

THE INTERMEDIATE JUDGES

JUDGES



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: HOUSE JUDICIARY COMMITTEE
FROM: ROCKY PLOTNICK
DATE: SEPTEMBER 13, 1979
SUBJECT: JUDGES

During the interim I have done three things regarding judges.

I have written a summary of the Judicial Conference in Sitka last June. A copy is enclosed.

I have copied a page from a report that Judith Pinero wrote for the House Finance Committee on the Court System. It gives a breakdown of judicial responsibilities.

I talked to Art Snowden, Administrative Director of the Alaska Court System. He says he will send a copy of the judges evaluation of the Judicial Conference. Also, there will be a follow-up of continuing education for judges in October. I plan to check it out.

I need to know what to pursue in terms of judges. What kind of information do you want?



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MEMORANDUM

TO: House Judiciary Committee Members
FROM: Rochelle Plotnick *Rochelle Plotnick*
DATE: August 2, 1979
RE: Alaska Judicial Conference

On June 11, 1979 approximately 50 of Alaska's judges gathered for a conference. The underlying theme of the conference was "Bias in the Judicial System". Statistics from a study done by the Alaska Judicial Council suggested there was discrimination in sentencing by some judges. The purpose of the conference was to provide ethnic sensitivity training for the judges. For two days the judges listened to various speakers. Questions were asked after each presentation. Though some judges were defensive, most attended the conference with hope of gaining by the experience. There was a willingness to listen and learn. The conference was sponsored by the Alaska Court System, the Alaska Human Rights Commission and the Community Relations Service of the United States Department of Justice.

The first participant was Judge Charles Z. Smith, Professor of Law, University of Washington. A black man, Judge Smith has served as a Juvenile Court judge, judge of the Municipal Court of Seattle, and judge of the Superior Court of Washington for King County. He began by recounting the history of racism in

the United States, stressing the fact that a great deal of discrimination still exists. For example, 56% of the schools in the South are integrated while 16% are integrated in the North. He said racism is a nationwide problem and not limited to one part of the country. Smith contends that we must admit to ourselves our prejudices.

Dr. Lindbergh Sata followed. Sata, of Japanese descent, is Chairman of the Department of Psychiatry at Saint Louis University School of Medicine. He has held several teaching positions as Professor of Psychiatry in Washington and Maryland. Prior to the conference Sata had traveled throughout Alaska conducting interviews with various people. Whites told him of a positive way of life in Alaska, but when he interviewed Alaska Natives their reports were not as favorable. They said the white man had made life terribly complicated for them. An Alaska Native was quoted as saying, "I don't understand the white man's law". A Native in Bethel said whites reside there, but do not live with the Natives there. Sata talked about white man's laws, for the white man, used on Alaska Natives. He mentioned two types of economic systems in Alaska: monetary and subsistence. He said the white man's system is monetary while many Alaska Natives prefer subsistence. White man's laws reflect his monetary system, while the Alaska Native's values are set aside. For example, if an Alaskan Native is "voluntarily unemployed" so that he can lead a subsistence way of life, it might be a strike against him in the courtroom. Sata said that those involved in the criminal justice system were described as either "good" or

"lousy". "Good" meant a willingness to understand and interact with Alaska Natives. His final point was regarding a theory on alcohol among Alaska Natives. Asians, which anthropologists believe Alaska Natives are distantly related to, lack an enzyme in the blood that aids in the breakdown of alcohol. While a white person has six drinks and the alcohol count in the blood is 150, six drinks for Sata, using himself as an example, would register 2000. Sata suggested this be studied more carefully and taken into account when alcohol related problems are addressed.

The final speaker on the first day of the conference was Dr. Paul Takagi, Professor of Education at the University of California, Berkely, with a specialty in criminology. A Japanese-American, Takagi began his presentation by showing a video tape about racism in American institutions. The basic message of the tape was that racism exists in all major institutions; schools, courts, prisons, churches, unions, employment, housing and lending institutions. Not any one institution can be pinpointed as racist. They all affect each other. For example, schools affect the kind of people who are successful in college, who are successful in law school, who are successful bar members, who are successful judges, etc. Takagi then turned to some national statistics regarding crime and unemployment. He felt that as unemployment rises, imprisonment rises too. If a person is employed he or she is less likely to go to jail than if not working. Because of the racial discrimination in the nation's institutions, the blacks, Alaska Natives, and other minorities are the first to be unemployed.

Therefore, according to Tokagi, their imprisonment rate increases.

Day two of the conference began with Gilbert Pompa, Director of the Community Relations Service of the U.S. Department of Justice. He is an attorney with experience in the private sector and as a district attorney in Texas. Pompa placed blame on district attorneys as a whole for the imbalances in the criminal justice field. Pompa is a Mexican-American.

Robert Lamb, the Northwest Regional Director of the Community Relations Service followed Pompa with two additional points. He said that in white neighborhoods the police "protect", but in minority neighborhoods the police "patrol". His second point was an observation he had made during twenty years experience as a policeman. He has never heard of a black kleptomaniac. While white persons charged with theft or shoplifting are sometimes released with the excuse that they are kleptomaniacs, blacks are not. These two points backed up Lamb's statement that bias exists in the criminal justice system. Lamb is black.

The next item on the agenda was a panel discussion on "Alaska's Minorities - Perceptions of Grievances and Problems".

Rosita Worl, an Alaskan Tlingit, pointed out the cultural differences in Alaska. Worl is an Assistant Professor of Anthropology, University of Alaska. She said cultural differences must be recognized by the Alaskan Justice System.

Worl used herself as an example. As she spoke, she stood with her hands on her hips. She described Tlingits as great orators with a tendency to lecture. Her hands on her hips were there to hold a Tlingit blanket. It could appear arrogant to a white person. In Tlingit culture it would be a sign of respect.

Thelma Buchholdt described Filipinos as people who talk very fast when excited. Born in the Phillipines, Buchholdt has become a U.S. citizen and is currently a member of the Alaska Legislature. Even now she sometimes has a hard time translating English into Filipino and suggested a person in the courtroom is probably intimidated and having a very difficult time understanding. When a person fails to respond it could be because of a lack of understanding rather than disrespect, and too embarrassed to admit he does not understand.

Ron Scollon, an Assistant Professor of Linguistics at the University of Alaska, discussed ethnic differences within the mechanics of conversation. He said that different ethnic groups have different speaking and pausing paces. Some use silence to show respect. Scollon explained that while an Alaska Native might think unfavorable of a white person who talks fast and leaves little time for pauses, that white person might be thinking the Alaska Native is dumb because he does not respond quickly or is silent. Scollon is white.

Robert Kemp, Assistant Director with the Alaska State Commission for Human Rights, said he was examining pre-sentencing reports

to determine whether or not they influence the racial disparities that showed up in the Judicial Council's sentencing study. Kemp is black.

Jane Yamashiro, a researcher at the University of Alaska and Japanese-American, suggested that the judges interact with different ethnic groups in their own environments. She said that at a P.T.A. meeting she discovered the parents of Japanese-American children wanted the same for their children as any other parents; a good education.

The second panel was focused on "Indicators of Bias in the Criminal Justice System".

Bill Nix, Commissioner of the State Department of Public Safety, said that he would make every effort to see that his department handled all matters in a fair and just manner. If there was any bias in his department he wanted to correct it. Nix is white.

Bill Green, Superintendent for Ridgeview Correctional Center for Women, told the judges that out of 16 felon convictions at Ridgeview, all were either of a minority group or closely associated with one (a white woman living with a black man, for example). He said the average correctional officer is not a member of a minority group and the correctional system is geared for the middleclass. Green said we all have some biases, but that the first step is to admit them to ourselves and learn to

overcome them. Green is black.

Kim Moeller, Director of the North Slope Borough Department of Public Safety, said he had been involved in a case where an Eskimo man was accused of a serious crime by an Alaska State Trooper. Because the Eskimo was intimidated by the trooper he said he had committed the crime. Moeller did some investigation and concluded there was no possible way the Eskimo could have been guilty. He contacted Fairbanks, where the Eskimo was in jail, and charges were dropped. Moeller is white.

Nora Guinn, the first Alaska Native to serve as a judge, backed up Kim Moeller by explaining that when Eskimos say "yes" they mean "no".

The final participant on the panel was Chuck Robinson, a former prosecutor and public defender, currently a private attorney from the Kenai Peninsula. He reported a case where a black man was given a harsher sentence for a smaller amount of drugs than a white man with a larger amount. He was sure similar cases exist. Robinson, a black, also felt some judges discriminate in their sentencing more than others.

ALASKA COURT SYSTEM
JUDICIAL RESPONSIBILITIES*

SUPREME COURT--5 justices

- Final Appellate Jurisdiction
- Civil Appeals & Cross Appeals
- Criminal Appeals & Juvenile Appeals
- Petitions for Review/Original Applications

TRIAL COURTS--63 court locations statewide

SUPERIOR COURT--20 judges

- Trial Court of General Jurisdiction
- Original Jurisdiction in all Civil and Criminal Matters
- Appeals from Final Judgments of the District Court
- Exclusive Jurisdiction: Domestic Relations, Children's Proceedings, Probate, Guardianship and Civil Commitments

DISTRICT COURT--17 judges & 54 magistrates

- State Misdemeanor Violations & Local Ordinance Violations
- Recovery of Money or Damages of Property not exceeding \$10.0
- Motor Vehicle Tort Cases not exceeding \$15.0

*The Supreme Court has administrative responsibilities which include the management of the entire state judicial system, the promulgation of rules governing practice and procedure in civil and criminal cases in all courts, the promulgation of administrative rules and the supervision of admissions and disciplinary matters of the Alaska Bar.

Raeby Plotnick

THE
CONSTITUTION
of the
STATE OF
ALASKA



THE
CONSTITUTION
of the
STATE OF
ALASKA

**ADOPTED BY THE CONSTITUTIONAL CONVENTION
FEBRUARY 5, 1956**

**RATIFIED BY THE PEOPLE OF ALASKA
APRIL 24, 1956**

**BECAME OPERATIVE WITH THE FORMAL
PROCLAMATION OF STATEHOOD
JANUARY 3, 1959**

**AMENDED AT VARIOUS TIMES SINCE
PROCLAMATION OF STATEHOOD**

**Agreed upon by the
DELEGATES OF THE PEOPLE OF ALASKA
University of Alaska**

February 5, 1958

**EFFECTIVE UPON STATEHOOD
January 3, 1959**

**As Amended
1976**

Reproduced

by the

LIEUTENANT GOVERNOR

1963, 1967, 1969, 1971, 1972, 1975, 1978

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ALASKA CONSTITUTIONAL AMENDMENTS SUMMARY

PREAMBLE

We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the Union of States, do ordain and establish this constitution for the State of Alaska.

The Constitution of the State of Alaska

ARTICLE I

DECLARATION OF RIGHTS

Inherent Rights

SECTION 1. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Source of Government

SECTION 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

Civil Rights

SECTION 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin. The legislature shall implement this section.

(The amendment to this section was approved by the voters of the state August 22, 1972 and became effective October 14, 1972. It added the word "sex" to this section.)

Freedom of Religion

SECTION 4. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

Freedom of Speech

SECTION 5. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

**Assembly;
Petition**

SECTION 6. The right of the people peaceably to assemble, and to petition the government shall never be abridged.

Due Process

SECTION 7. No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and just treatment in the course of the legislative and executive investigations shall not be infringed.

Grand Jury

SECTION 8. 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 armed forces in time of war or public danger. Indictment may be waived by the accused. In that case the prosecution shall be by information. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.

**Jeopardy
and Self-
Incrimination**

SECTION 9. No person shall be put in jeopardy twice for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

Treason

SECTION 10. Treason against the State consists only in levying war against it, or in adhering to its 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.

**Rights of
Accused**

SECTION 11. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve; except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released

on bail, except for capital offenses when the proof is evident or the presumption great; 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.

**Excessive
Punishment**

SECTION 12. Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and upon the need for protecting the public.

Habeas Corpus

SECTION 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or actual or imminent invasion, the public safety requires it.

**Searches and
Seizures**

SECTION 14. The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated. 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.

**Prohibited
State Action**

SECTION 15. No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

**Civil Suits;
Trial by Jury**

SECTION 16. In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury and, in courts not of record, may provide for a jury of not less than six or more than twelve.

**Imprisonment
for Debt**

SECTION 17. There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

**Eminent
Domain**

SECTION 18. Private property shall not be taken or damaged for public use without just compensation.

**Right to
Bear Arms**

SECTION 19. 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.

**Quartering
Soldiers**

SECTION 20. No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

Construction

SECTION 21. The enumeration of rights in this constitution shall not impair or deny others retained by the people.

**Right of
Privacy**

SECTION 22. The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

(The addition of this section, as an amendment to Article I, was approved by the voters of the state August 22, 1972 and became effective October 14, 1972.)

ARTICLE II

THE LEGISLATURE

**Legislative
Power;
Membership**

SECTION 1. The legislative power of the State is vested in a legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

**Members;
Qualifications**

SECTION 2. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district

from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

**Election
and Terms**

SECTION 3. Legislators shall be elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives shall be two years, and the term of senators, four years. One-half of the senators shall be elected every two years.

(Exercising its authority under this section the legislature has provided that terms begin on the second Monday in January, except in years immediately following a gubernatorial election when they begin on the third Monday in January; see AS 24.05.080.)

Vacancies

SECTION 4. A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made, the governor shall fill the vacancy by appointment.

Disqualifications

SECTION 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

(The Sixth Legislature's Senate Joint Resolution No. 2 "changing the name of the secretary of state to lieutenant governor" in sixteen sections of the Alaska Constitution, approved by the voters August 25, 1970, inadvertently omitted express amendment of this section.)

Immunities

SECTION 6. Legislators may not be held to answer before any other tribunal for any statement made in the exercise of their legislative duties while the legislature is in session. Members attending, go-

ing to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

Salary and Expenses

SECTION 7. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

Regular Sessions

SECTION 8. The legislature shall convene each year on the fourth Monday in January, but the month and day may be changed by law.

(Exercising its authority under this section, the legislature has provided that it shall convene on the second Monday in January, except in years immediately following a gubernatorial election when it shall convene on the third Monday in January; see AS 24.05.090.)

Special Sessions

SECTION 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session, to subjects presented by him, and the reconsideration of bills vetoed by him after adjournment of the last regular session. Special sessions are limited to thirty days.

(The amendment of this section was approved by the voters of the state November 2, 1976 and became effective December 23, 1976. This amendment deleted "or" preceding "to subjects" in the third sentence and added "and the reconsideration of bills vetoed by him after adjournment of the last regular session.")

Adjournment

SECTION 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

Interim Committees

SECTION 11. There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions.

They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

Rules

SECTION 12. The houses of each legislature shall adopt uniform rules of procedure. Each house may choose its officers and employees. Each is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members. Each shall keep a journal of its proceedings. A majority of the membership of each house constitutes a quorum to do business, but a smaller number may adjourn from day to day and may compel attendance of absent members. The legislature shall regulate lobbying.

Form of Bills

SECTION 13. Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

Passage of Bills

SECTION 14. The legislature shall establish the procedure for enactment of bills into law. No bill may become law unless it has passed three readings in each house on three separate days, except that any bill may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it. No bill may become law without an affirmative vote of a majority of the membership of each house. The yeas and nays on final passage shall be entered in the journal.

Veto

SECTION 15. The governor may veto bills passed by the legislature. He may, by veto, strike or reduce items in appropriation bills. He shall return

any vetoed bill, with a statement of his objections, to the house of origin.

**Action Upon
Veto**

SECTION 16. Upon receipt of a veto message during a regular session of the legislature, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. Bills vetoed after adjournment of the first regular session of the legislature shall be reconsidered by the legislature sitting as one body no later than the fifth day of the next regular or special session of that legislature. Bills vetoed after adjournment of the second regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of a special session of that legislature, if one is called. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

(The amendment of this section was approved by the voters of the state November 2, 1976 and became effective December 23, 1976. This amendment inserted "during a regular session of the legislature" in the first sentence and added the present fourth and fifth sentences.)

**Bills Not
Signed**

SECTION 17. A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after its delivery to him, the bill becomes law.

**Effective
Date**

SECTION 18. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date.

**Local or
Special Acts**

SECTION 19. The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

Impeachment

SECTION 20. All civil officers of the State are subject to impeachment by the legislature. Impeachment shall originate in the senate and must be approved by a two-thirds vote of its members. The motion for impeachment shall list fully the basis for the proceeding. Trial on impeachment shall be conducted by the house of representatives. A supreme court justice designated by the court shall preside at the trial. Concurrence of two-thirds of the members of the house is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

**Suits Against
the State**

SECTION 21. The legislature shall establish procedures for suits against the State.

ARTICLE III

THE EXECUTIVE

**Executive
Power**

SECTION 1. The executive power of the State is vested in the governor.

**Governor:
Qualifications**

SECTION 2. The governor shall be at least thirty years of age and a qualified voter of the State. He shall have been a resident of Alaska at least seven years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years.

Election

SECTION 3. The governor shall be chosen by the qualified voters of the State at a general election. The candidate receiving the greatest number of votes shall be governor.

Term of Office

SECTION 4. The term of office of the governor is four years, beginning at noon on the First Monday in December following his election and ending at noon on the first Monday in December four years later.

Limit on Tenure

SECTION 5. No person who has been elected governor for two full successive terms shall be again eligible to hold that office until one full term has intervened.

Dual Office Holding

SECTION 6. The governor shall not hold any other office or position of profit under the United States, the State, or its political subdivisions.

Lieutenant Governor: Duties

SECTION 7. There shall be a lieutenant governor. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Election

SECTION 8. The lieutenant governor shall be nominated in the manner provided by law for nominating candidates for other elective offices. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for lieutenant governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Acting Governor

SECTION 9. In case of the temporary absence

of the governor from office, the lieutenant governor shall serve as acting governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Succession:
Failure to
Qualify**

SECTION 10. If the governor-elect dies, resigns, or is disqualified, the lieutenant governor elected with him shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor elected with him shall serve as acting governor, and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Vacancy

SECTION 11. In case of a vacancy in the office of governor for any reason, the lieutenant governor shall succeed to the office for the remainder of the term.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Absence

SECTION 12. Whenever, for a period of six months, a governor has been continuously absent from office or has been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining absence and disability shall be prescribed by law.

**Further
Succession**

SECTION 13. Provisions shall be made by law for succession to the office of governor and for an acting governor in the event that the lieutenant governor is unable to succeed to the office or act as governor. No election of a lieutenant governor shall be held except at the time of electing a governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Title and Authority

SECTION 14. When the lieutenant governor succeeds to the office of governor, he shall have the title, powers, duties and emoluments of that office.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Compensation

SECTION 15. The compensation of the governor and the lieutenant governor shall be prescribed by law and shall not be diminished during their term of office, unless by general law applying to all salaried officers of the State.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Governor: Authority

SECTION 16. The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right by any officer, department, or agency of the State or any of its political subdivisions. This authority shall not be construed to authorize any action or proceeding against the legislature.

Convening Legislature

SECTION 17. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

Message to Legislature

SECTION 18. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

Military Authority

SECTION 19. The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel

invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

**Martial
Law**

SECTION 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

**Executive
Clemency**

SECTION 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

**Executive
Branch**

SECTION 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

Reorganization

SECTION 23. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members

in joint session, these orders become effective at a date thereafter to be designated by the governor.

Supervision

SECTION 24. Each principal department shall be under the supervision of the governor.

**Department
Heads**

SECTION 25. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the lieutenant governor. The heads of all principal departments shall be citizens of the United States.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Boards and
Commissions**

SECTION 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

**Recess
Appointments**

SECTION 27. The governor may make appointments to fill vacancies occurring during a recess of the legislature, in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.

ARTICLE IV

THE JUDICIARY

**Judicial
Power and
Jurisdiction**

SECTION 1. The judicial power of the State is vested in a supreme court, a superior court and the courts established by the legislature. The jurisdic-

tion of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

Supreme Court

SECTION 2. (a) The supreme court shall be the highest court of the State, with final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

(b) The chief justice shall be selected from among the justices of the supreme court by a majority vote of the justices. His term of office as chief justice is three years. A justice may serve more than one term as chief justice but he may not serve consecutive terms in that office.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. Subsection (b) was added.)

Superior Court

SECTION 3. The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

Qualifications of Justices and Judges

SECTION 4. Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

Nomination and Appointment

SECTION 5. The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

Approval or Rejection

SECTION 6. Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first general election held

more than three years after his appointment. Thereafter, each supreme court justice shall be subject to approval or rejection in a like manner every tenth year, and each superior court judge, every sixth year.

Vacancy

SECTION 7. The office of any supreme court justice or superior court judge becomes vacant ninety days after the election at which he is rejected by a majority of those voting on the question, or for which he fails to file his declaration of candidacy to succeed himself.

Judicial Council

SECTION 8. The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Three non-attorney members shall be appointed for six-year terms by the governor subject to confirmation by a majority of the members of the legislature in joint session. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration to area representation and without regard to political affiliation. The chief justice of the supreme court shall be ex officio the seventh member and chairman of the judicial council. No member of the judicial council, except the chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

Additional Duties

SECTION 9. The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.

Commission on Judicial Qualifications

SECTION 10. The commission on judicial qualifications shall consist of nine members, as follows: one justice of the supreme court, elected by the

justices of the supreme court; three judges of the superior court, elected by the judges of the superior court; one judge of the district court, elected by the judges of the district court; two members who have practiced law in this state for ten years, appointed by the governing body of the organized bar; and two persons who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. In addition to being subject to impeachment under Section 12 of this article, a justice or judge may be disqualified from acting as such and may be suspended, removed from office, retired, or censured by the supreme court upon the recommendation of the commission. The powers and duties of the commission and the bases for judicial disqualification shall be established by law.

(The amendment to this section was approved by the voters of the state August 27, 1968 and became effective October 11, 1968. The former Section 10, Article IV, pertaining to Incapacity of Judges, was repealed.)

Retirement

SECTION 11. Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.

Impeachment

SECTION 12. Impeachment of any justice or judge for malfeasance or misfeasance in the performance of his official duties shall be according to procedure prescribed for civil officers.

Compensation

SECTION 13. Justices, judges, and members of the judicial council and the commission on judicial qualifications shall receive compensation as prescribed by law. Compensation of justices and judges shall not be diminished during their terms of office, unless by general law applying to all salaried

officers of the State.

(The amendment to this section was approved by the voters of the state August 27, 1968 and became effective October 11, 1968. The words "and the commission on judicial qualifications" were incorporated in this section.)

Restrictions

SECTION 14. Supreme court justices and superior court judges while holding office may not practice law, hold office in a political party, or hold any other office or position of profit under the United States, and the State, or its political subdivisions. Any supreme court justice or superior court judge filing for another elective public office forfeits his judicial position.

**Rule-making
Power**

SECTION 15. The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house.

**Court
Administration**

SECTION 16. The chief justice of the supreme court shall be the administrative head of all courts. He may assign judges from one court or division thereof to another for temporary service. The chief justice shall, with the approval of the supreme court, appoint an administrative director to serve at the pleasure of the supreme court and to supervise the administrative operations of the judicial system.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The amendment substituted "the pleasure of the supreme court" for "his pleasure" in the last sentence.)

ARTICLE V

SUFFRAGE AND ELECTIONS

**Qualified
Voters**

SECTION 1. Every citizen of the United States who is at least eighteen years of age, who meets registration residency requirements which may be

prescribed by law, and who is qualified to vote under this article, may vote in any state or local election. A voter shall have been, immediately preceding the election, a thirty-day resident of the election district in which he seeks to vote, except that for purposes of voting for President and Vice President of the United States other residency requirements may be prescribed by law. Additional voting qualifications may be prescribed by law for bond issue elections of political subdivisions.

(The first amendment to this section was approved by the voters August 23, 1966 and became effective October 9, 1966. It substituted "A voter" for "He" at the beginning of a former third sentence which was deleted by a 1970 amendment. The second amendment, approved August 25, 1970 and effective October 10, 1970, changed the voting age from 19 to 18 years. The third amendment, approved August 25, 1970 and effective October 10, 1970, deleted the sentence "A voter shall be able to read or speak the English language as prescribed by law, unless prevented by physical disability." The fourth amendment, approved August 22, 1972 and effective October 14, 1972, inserted "residency" in the first sentence and deleted the requirement of one year's residence in Alaska which appeared in the second sentence.)

Disqualification

SECTION 2. No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

Methods of Voting: Election Contests

SECTION 3. Methods of voting, including absentee voting, shall be prescribed by law. Secrecy of voting shall be preserved. The procedure for determining election contests, with right of appeal to the courts, shall be prescribed by law.

Voting Precincts: Registration

SECTION 4. The legislature may provide a system of permanent registration of voters, and may establish voting precincts within election districts.

General Elections

SECTION 5. General elections shall be held on the second Tuesday in October of every even-numbered year, but the month and day may be changed by law.

(Exercising its authority under this section, the legislature has provided that the date of the general election is the Tuesday after the first Monday in November in every even-numbered year; See AS 15.15.020.)

ARTICLE VI

LEGISLATIVE APPORTIONMENT

Election Districts

SECTION 1. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

Senate Districts

SECTION 2. Members of the senate shall be elected by the qualified voters of the respective senate districts. Senate districts shall be as set forth in Section 2 of Article XIV, subject to changes authorized in this article.

Reapportionment of House

SECTION 3. The governor shall reapportion the house of representatives immediately following the official reporting of each decennial census of the United States. Reapportionment shall be based upon civilian population within each election district as reported by the census.

Method

SECTION 4. Reapportionment shall be by the methods of equal proportions, except that each election district having the major fraction of the quotient obtained by dividing total civilian population by forty shall have one representative.

Combining Districts

SECTION 5. Should the total civilian population within any election district fall below one-half of the quotient, the district shall be attached to an election district within its senate district, and the reapportionment for the new district shall be determined as provided in Section 4 of this article.

Redistricting

SECTION 6. The governor may further redistrict by changing the size and area of election districts, subject to the limitations of this article. Each new district so created shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area.

Each shall contain a population at least equal to the quotient obtained by dividing the total civilian population by forty. Consideration may be given to local government boundaries. Drainage and other geographic features shall be used in describing boundaries wherever possible.

**Modification
of Senate
Districts**

SECTION 7. The senate districts, described in Section 2 of Article XIV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter.

**Reapportionment
Board**

SECTION 8. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central and North-western Senate Districts. Appointments shall be made without regard to political affiliation. Board members shall be compensated.

Organization

SECTION 9. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.

**Reapportionment
Plan and
Proclamation**

SECTION 10. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

Enforcement

SECTION 11. Any qualified voter may apply to the superior court to compel the governor, by mandamus or otherwise, to perform his reapportionment duties or to correct any error in redistricting or reapportionment. Application to compel the governor to perform his reapportionment duties must be filed within thirty days of the expiration of either of the two ninety-day periods specified in this article. Application to compel correction of any error in redistricting or reapportionment must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed by the supreme court upon the law and the facts.

ARTICLE VII

HEALTH, EDUCATION, AND WELFARE

**Public
Education**

SECTION 1. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

**State
University**

SECTION 2. The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

**Board of
Regents**

SECTION 3. The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance

with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

Public Health

SECTION 4. The legislature shall provide for the promotion and protection of public health.

Public Welfare

SECTION 5. The legislature shall provide for public welfare.

ARTICLE VIII

NATURAL RESOURCES

Statement of Policy

SECTION 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

General Authority

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

Common Use

SECTION 3. Wherever occurring in the natural state, fish, wildlife, and waters are reserved to the people for common use.

Sustained Yield

SECTION 4. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Facilities and Improvements

SECTION 5. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

State Public Domain

SECTION 6. Lands and interests therein, including submerged and tidal lands, possessed or

acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

**Special
Purpose
Sites**

SECTION 7. The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

Leases

SECTION 8. The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

**Sales and
Grants**

SECTION 9. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

Public Notice

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

**Mineral
Rights**

SECTION 11. Discovery and appropriation shall be the basis for establishing a right in those miner-

als reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

Mineral Leases and Permits

SECTION 12. The legislature shall provide for the issuance, types and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

Water Rights

SECTION 13. All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior

right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

**Access to
Navigable
Waters**

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

**No Exclusive
Right of
Fishery**

SECTION 15. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State.

(The amendment to this section was approved by the voters of the state August 22, 1972 and became effective October 14, 1972. This amendment added the second sentence.)

**Protection
of Rights**

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

**Uniform
Application**

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

**Private
Ways of
Necessity**

SECTION 18. Proceeding in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization

of resources. Just compensation shall be made for property taken or for resultant damages to other property rights.

ARTICLE IX

FINANCE AND TAXATION

Taxing Power

SECTION 1. The power of taxation shall never be surrendered. This power shall not be suspended or contracted away, except as provided in this article.

Non-discrimination

SECTION 2. The lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to the residents of the State.

Assessment Standards

SECTION 3. Standards for appraisal of all property assessed by the State or its political subdivisions shall be prescribed by law.

Exemptions

SECTION 4. The real and personal property of the State or its political subdivisions shall be exempt from taxation under conditions and exceptions which may be provided by law. All, or any portion of, property used exclusively for nonprofit religious, charitable, cemetery, or educational purposes, as defined by law, shall be exempt from taxation. Other exemptions of like or different kind may be granted by general law. All valid existing exemptions shall be retained until otherwise provided by law.

Interests in Government Property

SECTION 5. Private leaseholds, contracts, or interests in land or property owned or held by the United States, the State, or its political subdivisions, shall be taxable to the extent of the interests.

Public Purpose

SECTION 6. No tax shall be levied, or appropriation of public money made, or public property

transferred, nor shall the public credit be used, except for a public purpose.

**Dedicated
Funds**

SECTION 7. The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in section 15 of this article or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of Alaska.

(The amendment to this section was approved by the voters of the state November 2, 1976 and became effective February 21, 1977. This amendment inserted "as provided in section 15 of this article or" in the first sentence.)

State Debt

SECTION 8. No state debt shall be contracted unless authorized by law for capital improvements and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective.

Local Debts

SECTION 9. No debt shall be contracted by any political subdivision of the State, unless authorized for capital improvements by its governing body and ratified by a majority vote of those qualified to vote and voting on the question.

**Interim
Borrowing**

SECTION 10. The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year, but all debt so contracted shall be paid before the end of the next fiscal year.

Exceptions

SECTION 11. The restrictions on contracting debt do not apply to debt incurred through the issuance of revenue bonds by a public enterprise or

public corporation of the State or a political subdivision, when the only security is the revenues of the enterprise of corporation. The restrictions do not apply to indebtedness to be paid from special assessments on the benefited property, nor do they apply to refunding indebtedness of the State or its political subdivisions.

Budget

SECTION 12. The governor shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of the State. The governor, at the same time, shall submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

Expenditures

SECTION 13. No money shall be withdrawn from the treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void.

**Legislative
Post-Audit**

SECTION 14. The legislature shall appoint an auditor to serve at its pleasure. He shall be a certified public accountant. The auditor shall conduct post-audits as prescribed by law and shall report to the legislature and to the governor.

**Alaska
Permanent
Fund**

SECTION 15. At least twenty-five per cent of all mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments. All

income from the permanent fund shall be deposited in the general fund unless otherwise provided by law.

(The addition of this section was approved by the voters of the state November 2, 1976 and became effective February 21, 1977.)

ARTICLE X

LOCAL GOVERNMENT

Purpose and Construction

SECTION 1. The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

Local Government Powers

SECTION 2. All local government powers shall be vested in boroughs and cities. The State may delegate taxing powers to organized boroughs and cities only.

Boroughs

SECTION 3. The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible. The legislature shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law.

Assembly

SECTION 4. The governing body of the organized borough shall be the assembly, and its composition shall be established by law or charter.

(The amendment to this section was approved by the voters of the state August 22, 1972 and became effective October 14, 1972. It deleted the second and third sentences which specified city and non-city representation on the borough assembly.)

**Service
Areas**

SECTION 5. Service areas to provide special services within an organized borough may be established, altered, or abolished by the assembly, subject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of this article, the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. The assembly may authorize the levying of taxes, charges, or assessments within a service area to finance the special services.

**Unorganized
Boroughs**

SECTION 6. The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough.

Cities

SECTION 7. Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located. Cities shall have the powers and functions conferred by law or charter. They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law.

Council

SECTION 8. The governing body of a city shall be the council.

Charters

SECTION 9. The qualified voters of any borough of the first class or city of the first class may adopt, amend, or repeal a home rule charter in a manner provided by law. In the absence of such legislation, the governing body of a borough or city of the first class shall provide the procedure for the preparation and adoption or rejection of the charter. All charters, or parts or amendments of charters, shall be submitted to the qualified voters of the borough or city, and shall become effective if approved by a majority of those who vote on the specific question.

**Extended
Home Rule
Home Rule
Powers**

SECTION 10. The legislature may extend home rule to other boroughs and cities.

SECTION 11. A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.

Boundaries

SECTION 12. A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.

**Agreements:
Transfer of
Powers**

SECTION 13. Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any local government with any other local government, with the State, or with the United States, unless otherwise provided by law or charter. A city may transfer to the borough in which it is located any of its powers or functions unless prohibited by law or charter, and may in like manner revoke the transfer.

**Local
Government
Agency**

SECTION 14. An agency shall be established by law in the executive branch of the state government to advise and assist local governments. It shall review their activities; collect and publish local government information, and perform other duties prescribed by law.

**Special
Service
Districts**

SECTION 15. Special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law.

ARTICLE XI

INITIATIVE, REFERENDUM, AND RECALL

Initiative and Referendum Application

SECTION 1. The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum.

SECTION 2. An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the lieutenant governor. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Petition

SECTION 3. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the lieutenant governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Initiative Election

SECTION 4. An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been

enacted, the petition is void.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Referendum Election

SECTION 5. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The lieutenant governor shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Enactment

SECTION 6. If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The lieutenant governor shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Restrictions

SECTION 7. The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

Recall

SECTION 8. All elected public officials, in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

ARTICLE XII

GENERAL PROVISIONS

**State
Boundaries**

SECTION 1. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, included in the Territory of Alaska upon the date of ratification of this constitution by the people of Alaska.

**In er-
governmental
Relations**

SECTION 2. The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest. The respective legislative bodies may make appropriations for this purpose.

**Office of
Profit**

SECTION 3. Service in the armed forces of the United States or of the State is not an office or position of profit as the term is used in this constitution.

**Disqualification
for Disloyalty**

SECTION 4. No person who advocates, or who aids or belongs to any party or organization or association which advocates, the overthrow by force or violence of the government of the United States or of the State shall be qualified to hold any public office of trust or profit under this constitution.

**Oath of
Office**

SECTION 5. All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and

the Constitution of the State of Alaska, and that I will faithfully discharge my duties as to the best of my ability." The legislature may prescribe further oaths or affirmations.

**Merit
System**

SECTION 6. The legislature shall establish a system under which the merit principle will govern the employment of persons by the State.

**Retirement
System**

SECTION 7. Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired.

Residual Power

SECTION 8. The enumeration of specified powers in this constitution shall not be construed as limiting the powers of the State.

**Provisions
Self-Executing**

SECTION 9. The provisions of this constitution shall be construed to be self-executing whenever possible.

Interpretation

SECTION 10. Titles and subtitles shall not be used in construing this constitution. Personal pronouns used in this constitution shall be construed as including either sex.

**Law-Making
Power**

SECTION 11. As used in this constitution, the terms "by law" and "by the legislature", or variations of these terms, are used interchangeably when related to law-making powers. Unless clearly inapplicable, the law-making powers assigned to the legislature may be exercised by the people through the initiative, subject to the limitations of Article XI.

**Disclaimer
and
Agreement**

SECTION 12. The State of Alaska and its people forever disclaim all right and title in or to any property belonging to the United States or subject to its disposition, and not granted or confirmed to the State or its political subdivisions, by or under the act admitting Alaska to the Union. The State and its people further disclaim all right or title in

or to any property, including fishing rights, the right or title to which may be held by for any Indian, Eskimo, or Aleut, or community thereof, as that right or title is defined in the act of admission. The State and its people agree that, unless otherwise provided by Congress, the property, as described in this section, shall remain subject to the absolute disposition of the United States. They further agree that no taxes will be imposed upon any such property, until otherwise provided by the Congress. This tax exemption shall not apply to property held by individuals in fee without restrictions on alienation.

**Consent to
Act of
Admission**

SECTION 13. All provisions of the act admitting Alaska to the Union which reserve rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property, are consented to fully by the State and its people.

ARTICLE XIII

AMENDMENT AND REVISION

Amendments

SECTION 1. Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The lieutenant governor shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next general election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the lieutenant governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor". The second amendment to this section, approved by the voters August 27, 1974 and effective October 12, 1974, changed "statewide" to read "general" in the second sentence.)

Convention

SECTION 2. The legislature may call constitutional conventions at any time.

**Call by
Referendum**

SECTION 3. If, during any ten-year period a constitutional convention has not been held, the lieutenant governor shall place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" If a majority of the votes cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the question are in the affirmative, delegates to the convention shall be chosen at the next regular statewide election, unless the legislature provides for the election of the delegates at a special election. The lieutenant governor shall issue the call for the convention. Unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955, including, but not limited to, number of members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Power

SECTION 4. Constitutional Conventions shall have plenary power to amend or revise the constitution, subject only to ratification by the people. No call for a constitutional convention shall limit these powers of the convention.

ARTICLE XIV

For prior apportionment schedules and annotations concerning them, see the Alaska Constitution as it appears in Pamphlet I of the Alaska Statutes published by the Michie Company.

APPORTIONMENT SCHEDULE

Election Districts

SECTION 1. Members of the house of representatives shall, according to the reapportionment proclamation of the governor, dated June 14, 1974, as modified by the Alaska Supreme Court in Groh v. Egan, 526 P. 2d 863 (9/13/74), be elected from the election districts and in the numbers shown below:

Election District	Name of District	Number of Representatives
1	Ketchikan-Prince of Wales	2
2	Wrangell-Petersburg	1
3	Sitka	1
4	Juneau-Lynn Canal	2
5	Cordova-Valdez-Seward	1
6	Palmer	1
7	Anchorage Northwest	4
8	Anchorage Northeast	4
9	Anchorage Spenard	2
10	Anchorage East	2
11	Anchorage South	2
12	Anchorage West	2
13	Kenai-Cook Inlet	2
14	Kodiak	1
15	Aleutian Chain	1
16	Bristol Bay	1
17	Bethel	1
18	Wade Hampton	1
19	Yukon-Tanana	1
20	Fairbanks	6
21	Barrow-Kobuk	1
22	Nome	1

Senate Districts

SECTION 2. Members of the senate shall, according to the reapportionment proclamation of the governor, dated June 14, 1974, as modified by the Alaska Supreme Court in Groh v. Egan, 526 P. 2d 863 (9/13/74), be elected from the

election districts and in the numbers shown below:

Senate District	Composed of Election Districts	Number of Senators
A	Ketchikan-Prince of Wales	1
B	Wrangell-Petersburg-Sitka	1
C	Juneau-Lynn Canal	1
D	Cordova-Valdez-Seward-Palmer	1
E	Anchorage Northwest	2
F	Anchorage Northeast	2
G	Anchorage Spenard	1
H	Anchorage East	1
I	Anchorage South	1
J	Anchorage West	1
K	Kenai-Cook Inlet	1
L	Kodiak-Aleutian Chain	1
M	Bristol Bay-Bethel	1
N	Wade Hampton-Yukon-Tanana	1
O	Fairbanks	3
P	Barrow-Kobuk-Nome	1

**Description
of Election
Districts**

SECTION 3. The election districts set forth in Section 1 shall include the following territory:

1. Ketchikan-Prince of Wales — That area of the mainland drained by streams flowing into Portland Canal, Pearse Canal, Revillagigedo Channel, Behm Canal and the eastern side of Clarence Strait from the southernmost point of Alaska to and including Lemesurier Point; and those islands offshore this mainland area and all other islands in Alaska to the south of a line which begins at Lemesurier Point, runs west to the centerline of Clarence Strait and then follows the centerline of Clarence Strait to its intersection with the centerline of Sumner Strait at which point it turns west and follows the centerline of Sumner Strait westerly and southwesterly to the open sea.

2. Wrangell-Petersburg — That area of the mainland north of the Ketchikan-Prince of Wales District and south of and including the area draining into Frederic Sound to Cape Fanshaw on the north; and that area bounded by a line from Cape Fanshaw to the north end of Pybus Bay;

and that area of Admiralty Island draining into Frederic Sound and Chatham Strait from and including Pybus Bay on the east to and including Point Retreat on the north; and that area of Chichagof Island draining into Icy Strait and Chatham Strait from and including Mud Bay on the north to the centerline of Tenakee Inlet on the south, including that portion of Chichagof Island draining into Tenakee Inlet from the north, and that portion of the mainland draining into Icy Strait from Point Couverdon on the east to and including Glacier Bay on the west. This District also includes Lemesurier Island and all other islands in Icy Straits east of it, and all islands south of Frederic Sound and east of Chatham Strait not included in Election District No. 1.

3. Sitka — All of Baranof Island, all of Chichagof Island not included in the Wrangell-Petersburg District, all of the mainland area draining into Icy Strait, Cross Sound and the Gulf of Alaska from Glacier Bay on the southeast to Icy Cape on the Northwest; and all of the islands offshore thereto.

4. Juneau-Lynn Canal — All of the mainland area draining into Lynn Canal and Stephens Passage from Cape Fanshaw on the south to the Canadian Border on the northwest and all of Admiralty Island draining into Stephens Passage and Lynn Canal from Pybus Bay on the south to Point Retreat on the north; and all of the islands offshore thereto.

5. Cordova-Valdez-Seward — All that mainland area from Icy Cape on the east to Gore Point on the west draining into Prince William Sound and the Gulf of Alaska, including all of the offshore islands thereto, including the remainder of the Seward Census Division which does not drain into the Prince William Sound and the Gulf of Alaska, except that portion of the drainage north of a point midway between Glennallen and Gulkana.

6. Palmer — All that area north of Cook Inlet and Knik Arm drained by streams emptying into Cook Inlet and Knik Arm from, but not including, Beluga River on the west to and including the Knik River on the east.

7. Anchorage Northwest — Beginning at a point on the centerline of Knik Arm where it intersects the northerly projection of the dividing line between Fort Richardson Military Reservation and the Elmendorf Air Force Base;

thence southerly along said line to where it intersects the Glenn Highway; thence westerly along the Glenn Highway to Pine Street; thence northerly along Pine Street to McPhee Avenue; thence westerly along McPhee Avenue to Taylor Street; thence southerly on Taylor Street to Thompson Avenue; thence westerly on Thompson Avenue to Meyer Street; thence southerly on Meyer Street to Commercial Drive; thence easterly on Commercial Drive to Bragaw Street; thence southerly on Bragaw Street to East Sixth Avenue; thence easterly on East Sixth Avenue to Pine Street; thence southerly on Pine Street to DeBarr Road; thence westerly on DeBarr Road to Bragaw Street; thence southerly on Bragaw Street to East Sixteenth Avenue; thence westerly on East Sixteenth Avenue to Lake Otis Parkway; thence northerly on Lake Otis Parkway to East Fifteenth Avenue; thence westerly on East Fifteenth Avenue to Sitka Street; thence southerly on Sitka Street to Chester Creek; thence westerly along Chester Creek to the Seward Highway; thence southerly on the Seward Highway to Fireweed Lane; thence westerly on Fireweed Lane to Spenard Road; thence southerly on Spenard Road to West Twenty-fifth Avenue; thence westerly on West Twenty-fifth Avenue to Spenard Thruway; thence northerly along Spenard Thruway and "L" Street to Knik Arm; thence northwesterly to the centerline of Knik Arm; thence along the centerline of Knik Arm to the point of beginning.

8. Anchorage Northeast — Beginning at a point on the centerline of Knik Arm where it intersects the northerly projection of the dividing line between Fort Richardson Military Reservation and the Elmendorf Air Force Base; thence southerly along said line to where it intersects the Glenn Highway; thence westerly along the Glenn Highway and the south boundary of Elmendorf Air Force Base to Pine Street; thence northerly along Pine Street to McPhee Avenue; thence westerly on McPhee Avenue to Taylor Street; thence southerly on Taylor Street to Thompson Avenue; thence westerly on Thompson Avenue to Meyer Street; thence southerly on Meyer Street to Commercial Drive; thence easterly on Commercial Drive to Bragaw Street; thence southerly on Bragaw Street to Sixth Avenue; thence easterly on Sixth Avenue to Pine Street; thence southerly on Pine Street to DeBarr Road; thence westerly on DeBarr Road to Bragaw Street; thence southerly on Bragaw Street to East Twentieth Avenue; thence easterly on East Twentieth Avenue to Boniface Parkway; thence northerly on Boniface Parkway to the centerline of Craig Drive extended; thence easterly along the centerline of

Craig Drive to the centerline of Beaver Place; thence northerly on the centerline of Beaver Place to the centerline of East Sixteenth Avenue; thence easterly on East Sixteenth Avenue to the centerline of Turpin Street; thence northerly on Turpin Street to the centerline of DeBarr Road; thence easterly on DeBarr Road to Muldoon Drive; thence southeasterly along a branch of Chester Creek to the boundary line of Fort Richardson Military Reservation; thence following the Fort Richardson Military Reservation boundary in a southerly and easterly direction until it meets the southern boundary of Census Tract 2 of the Anchorage Census Division; thence along the southerly boundaries of Census Tracts 1 and 2 and the easterly and northerly boundaries of Census Tract 1, Anchorage Census Division to the point of beginning.

9. Anchorage Spenard — Beginning at the intersection of Northern Lights Boulevard and Spenard Thruway; thence westerly on Northern Lights Boulevard to Wisconsin Drive; thence southerly on Wisconsin Drive to West Thirty-third Avenue; thence easterly on West Thirty-third Avenue to Fish Creek; thence southerly and easterly along Fish Creek to its intersection with Northwood Drive; thence southerly along Northwood Drive to West Forty-sixth Avenue; thence easterly along West Forty-sixth Avenue to the Alaska Railroad Right of Way; thence northerly along said Right of Way to West Forty-fourth Avenue; thence easterly on West Forty-fourth Avenue to the Seward Highway; thence northerly on Seward Highway to Fireweed Lane; thence westerly on Fireweed Lane to Spenard Road; thence southerly on Spenard Road to West Twenty-fifth Avenue; thence westerly on West Twenty-fifth Avenue to the Spenard Thruway; thence southerly on Spenard Thruway to the place of beginning.

10. Anchorage East — Beginning at the intersection of Seward Highway and Chester Creek; thence southerly on Seward Highway to Tudor Road; thence easterly on Tudor Road to the centerline of Randolph Street extended; thence northerly on said centerline of Randolph Street to East Fortieth Avenue; thence easterly on East Fortieth Avenue to Pine Street; thence southerly on Pine Street to Tudor Road; thence easterly on Tudor Road and Tudor Road Extension to the boundary of the Fort Richardson Military Reservation; thence northerly on said boundary to its intersection with the southerly boundary of District 8 at a branch of Chester Creek; thence northwesterly along Chester Creek to Muldoon Drive and DeBarr Road; thence

westerly on DeBarr Road to Turpin Street; thence southerly on Turpin Street to the centerline of East Sixteenth Avenue; thence westerly along the centerline of East Sixteenth Avenue to the centerline of Beaver Place; thence southerly along the centerline of Beaver Place to the centerline of Craig Drive; thence westerly along the centerline of Craig Drive and its extension to the centerline of Boniface Parkway; thence southerly on Boniface Parkway to East Twentieth Avenue; thence westerly along East Twentieth Avenue to Bragaw Street; thence northerly on Bragaw Street to East Sixteenth Avenue; thence westerly on East Sixteenth Avenue to Lake Otis Parkway; thence northerly on Lake Otis Parkway to East Fifteenth Avenue; thence westerly on East Fifteenth Avenue to Sitka Street; thence southerly on Sitka Street to Chester Creek; thence westerly along Chester Creek to Seward Highway, the place of beginning.

11. Anchorage South — Beginning at a point on the centerline of Turnagain Arm South 45 degrees West of the the centerline intersection of Victor Road and West One Hundredth Avenue; thence North 45 degrees East to said intersection; thence northerly on Victor Road to Strawberry Road; thence easterly on Strawberry Road to the centerline of Minnesota Drive extended; thence northerly on said centerline to the centerline of Dowling Road extended; thence easterly on said centerline to Arctic Boulevard extended; thence northerly along said extension and Arctic Boulevard to West Forty-fourth Avenue; thence easterly on West Forty-fourth Avenue and Tudor Road to the centerline of Randolph Street extended; thence northerly on said centerline of Randolph Street to East Fortieth Avenue; thence easterly on East Fortieth Avenue to Pine Street; thence southerly on Pine Street to Tudor Road and the boundary of the Fort Richardson Military Reservation; thence following the Fort Richardson Military Reservation boundary to the common corner between Census Tracts 2, 3, and 29; thence following the boundary of Census Tract 29 to the east and south to the centerline of Turnagain Arm at a point west of Portage; thence along the centerline of Turnagain Arm to the place of beginning.

12. Anchorage West — Beginning at a point on the centerline of Turnagain Arm South 45 degrees West of the centerline intersection of Victor Road and West One Hundredth Avenue; thence North 45 degrees East to said intersection; thence northerly on Victor Road to Strawberry Road; thence easterly on Strawberry Road to the

centerline of Minnesota Drive extended; thence northerly on said centerline to the centerline of Dowling Road extended; thence easterly on said centerline to Arctic Boulevard extended; thence northerly along said extension of Arctic Boulevard to West Forty-fourth Avenue; thence westerly on West Forty-fourth Avenue to the Alaska Railroad Right of Way; thence southerly on said Right of Way to West Forty-sixth Avenue; thence westerly on West Forty-sixth Avenue to Northwood Drive; thence northerly on Northwood Drive to its intersection with Fish Creek; thence northerly and westerly along Fish Creek to West Thirty-third Avenue; thence westerly along West Thirty-third Avenue to Wisconsin Boulevard; thence northerly on Wisconsin Boulevard to Northern Lights Boulevard; thence easterly on Northern Lights Boulevard to Spenard Thruway; thence northerly on Spenard Thruway and "L" Street to Knik Arm; thence northwesterly to the centerline of Knik Arm; thence following the centerline of Knik Arm, west of Fire Island, to its intersection with the centerline of Turnagain Arm; thence easterly on the centerline of Turnagain Arm to the place of beginning.

13. Kenai-Cook Inlet — All of the Kenai Peninsula Borough except that portion within the Seward Census Division of 1970 and that portion on the west side of Cook Inlet south of Chinitna Bay.

14. Kodiak — All that area of Kodiak Island draining into Marmot Bay from the south, to but not including Kizhuyak Bay; into the Gulf of Alaska from the west; and into Ugak Bay from the north; and including Spruce Island, Woody Island, Long Island, Ugak Island; and all other smaller islands offshore thereto.

15. Aleutian Chain — All of the 1970 Kodiak Census Division not included in the Kodiak District and all of the 1970 Aleutian Island Census Division; also including the Semidi Islands and Chirikof Islands.

16. Bristol Bay — All of the mainland area draining into Cook Inlet and Shelikof Strait from Chinitna Bay on the north to and including Kujulik Bay on the south, also Sutwik Island, and all of the mainland area draining into Bristol Bay; and all of the mainland draining into Kuskokwim Bay to and including Eek on the Kuskokwim River on the north to and including Kinak Bay on the west.

17. Bethel — All that area draining into the Bering Sea or waters thereof from Hazen Bay on the north to but not including Kinak Bay on the south; and that area drained by the Kuskokwim River to and including the Aniak River on the north and to and including Eek on the south; and St. Matthew Island, Nunivak Island, and the smaller islands offshore thereto.

18. Wade Hampton — All that area draining into the Bering Sea from Kwikpak at the mouth of the Yukon on the north to and including Hazen Bay on the south; and that area drained by the Yukon River from the coast to and including Big Creek above Ruby on the north, but excluding that portion of the Koyukuk drainage above Alatna.

19. Yukon-Tanana — All that area outside the Fairbanks Election District drained by the Yukon and Tanana Rivers from Big Creek drainage above Ruby on the Yukon to the Canadian border; all that area of the Koyukuk River drainage above Alatna; and also including that area of the Copper River drainage north of a point midway between Gulkana and Copper Center.

20. Fairbanks — All of the Fairbanks Census District identical with the limits of the North Star Borough, and that area along the Steese Highway, outside of the Fairbanks North Star Borough, on the north to and including Central and its outskirts; and the following areas adjacent to the Fairbanks North Star Borough on the south, Fort Greely Military Reservation and the Shaw Creek drainage.

21. Barrow-Kobuk — All that area draining into Kotzebue Sound and the Arctic Ocean including the islands offshore thereto, to and including the drainage of the Kobuk River on the west to the Canadian border; also including that portion of Baldwin Peninsula west of latitude 161 degrees; and the village of Anaktuvuk Pass.

22. Nome — All that area draining into Norton Sound, Bering Strait and Kotzebue Sound, including the islands offshore thereto, from but not including Kwikpak at the mouth of the Yukon River to the south; to but not including the Kobuk River drainage on the north; and including St. Lawrence Island.

ARTICLE XV

SCHEDULE OF TRANSITIONAL MEASURES

To provide an orderly transition from a territorial to a state form of government, it is declared and ordained:

Continuance Laws

SECTION 1. All laws in force in the Territory of Alaska on the effective date of this constitution and consistent therewith shall continue in force until they expire by their own limitation, are amended, or repealed.

Savings of Existing Rights and Liabilities

SECTION 2. Except as otherwise provided in this constitution, all rights, titles, actions, suits, contracts, and liabilities and all civil, criminal, or administrative proceedings shall continue unaffected by the change from territorial to state government, and the State shall be the legal successor to the Territory in these matters.

Local Government

SECTION 3. Cities, school districts, health districts, public utility districts, and other local subdivisions of government existing on the effective date of this constitution shall continue to exercise their powers and functions under law, pending enactment of legislation to carry out the provisions of this constitution. New local subdivisions of government shall be created only in accordance with this constitution.

Continuance of Office

SECTION 4. All officers of the Territory, or under its law, on the effective date of this constitution shall continue to perform the duties of their offices in a manner consistent with this constitution until they are superseded by officers of the State.

Corresponding Qualifications

SECTION 5. Residence, citizenship, or other qualifications under the Territory may be used

toward the fulfillment of corresponding qualifications required by this constitution.

**Governor to
Proclaim
Election**

SECTION 6. When the people of the Territory ratify this constitution and it is approved by the duly constituted authority of the United States, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation and take necessary measures to hold primary and general elections for all state elective offices provided for by this constitution.

**First State
Elections**

SECTION 7. The primary election shall take place not less than forty nor more than ninety days after the proclamation by the governor of the Territory. The general election shall take place not less than ninety days after the primary election. The elections shall be governed by this constitution and by applicable territorial laws.

**United States
Senators and
Representative**

SECTION 8. The officers to be elected at the first general election shall include two senators and one representative to serve in the Congress of the United States, unless senators and a representative have been previously elected and seated. One senator shall be elected for the long term and one senator for the short term, each term to expire on the third day of January in an odd-numbered year to be determined by authority of the United States. The term of the representative shall expire on the third day of January in the odd-numbered year immediately following his assuming office. If the first representative is elected in an even-numbered year to take office in that year, a representative shall be elected at the same time to fill the full term commencing on the third day of January of the following year, and the same person may be elected for both terms.

**First
Governor and
Lieutenant
Governor:
Terms**

SECTION 9. The first governor and lieutenant governor shall hold office for a term beginning with the day on which they assume office and ending at noon on the first Monday in December of the even-numbered year following the next presidential election. This term shall count as a full term for purposes of determining eligibility for reelection only if it is four years or more in duration.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Election of
First Senators**

SECTION 10. At the first state general election, one senator shall be chosen for a two-year term from each of the following senate districts, described in Section 2 of Article XIV: A, B, D, E, G, I, J, L, N, and O. At the same election, one senator shall be chosen for a four-year term from each of the following senate districts, described in Section 2 of Article XIV: A, C, E, F, H, J, K, M, N, and P.

**Terms of
First State
Legislators**

SECTION 11. The first state legislators shall hold office for a term beginning with the day on which they assume office and ending at noon on the fourth Monday in January after the next general election, except that senators elected for four-year terms shall serve an additional two years thereafter. If the first general election is held in an even-numbered year, it shall be deemed to be the general election for that year.

**Election
Returns**

SECTION 12. The returns of the first general election shall be made, canvassed, and certified in the manner prescribed by law. The governor of the Territory shall certify the results to the President of the United States.

**Assumption
of Office**

SECTION 13. When the President of the United States issues a proclamation announcing the results of the election, and the State has been admitted

into the Union, the officers elected and qualified shall assume office.

**First Session of
Legislature**

SECTION 14. The governor shall call a special session of the first state legislature within thirty days after the presidential proclamation unless a regular session of the legislature falls within that period. The special session shall not be limited as to duration.

**First Legislators:
Office Holding**

SECTION 15. The provisions of Section 5 of Article II shall not prohibit any member of the first state legislature from holding any office or position created during his first term.

**First
Judicial
Council**

SECTION 16. The first members of the judicial council shall, notwithstanding Section 8 of Article IV, be appointed for terms as follows: three attorney members for one, three, and five years respectively, and three non-attorney members for two, four, and six years respectively. The six members so appointed shall, in accordance with Section 5 of Article IV, submit to the governor nominations to fill the initial vacancies on the superior court and the supreme court, including the office of chief justice. After the initial vacancies on the superior and supreme courts are filled, the chief justice shall assume his seat on the judicial council.

**Transfer of
Court
Jurisdiction**

SECTION 17. Until the courts provided for in Article IV are organized, the courts, their jurisdiction, and the judicial system shall remain as constituted on the date of admission unless otherwise provided by law. When the state courts are organized, new actions shall be commenced and filed therein, and all causes, other than those under the jurisdiction of the United States, pending in the courts existing on the date of admission, shall be transferred to the proper state court as though commenced, filed, or lodged in those courts in the first instance, except as otherwise provided by law.

**Territorial
Assets and
Liabilities**

SECTION 18. The debts and liabilities of the Territory of Alaska shall be assumed and paid by the State, and all debts owed to the Territory shall be collected by the State. Assets and records of the Territory shall become the property of the State.

**First
Reapportion-
ment**

SECTION 19. The first reapportionment of the house of representatives shall be made immediately following the official reporting of the 1960 decennial census, or after the first regular legislative session if the session occurs thereafter, notwithstanding the provisions as to time contained in Section 3 of Article VI. All other provisions of Article VI shall apply in the first reapportionment.

**State
Capital
Seat**

SECTION 20. The capital of the State of Alaska shall be at Juneau.

SECTION 21. The seal of the Territory, substituting the word "State" for "Territory", shall be the seal of the State.

Flag

SECTION 22. The flag of the Territory shall be the flag of the State.

**Special
Voting
Provision**

SECTION 23. Citizens who legally voted in the general election of November 4, 1924, and who meet the residence requirements for voting, shall be entitled to vote notwithstanding the provisions of Section 1 of Article V.

Ordinances

SECTION 24. Ordinance No. 1 on ratification of the constitution, Ordinance No. 2 on the Alaska-Tennessee Plan, and Ordinance No. 3 on the abolition of fish traps, adopted by the Alaska Constitutional Convention and appended to this constitution, shall be submitted to the voters and if ratified shall become effective as provided in each ordinance.

**Effective
Date**

SECTION 25. This constitution shall take effect immediately upon the admission of Alaska into the Union as a state.

Agreed upon by the delegates in Constitutional Convention assembled at the University of Alaska, this fifth day of February, in the year of our Lord one thousand nine hundred and fifty-six, and of the Independence of the United States the one hundred and eightieth.

WM. A. EGAN
President of the Convention

R. ROLLAND ARMSTRONG
DOROTHY J. AWES
FRANK BARR
JOHN C. BOSWELL
SEABORN J. BUCKALEW, JR.
JOHN B. COGHILL
E. B. COLLINS
GEORGE D. COOPER
JOHN M. CROSS
EDWARD V. DAVIS
JAMES P. DOOGAN
TRUMAN C. EMBERG
HELEN FISCHER
VICTOR FISCHER
DOUGLAS GRAY
THOMAS C. HARRIS
JOHN S. HELLENTHAL
MILDRED R. HERMANN
KATHERINE D. NORDALE
FRANK PERATRICH
CHRIS POULSEN
PETER L. READER
BURKE RILEY
RALPH J. RIVERS
VICTOR C. RIVERS
JOHN H. ROSSWOG
B. D. STEWART

HERB HILSCHER
JACK HINCKEL
JAMES HURLEY
MAURICE T. JOHNSON
YULE F. KILCHER
LEONARD H. KING
WILLIAM W. KNIGHT
W. W. LAWS
ELDOR R. LEE
MAYNARD D. LONDBORG
STEVE McCUTCHEON
GEORGE M. McLAUGHLIN
ROBERT J. McNEALY
JOHN A. McNEES
M. R. MARSTON
IRWIN L. METCALF
LESLIE NERLAND
JAMES NOLAN
W. O. SMITH
GEORGE SUNDBORG
DORA M. SWEENEY
WARREN A. TAYLOR
H. R. VANDERLEEST
M. J. WALSH
BARRIE M. WHITE
ADA B. WIEN

ATTEST:
THOMAS B. STEWART
Secretary of the Convention

President of the United States for submission to the Congress, together with a statement of the votes cast for and against ratification.

ORDINANCE NO. 2

ALASKA-TENNESSEE PLAN

Statement
of Purpose

SECTION 1. The election of senators and a representative to serve in the Congress of the United States being necessary and proper to prepare for the admission of Alaska as a state of the Union, the following sections are hereby ordained, pursuant to Chapter 46, SLA 1955:

Ballot

SECTION 2. Each elector who offers to vote upon the ratification of the constitution may, upon the same ballot, vote on a second proposition, which shall be as follows:

"Shall Ordinance Number Two (Alaska-Tennessee Plan) of the Alaska Constitutional Convention, calling for the immediate election of two United States Senators and one United States Representative, be adopted?"

Yes

No

Approval

SECTION 3. Upon ratification of the constitution by the people of Alaska and separate approval of this ordinance by a majority of all votes cast for and against it, the remainder of this ordinance shall become effective.

Election of
Senators and
Representatives

SECTION 4. Two United States senators and one United States representative shall be chosen at the 1956 general election.

Terms

SECTION 5. One senator shall be chosen for the regular term expiring on January 3, 1963, and the other for an initial short term expiring on January 3, 1961, unless when they are seated the Senate prescribes other expiration dates. The representative shall be chosen for the regular term of two years expiring January 3, 1959.

Qualifications

SECTION 6. Candidates for senators and representative shall have the qualifications prescribed in the Constitution of the United States and shall be qualified voters of Alaska.

Other Office Holding

SECTION 7. Until the admission of Alaska as a state, the senators and representative may also hold or be nominated and elected to other offices of the United States or of the Territory of Alaska, provided that no person may receive compensation for more than one office.

Election Procedure

SECTION 8. Except as provided herein, the laws of the Territory governing elections to the office of Delegate to Congress shall, to the extent applicable, govern the election of the senators and representative. Territorial and other officials shall perform their duties with reference to this election accordingly.

Independent Candidates

SECTION 9. Persons not representing any political party may become independent candidates for the offices of senator or representative by filing applications in the manner provided in Section 38-5-10, ACLA 1949, insofar as applicable. Applications must be filed in the office of the director of finance of the Territory on or before June 30, 1956.

Party Nominations

SECTION 10. Party nominations for senators and representative shall, for this election only, be made by party conventions in the manner prescribed in Section 38-4-11, ACLA 1949, for filling

a vacancy in a party nomination occurring after a primary election. The names of the candidates nominated shall be certified by the chairman and secretary of the central committee of each political party to the director of finance of the Territory on or before June 30, 1956.

Certification

SECTION 11. The director of finance shall certify the names of all candidates for senators and representative to the clerks of court by July 15, 1956. The clerks of court shall cause the names to be printed on the official ballot for the general election. Independent candidates shall be identified as provided in Section 38-5-10, ACLA 1949. Candidates nominated at party conventions shall be identified with appropriate party designations as provided by law for nominations at primary elections.

**Ballot Form:
Who Elected**

SECTION 12. The ballot form shall group separately the candidates seeking the regular senate term, those seeking the short senate term, and candidates for representative. The candidate for each office receiving the largest number of votes cast for that office shall be elected.

**Duties and
Emoluments**

SECTION 13. The duties and emoluments of the offices of senator and representative shall be as prescribed by law.

**Convention
Assistance**

SECTION 14. The president of the Alaska Constitutional Convention, or a person designated by him, may assist in carrying out the purposes of this ordinance. The unexpended and unobligated funds appropriated to the Alaska Constitutional Convention by Chapter 46, SLA 1955, may be used to defray expenses attributable to the referendum and the election required by this ordinance.

**Alternate
Effective
Dates**

SECTION 15. If the Congress of the United States seats the senators and representative elected pursuant to this ordinance and approves the con-

stitution before the first election of state officers, then Section 25, of Article XV shall be void and shall be replaced by the following:

"The provisions of the constitution applicable to the first election of state officers shall take effect immediately upon the admission of Alaska into the Union as a state. The remainder of the constitution shall take effect when the first elected governor takes office."

ORDINANCE NO. 3

ABOLITION OF FISH TRAPS

Ballot

SECTION 1. Each elector who offers to vote upon the ratification of the constitution may, upon the same ballot, vote on a third proposition, which shall be as follows:

"Shall Ordinance Number Three of the Alaska Constitutional Convention, prohibiting the use of fish traps for the taking of salmon for commercial purposes in the coastal waters of the State, be adopted?"

Yes

No

Effect of Referendum

SECTION 2. If the constitution shall be adopted by the electors and if a majority of all the votes cast for and against this ordinance favor its adoption, then the following shall become operative upon the effective date of the constitution:

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

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

Year of Legislative Action	Title	Legislative Reference	Election Date	Certification Date	Effective Date	Provisions Affected
1966	"Proposing that the Constitution of the State of Alaska be amended to permit the residency requirements for voting for the President and Vice President of the United States to be prescribed by law."	SJR 1	Aug. 23, 1966	Sept. 9, 1966	Oct. 9, 1966	Article V, sec. 1
1968	"Proposing amendments to the Constitution of the State of Alaska providing for the disqualification, suspension, removal from office, retirement and censure of justices and judges, and providing for a Commission on Judicial Qualification."	2d FCCS SCS CSHJR74	Aug. 27, 1968	Sept. 11, 1968	Oct. 11, 1968	Article IV, sec. 10, 13
1969	"Proposing an amendment to the Constitution of the State of Alaska establishing the voting age at 18 years."	HJR 7	Aug. 25, 1970	Sept. 10, 1970	Oct. 10, 1970	Article V, sec. 1
1970	"Proposing that the Constitution of the State of Alaska be amended by changing the name of the secretary of state to lieutenant governor."	SJR 2	Aug. 25, 1970	Sept. 10, 1970	Oct. 10, 1970	Article III, sec. 7-11, 13-15, 2b; Article XI, sec. 2-6; Article XIII, sec. 1, 3
1970	"Proposing amendments to the judiciary article of the Alaska Constitution relating to the office of the chief justice of the supreme court."	FCCS SCS CSHJR 11	Aug. 25, 1970	Sept. 10, 1970	Oct. 10, 1970	Article IV, sec. 2, 16

Year of Legislative Action	Title	Legislative Reference	Election Date	Certification Date	Effective Date	Provisions Affected
1970	"Proposing an amendment to the Constitution of the State of Alaska eliminating the requirement of ability to read or speak English as a prerequisite to voting."	HJR 51 am S	Aug. 25, 1970	Sept. 10, 1970	Oct. 10, 1970	Article V, sec. 1
1971	"Amending the exclusive right of fisheries provision of the Constitution of the State of Alaska."	HCS CSSJR 10	Aug. 22, 1972	Sept. 14, 1972	Oct. 14, 1972	Article VIII, sec. 3
1972	"Proposing an amendment to the civil rights section of the Constitution of the State of Alaska."	HJR 102	Aug. 22, 1972	Sept. 14, 1972	Oct. 14, 1972	Article I, sec. 3
1972	"Proposing an amendment to the Constitution of the State of Alaska insuring the individual's right of privacy."	HCS SJR 68	Aug. 22, 1972	Sept. 14, 1972	Oct. 14, 1972	Article I, sec. 22
1972	"Proposing an amendment to the Constitution of the State of Alaska regarding residency requirements for voting in state and local elections."	HJR 126 am S	Aug. 22, 1972	Sept. 14, 1972	Oct. 14, 1972	Article V, sec. 1
1972	"Amending the local government article of the Constitution of the State of Alaska relating to representation of cities on borough assemblies."	SJR 52	Aug. 22, 1972	Sept. 14, 1972	Oct. 14, 1972	Article X, sec. 4
1973	"Proposing an amendment to the amendment and revision section of the Constitution of the State of Alaska."	HJR 20	Aug. 27, 1974	Sept. 12, 1974	Oct. 12, 1974	Article XIII, sec. 1

Year of Legislative Action	Title	Legislative Reference	Election Date	Certification Date	Effective Date	Provisions Affected
1975	"Amending the Constitution of the State of Alaska to provide for consideration of vetoed bills."	LOS CSHJR 11	Nov. 2, 1976	Nov. 23, 1976	Dec. 23, 1976	Article II, sec. 6, 9
1976	"Proposing an amendment to the Alaska Constitution, establishing an Alaska Permanent Fund for certain proceeds derived from non-renewable resources."	SCS CSSS HJR 89 (Resources) am S	Nov. 2, 1976	Nov. 23, 1976	Feb. 21, 1977	Article IX, sec. 7, 15

An amendment to the Constitution becomes effective 30 days after the date of certification of the election unless otherwise provided in the amendment. (Article XIII, sec. 1)

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Rick B.
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 116•41 +
 617•43 +
 831•69 +
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 266•66 +
 196•16 +
 192•16 +
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 358•36 +
 348•66 +
 475•93 +
 212•96 +
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 225•88 +
 128•48 +
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 138•24 +
 4355•58 *

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 3597•15 +
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Stack total

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 940•82 +
 184•16 +
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fare total

1712•13 +
 1622•30 +
 3189•35 +
 1708•44 +
 5621•16 +
 6377•00 +
 20230•38 *
 20230•38 +
 1217•61 +
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Stack fare

171•16 +
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Matthews
Fare

102•12	+
244•49	+
254•54	+
102•12	+
171•16	+
102•12	+
35•00	+
102•12	+
171•16	+
117•44	+
102•12	+
207•74	+
1712•13	*

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358•70	+
102•12	+
247•73	+
102•12	+
502•50	+
171•16	+
102•12	+
746•50	+
102•12	+
171•16	+
171•16	+
102•12	+
207•72	+
102•12	+
3189•35	*

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171•16	+
802•70	+
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247•61	+
95•41	+
171•16	+
877•36	+
171•16	+
292•61	+
23•34	+
171•16	+
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238•93	+
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238•93	+
171•16	+
145•49	+
242•34	+
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463•44	+
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64•24	+
5621•16	*

Connor
Fare

171•16	+
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238•93	+
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244•49	+
102•12	+
196•83	+
102•12	+
35•00	+
117•44	+
102•12	+
180•08	+
102•12	+
1708•44	*

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668 • 74 +
117 • 44 +
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272 • 18 +
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238 • 93 +
204 • 24 +
102 • 12 +
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102 • 12 +
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117 • 43 +
102 • 12 +
519 • 78 +
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108 • 00 +
6377 • 00 *

Rubinowitz 0 • T
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Alaska Court System

State of Alaska

303 K STREET
ANCHORAGE, ALASKA 99501

RICHARD P. BARRIER
DEPUTY ADMINISTRATIVE DIRECTOR

OFFICE OF ADMINISTRATIVE DIRECTOR

(907) 274-8611


Rocky Plotnick
House Judiciary Committee
1016 West 6th Avenue, Suite 201
Anchorage, AK 99501

Dear Rocky:

The House Judiciary Committee has requested information concerning the travel of the Supreme Court. During Fiscal Year 1979, the Supreme Court expended a total of \$74,000 on travel. This included travel of the justices, staff of the Clerk's office, transportation of Law Clerks to Alaska and within Alaska, and several other minor charges into the travel accounts. The majority of the travel was done by the justices and the Clerk of Court. Therefore I am attaching a listing of all travel taken by these employees during Fiscal Year 1979.

If you need any other information regarding Supreme Travel please let me know.

Sincerely,


Richard P. Barrier
Deputy Administrative Director

Enclosure

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*w/per
diem*

Robinowitz

Jay A. Rabinowitz
Fairbanks

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
7/17-18/78	Anchorage	Conference-Supreme Court	87.50	102.12	189.12
8/11-12/78	Anchorage	Conference-Supreme Court	95.50	102.12	197.62
8/24/79	Anchorage	Conference-Supreme Court	21.00	102.12	123.12
9/13-14/78	Anchorage	Conference-Supreme Court	87.50	102.12	189.62
9/19-22/78	Anchorage	Oral Argument in Anchorage	183.00	51.06	234.06
9/27-29/79	Ketchikan	Supreme Oral Arguments	136.50	291.50	428.00
10/04/78	Anchorage	Conference-Supreme Court	31.00	102.12	133.12
10/05/78	Wash., D.C.	TR 117728		180.34	180.34
10/13/78	Anc./Fbks.	TR 123771		51.06	51.06
10/15-21/78	Anchorage	Oral Argmts-Elec./Recount case	453.85	102.12	555.97
10/28-29/78	Anchorage	Crim. Just. Seminar/AFN Times	151.00	102.12	253.12
11/02/78	Anchorage	Judicial Council Meeting	26.00	102.12	128.12
11/08-09/78	Anchorage	Conference-Supreme Court	120.00	102.12	222.12
11/20/78	Anchorage	Conf. of Chief of Police	18.00	102.12	130.12
11/13-17/78	Anchorage	Conference - Supreme Court	215.15	102.12	317.27
11/26-28/78	Juneau	Oral Arguments/Conference	159.25	204.58	363.82
12/03-08/78	Juneau/ Anchorage	Swearing in Gov., Lt.Gov./ Oral Arguments-Anch.	371.25	341.61	712.86
12/07/78	Kenai	TR 044596		35.00	35.00
12/12/78	Anchorage	TR 124754		102.12	102.12
12/17-19/79	Anchorage	Supr. Ct. & Judicial Council	183.20	102.12	285.32
12/27-30/78	Wash., D.C.	Administrative Matters	209.25	668.74	877.99
1/05/79	Anchorage	Court Duties	38.00	117.44	155.44
1/10/79	Anchorage	TR 124759		102.12	102.12
1/11/79	Anch./Jno.	Conference-Supreme Court	29.60	187.70	217.30
1/12/79	Anchorage	Court Duties	29.00	102.12	131.12
1/23-26/79	Anchorage/ Juneau	Admin. Meeting/ Legis. Meeting	179.70	272.18	451.88
2/19-23/79	Anchorage	Conference-Supreme Court	270.25	102.12	372.37
2/05-08/79	Juneau	State Judiciary/Oral Argmts.	217.05	234.41	451.46
3/13-14/79	Anchorage	Oral Arguments	105.55	102.12	207.67
3/23/79	Anchorage	Mag. Training/Admin. Conf.	27.00	102.12	127.12
03/30/79	Juneau	TR 164018		238.93	238.93
4/02-06/79	Anchorage	Court Business	255.00	204.24	459.24
4/09-13/79	Anchorage	Oral Arguments	261.25	102.12	363.37
4/18/79	Anchorage	Conference-Supreme Court	30.00	102.12	132.12
4/26/79	Anchorage	Trial Calendaring Meeting	29.00	102.12	131.12
5/18/79	Anchorage	Trial Calendaring Meeting	21.00	102.12	123.12
5/21/79	Anchorage	Conference-Supreme Court	30.00	102.12	132.12
5/29-30/79	Anchorage	Oral Argument/Conference	104.85	117.43	222.28
6/04/79	Anchorage	Conference-Supreme Court	37.00	102.12	139.12
6/07-14/79	Sitka/ Juneau	Judicial Conference/ Oral Arguments	418.75	519.78	938.53
6/22-23/79	Anchorage	Memorial Services	96.25	102.12	198.37
6/26-29/79	Anchorage	Conference-Supreme Court	214.85	108.00	322.85

328•66 +
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266•66 +
290•66 +
581•93 +
6•00 +
535•93 +
248•16 +
424•99 +
599•09 +
297•91 +
599•19 +
355•16 +
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Bochever

Robert Boochever
Juneau

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
7/16/78	Anchorage	Conference-Supreme Court	157.50	171.16	328.66
7/29-8/3/78	Vermont	Chief Justice Conference	407.00	802.70	1209.70
8/9-11/78	Anchorage	Judicial Council/Supr. Court	157.50	171.16	228.66
8/24/78	Anchorage	Conference-Supreme Court	2.50	171.16	173.66
9/13-14/78	Anchorage	Conference-Supreme Court	105.00	171.16	276.16
9/17-22/78	Anch./Fbks.	Supreme Court Sessions	315.50	247.61	563.11
9/28-29/78	Ketchikan	Supreme Court Sessions	83.00	95.41	178.41
10/13/78	Anchorage	Supreme Court Conference	8.50	171.16	189.66
10/15-29/78	East Coast via Anch.	Supreme Court Conf. & Session/Interview Law Clerk Applicants at Law Schools	863.23	877.36	1740.59
11/8/78	Anchorage	Supr. Ct. Admin. Conference	16.00	171.16	187.16
12/03-08/78	ANC/FBK/KEN	Supreme Court Sessions	332.50	292.61	625.11
12/09/78	Juneau	Upgrade of return ticket		23.34	23.34
12/17-19/78	Anchorage	Supreme Court Conference	95.50	171.16	266.66
1/11-12/79	Anchorage	Supreme Court Conference	119.50	171.16	290.66
1/14-19/79	Anch./Fbks.	Supreme Court Session	343.00	238.93	581.93
2/04/79	Anchorage	Excess Baggage		6.00	6.00
3/12-16/79	Anch./Fbks.	Supreme Court Sessions	297.00	238.93	535.93
4/04-06/79	Anchorage	Supreme court Conference	177.00	171.16	248.16
4/09-13/79	Anchorage	Supreme Court Sessions	279.50	145.49	424.99
5/06-11/79	Anch./Fbks.	Supreme Court Sessions	356.75	242.34	599.09
5/20-21/79	Anchorage	Supreme Court Conference	126.75	171.16	297.91
5/23-25/79	Chicago	Exec.Comm.Chief Just. Conf.	135.75	463.44	599.19
5/28-30/79	Anchorage	Supreme Court Conference	184.00	171.16	355.16
6/10-13/79	Sitka	Judicial Conference	218.75	64.24	282.

Edmond W. Burke

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
8/28-9/1/78	Spearfish, SD	Six-State Jud. Conference	350.00	424.00	774.00
9/18/78	Fairbanks	Oral Arguments	21.00	102.12	123.12
9/27-28/78	Ketchikan	Conference/Oral Arguments	87.50	244.49	331.99
11/13/78	Fairbanks	Oral Argements	21.00	102.12	123.12
11/26-28/78	Juneau	Oral Arguments/Court Conf.	151.25	196.83	348.08
12/04/78	Fairbanks	Oral Arguments	21.00	102.12	123.12
12/08/78	Kenai	Oral Arguments	-0-	35.00	35.00
3/15/79	Fairbanks	Oral Arguments	96.25	117.44	213.69
5/10-11/79	Fairbanks	Oral Arguments	109.00	102.12	211.12
6/09-14/79	Sitka	Judical Conference	247.00	180.08	427.08
6/25/79	Fairbanks	Oral Arguments	17.00	102.12	119.12

774.00 +
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 213.69 +
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 427.08 +
 119.12 +
 2829.44 *

Burke

Roger G. Connor

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
7/14-31/78	Idaho	Speak at Judicial Conference	344.50	358.70	703.20
9/17-18/78	Fairbanks	Oral Arguments	104.60	102.12	206.72
9/26-29/78	Jno./Ketch.	Conference & Oral Arguments	237.06	247.73	484.79
11/12-13/78	Fairbanks	Oral Arguments	101.50	102.12	203.62
10/20-11/6/78	Calif./Ore.	West. Reg. Conf. and interview Law Clerks.	704.28	502.50	1206.78
11/26-28/78	Juneau	Oral Arguments/Conference	156.25	171.16	327.41
12/03-04/78	Fairbanks	Oral Arguments	104.60	102.12	206.72
12/05-14/78	Miami	Natl. Center for State Courts	362.50	746.50	1109.00
1/18-19/79	Fairbanks	Oral Arguments	105.50	102.12	207.62
1/24-26/79	Juneau	Administrative Meeting	129.95	171.16	301.11
3/05-09/79	Juneau	Oral Arguments/Law Conf.	242.45	171.16	413.61
5/09-11/79	Fairbanks	Oral Arguments	150.00	102.12	252.12
06/13-14/79	Juneau	Oral Arguments	105.25	207.72	312.97
06/24-25/79	Fairbanks	Oral Arguments	104.50	102.12	206.62

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-- Connor --

John Dimond

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
9/20-21/78	Anchorage	Supreme Court Session	114.60	171.16	285.76
10/15-21/78	Anchorage	Supreme Court Session	342.90	171.16	514.06
1/15-19/79	Anch./Fbks.	Supreme Court Sessions	333.40	171.16	504.56
1/17/79	Anc. to Fbks.	Supreme Court Session		117.43	117.43
2/19-23/79	Anchorage	Supreme Court Conference	297.50	171.16	468.66
3/13-16/79	Anch./Fbks.	Supreme Court Sessions	241.50	238.93	480.43
4/09-10/79	Anchorage	Supreme Court Session	127.50	171.16	298.66
5/06-11/79	Anch./Fbks.	Supreme Court Sessions	374.30	238.98	613.28
6/26-27/79	Anchorage	Supreme Court Session	143.15	171.16	314.31

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Warren W. Matthews, Jr.

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
09/18/78	Fairbanks	Oral Argument	27.75	102.12	129.87
9/27-10/3/79	Jno./Ketch.	Conference/Oral Argument	90.50	244.49	334.99
10/25-11/2/78	San Fran.	Western Regional Conf.	442.07	254.54	696.61
11/13/78	Fairbanks	Oral Argument	19.00	102.12	121.12
11/26-28/78	Juneau	Oral Argument	151.25	171.16	322.41
12/04/78	Fairbanks	Oral Argument	29.00	102.12	131.12
12/08/78	Kenai	Oral Argument	7.50	35.00	42.50
1/19/79	Fairbanks	Oral Argument	19.00	102.12	121.12
3/05-08/79	Juneau	Oral Argument	223.75	171.16	394.91
3/15-16/79	Fairbanks	Oral Argument	106.00	117.44	223.44
5/10-11/79	Fairbanks	Oral Argument	93.00	102.12	195.12
6/10-14/79	Sitka/Juno.	Judicial Conf./Oral Argument	304.25	207.74	511.99

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Matthews - - - - -

Robert D. Bacon
 Clerk of Supreme Court

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
8/12-18/78	Wash. D. C. to Juneau	Report to Juneau for duty as Clerk of Supreme Court/ Conference in Michigan	337.50	505.88	843.38
8/18-25/78	-	Temporary Living Per Diem		362.50	362.50
9/28/78	Ketchikan	Supreme Court Session	21.00	95.41	116.41
9/12-18/78	Anch./Fbks.	Confer with Admin. Personnel	378.50	238.93	617.43
10/10-21/78	Anchorage	Supr. Court Session./Admin.	660.53	171.16	831.69
11/07-09/78	Anchorage	Supreme Court Conf/Admin.	177.50	171.16	348.66
11/29-30/78	Anchorage	Administrative Matters	95.50	171.16	266.66
12/14/78	Anchorage	Administrative Matters	25.00	171.16	196.16
12/18-19/78	Anchorage	Supreme Court Conference	21.00	171.16	192.16
1/02-4/79	Fbks./Anch.	Confer w/Ch. Justice/Admin.	179.50	238.93	418.43
1/10-12/79	Anchorage	Supr. Court Conf./Admin.	173.50	171.16	344.66
2/13-14/79	Anchorage	Confer with Admin. Personnel	187.20	171.16	358.36
3/13-15/79	Anchorage	Administrative Matters	177.50	171.16	348.66
3/26-29/79	Anch./Fbks.	Administrative Matters	237.00	238.93	475.93
4/05/79	Anchorage	Administrative Matters	41.80	171.16	212.96
4/09-11/79	Anchorage	Supreme Court Session/Admin.	173.00	171.16	344.16
5/14-17/79	Anchorage	Supreme Court Session/Admon.	240.50	171.16	411.66
5/28-30/79	Anchorage	Supreme Court Session	169.50	171.16	340.66
6/18-21/79	Fbks./Anch.	Confer w/Ch. Justice/Admin.	246.40	225.88	472.28
6/07-09/79	Sitka	Alaska Bar Convention	155.00	128.48	283.46
6/11-14/79	Sitka	Judicial Conference	202.27	128.48	330.75
6/26/79	Anchorage	Supreme Court Session	50.00	138.24	188.24

Connie Staska
Chief Deputy Clerk

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
7/17-18/78	Anchorage	Confer w/Admin. Personnel	100.00	171.16	271.16
8/12-18/78	Michigan	Natl. Appellate Crt. Conf.	407.85	532.97	940.82
11/09/78	Anchorage	Administrative Matters	13.00	171.16	184.16
11/29-30/78	Anchorage	Administrative Matters	105.95	171.16	277.11
3/27/79	Anchorage	Administrative Matters	28.00	171.16	199.16



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Rick Barrier
FROM: Rocky Plotnick *Rocky*
DATE: September 19, 1979
RE: Supreme Court Travel

At the House Judiciary work session on September 13th a question came up regarding travel of the Supreme Court. Members would like to know how much was spent on travel in the past year (fiscal or calendar, whatever you have) and where those trips were.

Please note our new Anchorage mailing address and call if you have any questions.

House Judiciary Committee
1016 West 6th Ave., Suite 201
Anchorage, Alaska 99501

277-7540
277-7549

Plotnick



Alaska Judicial Council

420 L Street, Suite 502
ANCHORAGE, ALASKA
99501
(907) 278-2528

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SUPREME COURT

STATISTICAL ANALYSIS OF
MISDEMEANOR SENTENCES
IN
ANCHORAGE AND FAIRBANKS

(August 15, 1974 - August 14, 1976)

November 7, 1979

PRELIMINARY REPORT

Prepared By

Michael L. Rubinstein
Executive Director

Nicholas Maroules
Analyst

Teresa White
Research Supervisor

Methodology

This analysis is based on 1795 cases that began as misdemeanor charges and resulted in convictions during the two-year period between August 15, 1974 and August 14, 1976. The data contains offenses against state and municipal codes in Anchorage and Fairbanks. It was originally collected for purposes of our plea bargaining study.

The population source was the Judicial Information System records which are the official records of the Alaska Court System. The Technical Operations office of the court system (Mr. Merle Martin) furnished us with a listing of about 14,000^{1/} misdemeanor convictions by case number for the two-year period of interest. On the basis of standard statistical procedures a sample size was determined that would be representative of this population. The size of the total sample was then increased to enhance its representativeness, and, as we will explain below, to allow for the overrepresentation of cases convicted after trials.

^{1/} Although the official records for the period of the study are no longer available, Merle Martin of Technical Operations estimated that there were approximately 14,400 misdemeanor convictions during this period.

The major hypothesis that was originally to be tested under the federal grant concerned changes, if any, in plea/trial sentencing differentials--differences in sentences received by those convicted after trial vis-a-vis those who pled guilty. We sought to find out whether such differentials were affected by the new plea bargaining policy. Thus, it was important to sample a sufficient number of cases that were convicted after trial. Since proportionately few cases actually went to trial, it was decided that all of the 309 trial cases during the two-year period (309 out of 14,000) should be included in the sample. The remainder of the sample--i.e., the 1486 convictions that involved guilty pleas--were randomly selected from the Judicial Information Systems records using a standard sampling technique. According to this technique cases are selected according to random numbers taken from a table of random numbers. The overweighted trial convictions constituted 17% of the present sample N of 1795 cases, while randomly-selected guilty-plea sentences constituted the remaining 83%.^{2/}

The basic outcome variable of "sentence"--both jail and fine-- was adjusted to reflect periods of time and sums of money suspended from the sentence. Means (averages) of these adjusted or "net" sentences were then used in breakdown and analysis of variance procedures to

^{2/} The 309 trial cases included 38 Black cases (28.1% of all Black cases in the sample), 37 Native cases (10.8% of all Native cases), and 215 White cases (18.2% of all White cases). This is fairly consistent with findings in our felony plea bargaining study indicating that Blacks go to trial more often than Whites and Natives go to trial least of all among the three groups.

compare sentences across different subpopulations or groups. Thus, for instance, mean sentences can be broken down according to the level of severity of the defendant's prior record, by his racial group, by whether the conviction was by guilty plea or trial, or by several of these variables at once. The likelihood of receiving probation is expressed by the proportion (in per cent) of a subpopulation that receives a zero jail sentence.

For purposes of analysis we classified misdemeanor offenses according to five broad categories that we believed reflected some substantive similarity. These include (1) Property, (2) Street Crimes, (3) Assaults, (4) Traffic and (5) OMVI-DWI offenses. Representative offenses included in each of these categories are listed in footnote 3, infra.

Analysis Across All Five Offense Classes

The tables that follow deal primarily with mean (average) sentences. Jail times are in days and fines in dollar amounts. These mean sentences were computed only for defendants who received active sentences--that is, sentences of at least one day in jail. Thus, cases that received no active time (0 days in jail) are omitted from the computation.

Averaging in all offenses, Natives and Blacks received substantially longer jail sentences than Whites (Table I). The mean jail

term for Natives (13.76 days) is 83% longer than that of Whites (7.53 days). The mean jail term for Blacks (11.06 days) is 68% higher than that of Whites.

TABLE I

OVERALL MEAN JAIL SENTENCES
BY RACE (IN DAYS)

<u>Blacks</u>	11.06	(64)
<u>Natives</u>	13.76	(181)
<u>Other</u>	7.53	(286)

significant at .001

These mean sentences do not take into account the substantive nature of the convicted offenses or any other variables. Table II reflects a breakdown of mean sentences according to the type or class of misdemeanor at conviction.^{3/}

^{3/} For purposes of this analysis, misdemeanors were classified in five broad groups. These classes are not the same as those we used in the felony analysis. Class I: Property Offenses. Includes petty larceny, malicious destruction, concealment of merchandise, joy riding, credit card theft, and misdemeanor embezzlement. Class II: Street Crimes. Includes disorderly conduct, vagrancy, and prostitution-related offenses, and non-traffic alcohol offenses. Class III: Assaults. Includes simple assault and battery, "misdemeanor" assault with a dangerous weapon and misdemeanor weapons offenses. Class IV: Traffic Offenses. Include reckless driving, negligent driving, and failure to render assistance. Class V: OMVIs and DWI.

TABLE II

MEAN JAIL SENTENCES FOR EACH
CLASS OF MISDEMEANOR BY RACE
(IN DAYS)
(ACTIVE JAIL ONLY)

	<u>BLACKS</u>	<u>NATIVES</u>	<u>WHITES</u>	<u>SIGNIFICANCE</u>
<u>PROPERTY</u>	12.04 (26)	18.30 (78)	7.39 (79)	.001
<u>STREET</u>	13.84 (19)	6.18 (28)	8.66 (53)	NO
<u>ASSAULTS</u>	9.20 (10)	9.43 (23)	8.50 (29)	NO
<u>TRAFFIC</u>	10.00 (1)	20.33 (12)	6.88 (26)	.001
<u>OMVI</u>	3.75 (8)	11.00 (39)	6.94 (100)	.05

The above table indicates that mean Native jail sentences are substantially ^{4/} longer than those of whites for three of the misdemeanor types: property offenses (148% higher), traffic offenses (195% higher), and OMVI/DWLs (59% higher). Among street offenses, Natives received a less severe mean jail sentence than Whites (29% less than Whites). Black mean sentences are substantially longer than White sentences in two classes of offense--property (63%) and street (60%).

Note that there are no appreciable differences in mean sentences among the three racial groups for misdemeanor assaults. This parallels

^{4/} "Substantial has been operationally defined as a mean sentence 50% greater than the mean sentence for Whites.

the finding of our previous felony sentencing study in which Class 2 (violent) offenses were apparently unaffected by any racial bias.

Another way of representing the overall differences in the sentences received by the three racial groups is to compare the proportion of each population receiving a categorical sentence. Five categories of length of jail sentence were used in this analysis, including (1) no active time (all suspended), (2) one to three days in jail, (3) four to seven days, (4) eight to fourteen days, and (5) over fifteen days.^{5/} Table III (a bar graph) represents in graphic form the proportion of Black, Native and White defendants receiving these categorical sentences.

5/

These categories were selected based on a frequency distribution of all misdemeanor sentences. We were interested in utilizing a scheme where each level (or category) would have a substantial number of cases.

TABLE III

PROPORTION OF RACIAL GROUP
(in %)

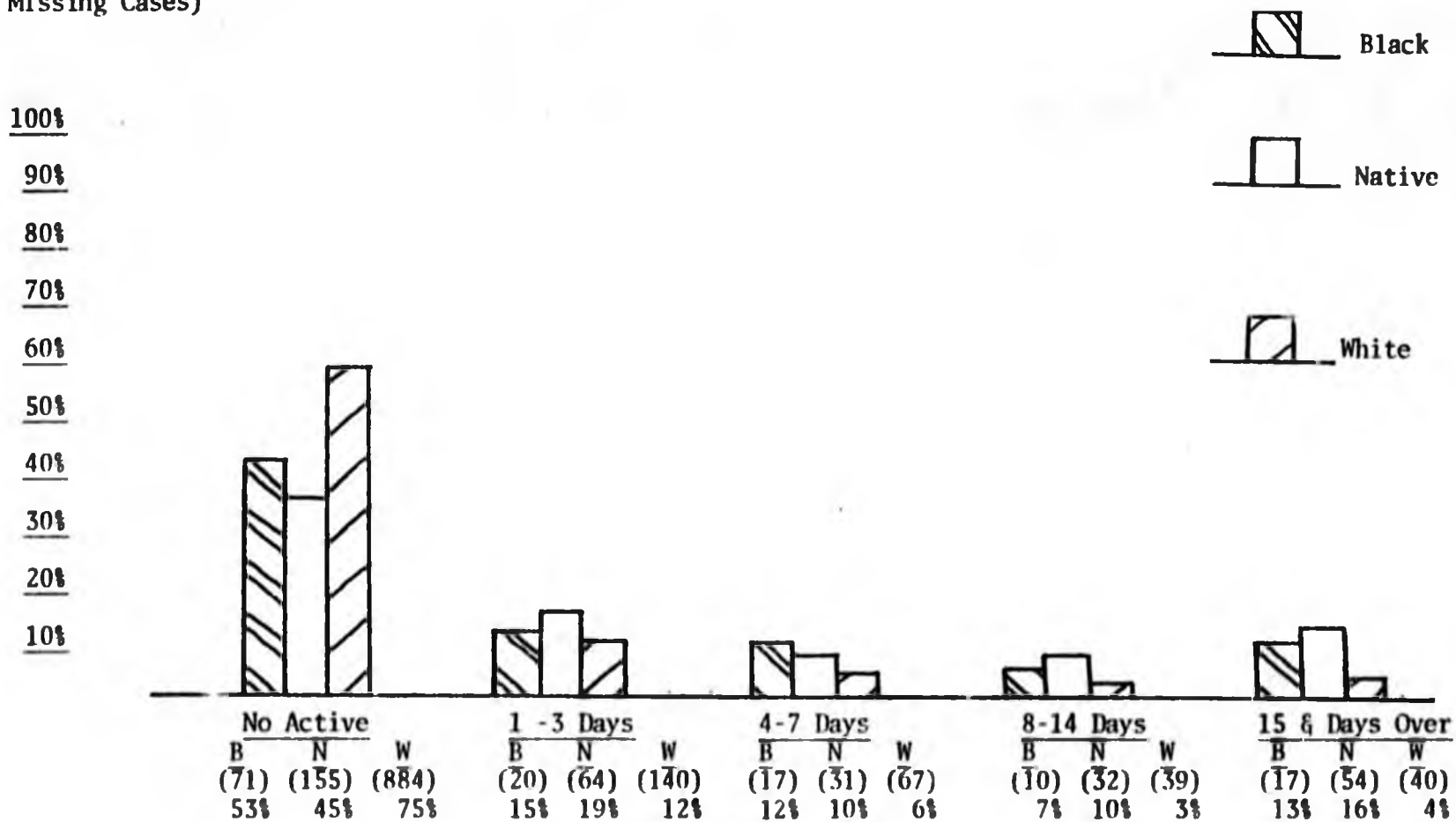
PROPORTION OF RACIAL SUBGROUPS
RECEIVING CATEGORICAL SENTENCES

(135 Blacks = 100%)

(342 Natives = 100%)

(1180 Whites = 100%)

TOTAL N= 1657 (138 Missing Cases)



Prior Record

The severity of the defendant's prior criminal record shows a strong positive association with length of jail sentence. As Table IV shows, mean jail sentence increases as the prior record increases in severity. This table indicates that those defendants with the worse prior misdemeanor records (10 or more prior misdemeanor convictions) received longer mean sentences than those with two or more prior felony convictions.

TABLE IV

MEAN JAIL SENTENCES
BY LEVEL OF SEVERITY OF
PRIOR RECORD
(IN DAYS)
(ACTIVE JAIL SENTENCES ONLY)

All Defendants	10.08	(566)
No prior record	7.42	(188)
1-3 misdemeanors	9.10	(195)
4-9 misdemeanors	10.20	(84)
10/more misdemeanors	19.00	(19)
2/more felonies	17.25	(13)

Given the relationship between severity of prior record and length of jail sentence it is important to consider the distribution of Natives and Whites within the prior-record variable. Perhaps Natives have considerably worse prior records than Whites, and perhaps this difference in prior records explains their longer mean jail sentences.

TABLE V

PROPORTION OF RACIAL
GROUP BY LEVEL OF
SEVERITY OF PRIOR RECORD
(PROPORTION EXPRESSED IN %)

	<u>Natives</u>	<u>Whites</u>
No prior record	28% (97)	53% (623)
1-3 misdemeanors	38% (127)	30% (341)
4-9 misdemeanors	17% (59)	8% (91)
10/more misdemeanors	4% (12)	1% (14)
2/more felonies	13% (43)	8% (89)

significant at .001

Table V, above, indicates that Natives do have worse prior records than Whites. Subsequent tables consider the hypothesis that these worse prior records account for their longer mean jail sentences. Accordingly, mean jail sentences were broken down according to the above levels of severity of prior record for Natives and Whites.

Table VI (below) shows that Natives consistently received longer sentences than Whites among all levels of prior record. Whether the Natives had many prior convictions or few prior convictions, when compared to Whites in the same prior-record group, the Natives always received more severe sentences. Note that Natives with no prior convictions at all received jail sentences almost twice as long as those of similarly situated Whites (11.00 days vs. 6.05 days).