees
23 for trial and appellate level legal representation for persons who

24 (1) for at least three years before December 1, 1978,

25 (A) have earned at least one-half of their annual income as a
26 direct result of activities conducted on lands declared to be national
27 monuments by Presidential proclamations 4611 - 4627, issued
28 December 1, 1978, under authority of 16 U.S.C. sec. 431; or

29 (B) have subsisted through subsistence hunting or fishing

1 entirely or partly on lands declared to be national monuments by Presi-
2 dential proclamations 4611 - 4627, issued December 1, 1978, under
3 authority of 16 U.S.C. sec. 431;

4 (2) are detained under a charge of, formally charged with, or
5 convicted of a crime under 16 U.S.C. secs. 431 - 433 or a rule or regulation
6 issued under 16 U.S.C. secs. 431 - 433 on lands declared to be national
7 monuments by Presidential proclamations 4611 - 4627, issued December 1, 1978,
8 under authority of 16 U.S.C. sec. 431, as a result of the continuation of
9 those activities described in (1) of this section; and

10 (3) make a written request to the department for the payment of
11 reasonable legal fees incurred in defending against the charge or in appeal-
12 ing the conviction, or both. The department may establish a schedule of
13 reasonable legal fees for the defense or appeal.

14 (c) ~~(d)~~ INSERT here
* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-

15 070(c).
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Introduced: 1/24/79
Referred: Judiciary and
Finance

BY FREEMAN, MOSS AND
RANDOLPH

1 IN THE HOUSE

2 HOUSE BILL NO. 63

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Antiquities Act Legal Defense
7 Fund."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.85 is amended by adding a new section to read:

10 Sec. 18.85.165. ANTIQUITIES ACT LEGAL DEFENSE FUND. (a) There is
11 created an Antiquities Act Legal Defense Fund, administered by the
12 public defender in accordance with the provisions of this section.

13 (b) The public defender shall pay from the Antiquities Act Legal
14 Defense Fund the reasonable attorney fees of people who qualify under
15 (c) of this section for trial and appellate level legal representation.

16 (c) A person qualifies for payment of reasonable attorney fees
17 from the Antiquities Act Legal Defense Fund if he makes a written re-
18 quest to the public defender for payment, and

19 (1) he is being detained by a law enforcement officer in
20 connection with a criminal charge for violation of a provision of 16
21 U.S.C. secs. 431 - 433 or a rule or regulation issued under 16 U.S.C.
22 secs. 431 - 433 on lands declared to be national monuments by Presi-
23 dential proclamations 4611 - 4627, issued December 1, 1978, under
24 authority of 16 U.S.C. sec. 431; or

25 (2) he is under formal charge of having committed, or is
26 being detained for conviction of a crime under 16 U.S.C. secs. 431 - 433
27 or a rule or regulation issued under 16 U.S.C. secs. 431 - 433 on lands
28 declared to be national monuments by Presidential proclamations 4611 -
29 4627, issued December 1, 1978, under authority of 16 U.S.C. sec. 431.

(d)
(e) INSERT here

1 (f) ~~(d)~~ The public defender shall determine the reasonableness of
2 attorney fees for which payment is requested under this section and
3 shall pay from the Antiquities Act Legal Defense Fund only the amount he
4 determines to be reasonable.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

74B65
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

January 15, 1979

SUBJECT: Antiquities Act Defense Fund
(Work Order No. 6006)

TO: Representative Charles H. Parr

FROM: Kenneth E. Vassar
Legislative Counsel *KEV*

Enclosed is the appropriation bill you requested appropriating money to the Department of Law to pay for the legal fees of persons who have been charged with or convicted of a crime under the Antiquities Act (46 U.S.C. secs. 431 - 433) on land declared to be national monuments last December by President Carter. I want to bring two changes I have made to your attention. As one of the groups who would be eligible for reimbursement from the department I have included subsistence hunters who have hunted on the withdrawn land for the last three years. The second change is in allowing the department to establish a schedule of "reasonable" legal fees and limiting any payment from the department to the reasonable amount of legal fees incurred in defending against a charge or appealing a conviction under the Antiquities Act. If these changes are not in accord with your thinking on the subject, please let me know.

KEV:jdn

Enclosure

Alatna Guide Service

HUNTING • FISHING • BACKPACKING • PHOTOGRAPHY

On America's Last Frontier

BERND GAEDEKE
Registered Guide

Telephone: (907) 479-6354

P. C. Box 80424
College, Alaska 99701

20 Jan., 1979

Representative
Charlie Parr
Pouch V
Juneau, Alaska 99811

Dear Mr. Parr,

~~You may recall to introduce legislation to tax lodges such as mine, lodges far removed from the road system and lodges who pay taxes for all their supplies which are purchased locally. I was gratified that you thought my suggestion made a lot of sense since you really didn't have those lodges in mind.~~

Since that conversation we have been dealt a much harder blow, however, the Antiquities Act. This act will create a severe hardship on my business and frankly, I don't know how we will be able to make ends meet now. I have been in the guiding business since 1967 and have invested appx. \$ 200,000 in my camps and lodges in the Brooks Range. I have been guiding in an exclusive area assigned me by the Guide Licensing and Control Board. About 80 to 90 percent of this area is within the newly created Gates of the Arctic national monument. Until now appx. 90 % of our income has been derived from guiding activities involving sport hunters. It's pretty hard to book the type of people who will now have exclusive use of these new monuments as they generally don't have the money to pay for our services and will frequently work out an arrangement with some of the outside operators with which we have to compete up here.

I was gratified to hear that you are one of the members sponsoring a bill to provide state funds to help pay for legal fees should people such as us become involved in legal battles with the Fed's. But realistically I don't see much chance of this bill getting far, and even if it should, it still wouldn't give me much incentive to break the law as I do not intend to put my clients in jeopardy.

May I suggest introduction of another bill which might help those of us who are faced with severe hardships now? Would it be possible for the state to make low interest funds available for qualified people (this could easily be proven with tax records, etc.) to tie them over for a few years to get into related or other activities? We have one advantage over so many other guides who do not even own any property in their areas; we own the properties on our three main camps. I know that we can make a go of it in the summer tourism and fishing business and we have been gearing toward these activities. But it will take several years to build up this type of business to where we can make ends meet. Without the major source of income, guiding sport hunters, we see no way to make all our payments. We have too much invested to give up now, and we could have easily adjusted to HR39 which would have given us 20 years to continue our guiding activities. But the Antiquities Act was too drastic and has made no provision to help people such as us.

We don't want to be bought by the Fed's., as a matter of fact we'd fight it out with them if we had to, to retain this land for not only us, but for our children. All we want, if our rights aren't given back to us, is a chance to continue our livelihood.

Sportsmanship — Our First Consideration

LA21 1595 12.21 JA01 0019 12.21 01/29/79

TO: HOUSE JUDICIARY AND FINANCE COMMITTEES

FROM: BRUCE ROYD, ALASKANS UNITE
101 COLLEGE ROAD, FAIRBANKS, ALASKA 99701

PHONE: 456-5100 OR 452-7202

RE: HOUSE BILL 05, SEC. 2

SINCE ANY ALASKAN MAY BE ARRESTED WE RESPECTFULLY REQUEST
THAT SEC. 2 BE REWRITTEN TO APPLY TO ANY AND ALL ALASKANS
WHO MAY BE DETAINED UNDER A CHARGE OF, FORMALLY CHARGED
WITH, OR CONVICTED OF A CRIME UNDER 16 U.S.C. SECS. 431-433
OR LANDS DECLARED TO BE NATIONAL MONUMENTS BY PRESIDENTIAL
PROCLAMATIONS 4611-4627, ISSUED DEC. 1, 1978 UNDER AUTHORITY
OF 16 U.S.C. SEC. 431.

MR. ROYD CAN BE REACHED WEEKDAYS 9-5 PM

BRX L10/TC/ EOM

CALL 1940 12.42 JA01 0023 12.42 01/29/79

TO ROCKY PLOTNICK

FROM JUDY, ANCHORAGE INFO OFFICE

WE HAVE CONTACTED THE FOLLOWING BY PHONE (1/26/79) REGARDING TOMORROW'S TELECONFERENCE:

OMAR, CMAL, CHAMBER OF COMMERCE, ALASKA OIL AND GAS ASSN., ALASKA CENTER FOR THE ENVIRONMENT, ALASKA MINERS ASSOCIATION (INCLUDES HAWLEY AND GLAVINOVICH), ALASKA FEDERATION OF NATIVES, COPE, ALASKA BAR ASSOCIATION, CRIMINAL JUSTICE CENTER, ALASKA PROFESSIONAL HUNTERS ASSOCIATION, ANCHORAGE SPORTSMENS ASSOCIATION, CLARK ENGLE.

ALSO CONTACTED THE FOLLOWING NEWS OUTLETS BY PHONE 1/26/79:

ANCHORAGE TIMES, ANCHORAGE DAILY NEWS, KENI TV NEWS, KHAR NEWS, KKLV NEWS, KYAK NEWS, KGOT NEWS, KFOJ NEWS, KTVA TV NEWS, KSKA NEWS - ALL FOR PURPOSE OF GETTING SOME PUBLICITY

ALSO DID A TAPED ACTUALITY FOR KHAR NEWS THIS MORNING WHICH WILL BE RUNNING TODAY.

ALSO SENT OUT 22 PUBLIC SERVICE ANNOUNCEMENTS FRIDAY 26TH, BUT WITH SUCH SHORT NOTICE IT'S NOT TOO LIKELY THEY'LL GET MUCH PLAY.

THE ONLY FIRM TESTIFIER WE HAVE REGISTERED TO DATE IS JOHN HAVELOCK OF THE CRIMINAL JUSTICE CENTER, WHO HAS A CLASS UNTIL 1 PM OUR TIME SO WON'T BE AT OUR CENTER UNTIL AROUND 1:30. WE DO NOT HAVE A MARVELOUS RECORD OF SUCCESS AS FAR AS PRE-REGISTERING PARTICIPANTS....MOST OF OUR TELECONFERENCES ARE OF THE SURPRISE VARIETY! - EOM/

JA01 9000 12.26 JA01 0020 12.26 01/29/79

TO INFORMATION OFFICES FROM STELLA

THIS IS A MESSAGE FROM ROCKY PLOTNICK OF HOUSE JUDICIARY.

"PLEASE HAVE ALL INFORMATION OFFICES CONTACT THESE PEOPLE REGARDING THE TELECONFERENCE TOMORROW ON HB 63, 64, 65. ALSO, WE NEED A LIST (TENTATIVE) OF WHO IS TESTIFYING FROM EACH LOCATION. THE SOONER WE GET THIS LIST, THE BETTER.

THANKS ...ROCKY

PEOPLE TO CALL:

ANCHORAGE:

CHUCK HANLEY-344-5354 (3450)

PAUL GLAVINOVICH-276-2433 OR 349-2756

FAIRBANKS:

ERNIE WOLFE-479-2156

BILL WAUGAMAN-479-2812

KTN:

KELLY ADAMS-247-2469

EOM

JA01 0007 12.28 JA01 0021 12.28 01/29/79

TRUDY FROM STELLA

KATHY SAYS SHE TALKED TO MARIANNE MOURANT IN STATE BLUE CROSS AND PASSED YOUR INFO ALONG TO HER. SHE SAID SHE WILL CALL SHEILA WHITMAN TODAY AND TAKE CARE OF IT. LET ME KNOW IF YOU HAVE ANY MORE PROBLEMS WITH THIS.

EOM

HB

76

COMMITTEE REPORT

HOUSE

FURTHER:

3/15/79

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 76

"An Act relating to powdered alcohol."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 76 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

RODOLPH GREGG D.P.

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature] No Rec.

[Signature] " "

[Signature] No Rec.

[Signature]

CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 76
 Title An Act Related to Powdered Alcohol
 Requested by House HESS Committee Date 3/14/79

II. FISCAL DETAIL

Agency Affected Revenue
 Program Category Affected Fiscal Services
 Budget Request Unit(s) Affected Audit Division

EXPENDITURES (Thousands of Dollars) NONE

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars) NONE

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

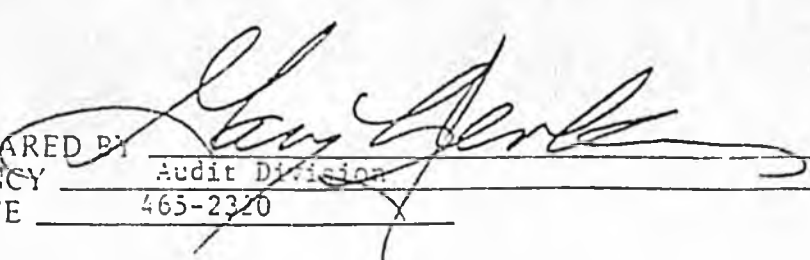
POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill would have no effect on this division.

See attachment.

IV. DATE 3/14/79 PREPARED BY 
 AGENCY Audit Division
 PHONE 465-2320
 Original: Legislative Finance
 cc: Budget and Management
Prime Sponsor (First Legislator Named)

ATTACHMENT TO FISCAL NOTE
HOUSE BILL NO. 76 (An Act relating to powdered alcohol.)

This bill assumes non-conversion to liquid form prior to sale within the State. Senate Bill 239, Section 04.16.110 does not allow sale of a powdered product in the state "unless in liquid form". With present knowledge of the product conversion to liquid form, the formula would be:

1 pound powdered product equals approximately 2.584 gallons.

Point at which tax is imposed should be distinguished. This may possibly be either at point when wholesaler receives powdered product in the state or point after conversion to liquid form.



DISTILLED SPIRITS COUNCIL OF THE UNITED STATES, INC.

1300 PENNSYLVANIA BUILDING
WASHINGTON, D. C. 20004
202-628-3544

November 17, 1978

Mr. Sharman Haley
Research Analyst
Legislative Affairs Agency
Pouch Y - State Capitol
Juneau, Alaska 99811

Dear Mr. Haley:

We have received your letter of 10-30-78 requesting information on powdered alcohol.

Based on information we have received from the Bureau of Alcohol, Tobacco and Firearms, the powdered alcohol product has been approved and is presently being imported into the U.S. from Japan by Global Marketing, Inc. of Portland, Oregon. A taxing formula has been approved by BATF.

The base powder has the consistency of very fine sugar. It is comprised of droplets of grain neutral spirits encapsulated in "glister", a form of corn syrup. The bulk powder after having been imported in drums by Global will be sent to a rectifier in Orange County, California. Power Packaging, Inc., the rectifier, will add flavoring, blend, package and label the containers under the name "Sureshot". The types of products will be Vodka Sour, Vodka Sling, Screwdriver, Apricot Sour, Cappucino and possibly others.

It is our understanding that each can contains 2 5/8 ounces of alcohol powder at 22% alcohol by weight. When mixed with 5 ounces (one full can) of water a drink containing 6.8 fluid ounces at 22 proof will result. It is understood that the product will retail for \$1.39 per can.

The product is currently being test marketed in Oregon, California and possibly some other states. California had to change its taxing guide lines to allow the sale of the product in that state. There is attached for your information a copy of the amended California regulation.

Sincerely,

George F. Bonifant
Director - International Trade

GFB:sas

Attachment

BOARD OF EQUALIZATION
DEPARTMENT OF BUSINESS TAXES

ALCOHOLIC BEVERAGE TAX REGULATIONS

Regulation 2557. POWDERED DISTILLED SPIRITS.

Reference: Sections 32001 - 32556, Revenue and Taxation Code.

(a) **IN GENERAL.** The Alcoholic Beverage Tax Law and Alcoholic Beverage Tax Regulations apply with respect to powdered distilled spirits in the same manner and to the same extent as with respect to other distilled spirits. Tax will be paid at the same rate per wine gallon, and at a proportionate rate for any quantity, as for distilled spirits of the same proof strength in liquid form.

(b) **RECORDS AND REPORTS.** Transactions involving powdered distilled spirits, including any powdered alcoholic beverage containing powdered distilled spirits, must be stated by volume in wine gallons to the nearest one-hundredth of a gallon in all required records and reports. The importer, in the case of powdered distilled spirits imported into California packaged in containers for sale to the general public, and the rectifier in the case of powdered distilled spirits packaged within California shall:

(1) Label the outside of each case with the volume in wine gallons of the powdered product contained in the case and of the powdered product contained in each individual package within the case.

(2) Print on each invoice, credit memorandum, or similar document the total volume in wine gallons of the powdered product or products listed on that document.

(3) Print on each invoice, credit memorandum, or similar document the volume in wine gallons of the powdered product contained in each size case and in each individual package listed on that document.

(c) **CONVERSION OF WEIGHT TO VOLUME.** The weight of powdered distilled spirits, and powdered distilled spirits products, shall be converted to volume as follows:

- (1) One pound equals .16 wine gallons;
- (2) One ounce equals .01 wine gallons;
- (3) One gram equals .000353 wine gallons.

History: Adopted May 4, 1978, effective June 21, 1978.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

November 22, 1978

M E M O R A N D U M

SUBJECT: Powdered Alcohol (W.O. #5743-R)

TO: The Honorable Charlie Parr

FROM: Sharman Haley
Research Analyst 

You requested information on powdered alcohol and the likelihood for marketing in Alaska. Attached you will find a letter from the Distilled Spirits Council of the United States describing the product.

Exclusive distribution rights for marketing powdered alcohol in Alaska have been awarded to K&L Distributors. I contacted the Anchorage office of K&L and was told that they are not pursuing the marketing of the product at this time, because they are not satisfied with the quality-- in particular the taste of the cocktails. If and when the manufacturers improve the taste to the satisfaction of K&L, K&L plans to market powdered alcohol cocktails state-wide.

If you have any further questions please let us know.

SH:dh
Attachment

1 IN THE HOUSE

BY PARR

2 HOUSE BILL NO. 76

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to powdered alcohol."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 43.60.010 is amended by adding a new subsection to read:

9 (c) For the purpose of calculating the tax imposed by (a) of this
10 section, ~~the weight of powdered distilled spirits and powdered distilled~~
11 ~~spirit products is converted to volume as follows:~~ *shall be liquid equivalent*
expressed as gallons.

12 (1) one pound equals .16 gallons;

13 (2) one ounce equals .01 gallons;

14 (3) one gram equals .000353 gallons.

15 * Sec. 2. AS 43.60 is amended by adding a new section to read:

16 Sec. 43.60.050. DEFINITIONS. As used in this chapter "liquor" and
17 "intoxicating liquor" includes powdered distilled spirits and powdered
18 distilled spirit products.

19 * Sec. 3. AS 04.20.010 is amended to read:

20 Sec. 04.20.010. INTOXICATING LIQUOR DEFINED. As used in this
21 title, "intoxicating liquor" includes whiskey, brandy, rum, gin, wine,
22 ale, porter, beer, powdered distilled spirits and powdered distilled
23 spirit products and all other spirituous, vinous, malt and other fer-
24 mented or distilled liquors intended for human consumption and contain-
25 ing more than one per cent alcohol by volume.

AMENDMENT

OFFERED IN THE HOUSE:

BY: Health Education and
Social Services

To: _____ HOUSE BILL No. 76

SENATE BILL No. _____

PAGE: _____

LINE: _____

Page 1 Line 11:

Delete "is" replace with "shall be"

Delete "Volume as follows:" Insert: "Liquid equivalent as
expressed as wine gallons"

Page 1, ~~Lines 12, 13 and 14:~~

Delete Lines 12, 13 and 14

1 IN THE HOUSE

BY PARR

2 CS HOUSE BILL NO. 76

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to powdered alcohol."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 43.60.010 is amended by adding a new subsection to read:

9 (c) For the purpose of calculating the tax imposed by (a) of this
10 section, the weight of powdered distilled spirits and powdered distilled
11 spirit products ~~shall be~~ *shall be* converted to *a liquid equivalent expressed*
as follows:

12 ~~(1) one pound equals .16 gallons;~~ *as gallons.*

13 ~~(2) one ounce equals .01 gallons;~~

14 ~~(3) one gram equals .000353 gallons.~~

15 * Sec. 2. AS 43.60 is amended by adding a new section to read:

16 Sec. 43.60.050. DEFINITIONS. As used in this chapter "liquor" and
17 "intoxicating liquor" includes powdered distilled spirits and powdered
18 distilled spirit products.

19 * Sec. 3. AS 04.20.010 is amended to read:

20 Sec. 04.20.010. INTOXICATING LIQUOR DEFINED. As used in this
21 title, "intoxicating liquor" includes whiskey, brandy, rum, gin, wine,
22 ale, porter, beer, powdered distilled spirits and powdered distilled
23 spirit products and all other spirituous, vinous, malt and other fer-
24 mented or distilled liquors intended for human consumption and contain-
25 ing more than one per cent alcohol by volume.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

November 29, 1978

SUBJECT: Work Order #5743: Regulation of
powdered alcohol under existing law.

TO: Representative Charles Parr

FROM: Joseph A. Guthrie
Legislative Counsel



You have asked whether powdered alcohol could be regulated under existing statutes. Title 4 is addressed to the control of "intoxicating liquor" and, less frequently, "alcoholic beverages." Of the two, only "intoxicating liquor" is defined, as follows:

Sec. 04.20.010. INTOXICATING LIQUOR DEFINED. As used in this title, "intoxicating liquor" includes whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spiritous, vinous, malt and other fermented and distilled liquors intended for human consumption and containing more than one per cent alcohol by volume.

Whether the foregoing would cover powdered alcohol would seem to depend on the meaning of "liquor." Black's Law Dictionary cites case law on the meaning of liquor as follows:

All kinds of intoxicating decoctions, liquids, or beverages, Newton v. State ex rel. Atty Gen., 234 Ala. 91, 175 So. 563, 564. Any alcoholic or intoxicating liquid, People v. Draper, 134 Cal. App. 1, 22 P.2d 604.

Any beverage, as temperance liquors, or those not intoxicating, Benton v. State, 24 Ala. App. 441, 136 So. 428, 429.

Any liquid substance, Newton v. State ex rel. Atty Gen., 234 Ala. 91, 175 So. 563, 564.

Representative Charles Parr
Page 2
November 29, 1978

Distilled spirits stronger than malt beverages and fermented wines, Peurifoy v. State, 53 Ga. App. 515; 186 S.E. 461, 462.

Such as is prohibited by prohibition law, Newton v. State, 27 Ala. App. 492, 175 So. 562, 563.

Whiskey, Bohican v. Monnat, 248 N.Y.S. 722, 727; 232 App. Div. 33; Jones v. State, 23 Ala. App. 339; 125 So. 382, 383.

Black's Law Dictionary defines "alcoholic beverage" as follows:

The term is distinguished from the term "intoxicating liquor," in that a beverage may be alcoholic in that it contains some alcohol, and yet not be intoxicating as defined in the National Prohibition Act, Premier-Polost Sales Co. v. McNutt, D.C. Ind., 17 F.Supp. 708, 714.

Beer, Liquor Control Commission v. McGillis, 91 Utah 586, 65 P.2d 1136, 1141. Ethyl alcohol, within tax statute. H.O. Hurley Co. v. Martin, 267 Ky. 182, 101 S.W.2d 657, 660. It is immaterial whether the liquor is suitable or desirable for beverage purposes, if it is prohibited by law and is in fact used as a beverage. Powell v. State, 179 Md. 399, 18 P.2d 587, 590, 591. But it must be drinkable, McChristy v. State, 138 Tex. Cr.R. 133 S.W.2d 976, 977.

As you can see from the foregoing, it is questionable whether our statutes would apply to alcohol not liquid in form. Even if they did, it is questionable whether authority would lie under our statutes to ban a product entirely from the market. Although existing authority for regulations states that the board "may adopt necessary rules and regulations to assure the proper administration of state liquor regulations in a manner that will protect the public health, safety, and welfare (AS 04.05.030)," a regulation banning sale of powdered alcohol would be vulnerable to challenge as being beyond the scope of the board's authority and not reasonably necessary, since no statutory authority exists for either banning sales of alcohol entirely or treating different types of alcohol differently.

JAG:jdm