

NOTES TO DECISIONS

Applied in *Alaskans for Efficient Gov't, Inc. v. Knowles*, 91 P.3d 273 (Alaska 2004).

Sec. 44.06.060. Commission. The legislature shall establish a commission composed of nine members, including a chairperson and two persons from each judicial district, appointed by the governor and confirmed by the legislature, to determine the costs required by initiatives or legislative enactments authorizing relocation of any of the present functions of state government. (§ 3 1994 Ballot Measure No. 5)

NOTES TO DECISIONS

Constitutionality. — This section does not violate Alaska Const., art. XI, § 7, because it does not specify procedural requirements that could be placed upon the initiative process; further, Alaska Const., art. XI, § 6 provides that additional procedures for the initiative and referendum can be prescribed by law. *Alaskans for Efficient Gov't, Inc. v. Knowles*, 91 P.3d 273 (Alaska 2004).

Appointment of commission. — The governor is required to appoint a FRANK Commission only if voters first pass the relocation initiative. *Alaskans for Efficient Gov't, Inc. v. Knowles*, 91 P.3d 273 (Alaska 2004).

Secs. 44.06.100 — 44.06.299. Capital relocation, expenditures, planning. [Repealed, § 1 ch 54 SLA 1981.]

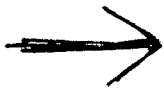
Chapter 07. Alaska Capital City Development Corporation.

Revisor's notes. — Section 1, ch. 143, SLA 1978 added a new chapter, designated AS 44.63 and renumbered in 1978 as AS 44.07. Chapter 143, however, had a conditional effective date and that condition has never been met. Section 7, ch. 143, SLA 1978 provided that the Act would take "effect 30 days after certification that a bond issue for costs of relocation of the capital has been adopted by the voters of the state." In November 1978, the voters rejected a bond issue for costs of relocation of the capital. Chapter 54, SLA 1981, placed a ballot question before the voters related to the relocation of the capital. At the November

1982 general election that ballot measure failed, and by the conditions of ch. 54, SLA 1981 all other provisions related to capital relocation were repealed. The failure to include the repeal of ch. 143, SLA 1978 may have been intentional, because the law had not gone into effect and, therefore, did not need to be repealed. All other provisions of the Alaska Statutes that would have been affected by ch. 143, SLA 1978 have subsequently been repealed or amended by the legislature. For the text of the law enacted by ch. 143, SLA 1978, see either the 1980 or 1984 pamphlets for this title, or the 1978 Session Laws of Alaska.

Chapter 08. Relocation Indemnification.

[Repealed, § 1 ch 54 SLA 1981.]



Chapter 09. State Seal, Flag, and Emblems.

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Sec. 44.09.010. State seal. The official seal of the State of Alaska is comprised of two concentric circles between which appear the words "The Seal of the State of Alaska" and within the inner circle is the design of the seal corresponding to the representation in this section.



(§ 2 ch 141 SLA 1960)

Collateral references. — 68 Am. Jur. 2d, Seals, § 10. 79 C.J.S., Seals, § 1 et seq.

Sec. 44.09.015. Use of seal without permission prohibited. (a) A person may not use or make a die or impression of the state seal for any advertising or commercial purpose, unless written permission has first been obtained from the lieutenant governor.

(b) Violation of this section is a misdemeanor, and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both. (§ 1 ch 90 SLA 1968)

Revisor's notes. — Formerly AS 11.60.225. Re-numbered in 1978.

NOTES TO DECISIONS

Constitutionality. — Since a statute forbidding the use of the official state seal "for any advertising or commercial purpose" does not impact any non-commercial use of the seal, and since the state has a legitimate governmental interest in regulating the commercial use of that seal, there was no constitutional bar to the prosecution of the defendant for marketing commemorative coins bearing the seal. *State v. Robart*, 988 P.2d 1114 (Alaska Ct. App. 1999).

No preemption by federal copyright law. — Federal copyright law did not preempt this section, as it was clear that states had the power to protect symbols of their sovereignty, state seals appeared to be more akin to trademarks or service marks than they were to the type of work Congress intended copyrights to cover, and it seemed evident that Con-

gress, by protecting specific important federal seals that were left unprotected by copyright law and by federal trademark law, did not intend to prohibit states from protecting seals that represented state sovereignty. *Robart v. State*, 82 P.3d 787 (Alaska Ct. App. 2004), cert. denied, 543 U.S. 940, 125 S. Ct. 310, 160 L. Ed. 2d 249 (2004).

Jury instructions. — Instructions given by the judge adequately informed the jury as to what constituted a "writing" under the statute, and as to what "acting reasonably" meant, and from this, defendant was allowed to argue that a letter from the governor, despite its lack of relevant language, was a "writing." *Robart v. State*, 82 P.3d 787 (Alaska Ct. App. 2004), cert. denied, 543 U.S. 940, 125 S. Ct. 310, 160 L. Ed. 2d 249 (2004).

Sec. 44.09.017. Commemorative gold and silver medallions. (a) The Department of Administration shall contract or otherwise arrange for the minting and sale of Alaska commemorative medallions minted only from .999 fine gold and silver in weights determined by the commissioner of administration. Gold and silver mined in Alaska shall be used in the production of the medallions. The state shall receive a royalty from the sale of the medallions. The amount of the royalty shall be determined by the commissioner of administration.

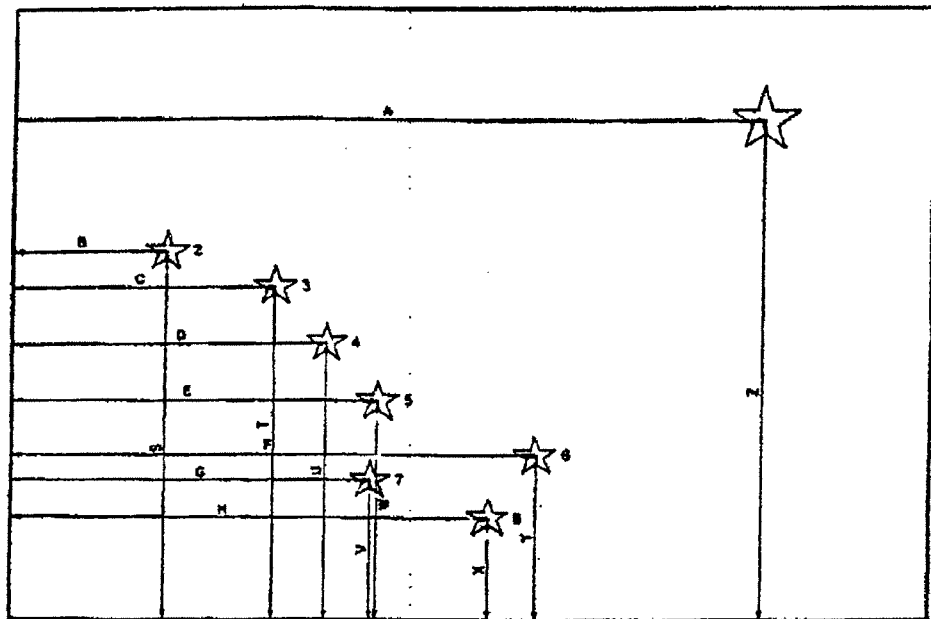
(b) One side of the commemorative medallions minted under this section shall contain the state seal. The design for the other side shall be determined in an annual contest conducted by the contractor under the supervision of the Department of Administration. Only designs using an Alaska theme and submitted by an Alaska resident may be considered in the contest. Payment for the winning design may not exceed \$1,000.

(c) [Repealed, § 35 ch 126 SLA 1994.] (§ 1 ch 2 SLA 1988; am § 35 ch 126 SLA 1994)

Sec. 44.09.020. State flag. The design of the official flag is eight gold stars in a field of blue, so selected for its simplicity, its originality, and its symbolism. The blue, one of the national colors, typifies the evening sky, the blue of the sea and of mountain lakes, and of wild flowers that grow in Alaskan soil, the gold being significant of the wealth that lies hidden in Alaska's hills and streams.

The stars, seven of which form the constellation Ursa Major, the Great Bear, the most conspicuous constellation in the northern sky, contains the stars which form the "Dipper," including the "Pointers" which point toward the eighth star in the flag, Polaris, the North Star, the ever constant star for the mariner, the explorer, hunter, trapper, prospector, woodsman, and the surveyor. For Alaska the northernmost star in the galaxy of stars represents Alaska, the forty-ninth star in the national emblem.

The flag of the Territory of Alaska is the official flag of the state. The standard proportions and size graphically delineated herein shall be used in the manufacture of the official flag of Alaska. The stars shall be the color of natural yellow gold and the field of blue shall be of the same shade of blue used in the official manufacture of the national emblem of the United States. The design, standard proportions, and size are as follows:



STATE PROPORTIONS AND SIZE

HOIST (WIDTH VERT.) 1.000
 FLY (LENGTH HORZ.) 1.416
 DIAM. LARGE STAR .104
 DIAM. SMALL STARS .062

1		2		3		4		5		6		7		8	
A	Z	B	S	C	T	D	U	E	W	F	Y	G	V	H	X
1.158	.818	.229	.604	.396	.542	.479	.453	.563	.360	.813	.271	.552	.229	.740	.167

(§ 1-1-4 ACLA 1949; am § 1 ch 29 SLA 1959; am § 1 ch 3 SLA 2007)

Revisor's notes. — The official flag described in this section was the winning design of the flag contest held in 1927 by the American Legion, Department of Alaska, in the public, private, and Native schools of the territory.

Effect of amendments. — The 2007 amendment, effective June 13, 2007, substituted "represents Alaska" for "and which at some future time will take its place as" in the last sentence of the second paragraph.

Sec. 44.09.030. Display and retirement of flags. (a) The official flag of the state shall be displayed with the flag of the United States only from sunrise to sunset, or between the hours designated by proper authority. However, the flag may be displayed after sunset upon special occasions when it is desired to produce a patriotic effect.

(b) The flag of the United States and the flag of the State of Alaska shall be displayed daily, weather permitting, in the following places:

(1) on or near the main administration building of every institution under the authority or control of the state government;

(2) in or near every schoolhouse during school days.

(c) An official flag of the state that is no longer a fitting emblem for display because it is worn, tattered, or otherwise damaged may be respectfully retired by fire. (§ 1-1-3 ACLA 1949; am § 1 ch 26 SLA 1955; am § 2 ch 3 SLA 2007)

Effect of amendments. — The 2007 amendment, effective June 13, 2007, added subsection (c).

Sec. 44.09.040. State song. The song "Alaska's Flag," with music composed by Elinor Dusenbury and words by Marie Drake, is the official song of the state. The words of the official song are as follows:

Alaska's Flag

Eight stars of gold on a field of blue —
Alaska's flag. May it mean to you
The blue of the sea, the evening sky,
The mountain lakes, and the flow'rs nearby;
The gold of the early sourdough's dreams,
The precious gold of the hills and streams;
The brilliant stars in the northern sky,
The "Bear" — the "Dipper" — and, shining high,
The great North Star with its steady light,
Over land and sea a beacon bright.
Alaska's flag — to Alaskans dear,
The simple flag of a last frontier.

(§ 1 ch 6 SLA 1955)

Sec. 44.09.045. State motto. The official motto of the State of Alaska is: North to the Future. (§ 1 ch 36 SLA 1967)

Sec. 44.09.050. State flower. The wild native forget-me-not is the state flower and floral emblem. (§ 1-1-5 ACLA 1949)

Sec. 44.09.060. State bird. The Alaska Willow Ptarmigan (*Lagopus lagopus alascensis* Swarth) is the official bird of the state. (§ 1 ch 1 SLA 1955)

Sec. 44.09.070. State tree. The Sitka spruce (*picea sitchensensis*), which is recognized as the most valuable tree species in Alaska and which is found in both national forests of the state, is the official tree of the state. (§ 1 ch 12 SLA 1962)

Sec. 44.09.075. State marine mammal. The bowhead whale is the state marine mammal. (§ 2 ch 88 SLA 1983)

Sec. 44.09.078. State land mammal. The moose (*Alces alces*) is the state land mammal. (§ 1 ch 17 SLA 1998)

Sec. 44.09.080. State fish. The king salmon (*Oncorhynchus tshawytscha*) is the official fish of the state. (§ 1 ch 20 SLA 1963)

Sec. 44.09.085. State sport. Dog mushing is the official sport of Alaska. (§ 1 ch 38 SLA 1972)

Sec. 44.09.090. State medal for heroism. (a) The governor is authorized to award a state medal for heroism directly or posthumously to any citizen of the state in recognition of a valorous and heroic deed performed in the saving of a life or for injury or death or threat of injury or death incurred in the service of the state or the citizen's community or on behalf of the health, welfare, or safety of other persons. The medal shall be awarded by the governor with an appropriate ceremony.

(b) The governor shall make arrangements for the designing of the medal for heroism through a statewide design competition participated in by the school children of the state. (§ 1 ch 12 SLA 1965)

Sec. 44.09.100. State gem. Jade is the official state gem. (§ 1 ch 51 SLA 1968)

Sec. 44.09.110. State mineral. Gold is the official state mineral. (§ 1 ch 50 SLA 1968)

Sec. 44.09.120. State fossil. The woolly mammoth (*Mammuthus primigenius*) is the official state fossil. (§ 2 ch 31 SLA 1986)

Cross references. — For legislative intent, see § 1, ch. 31, SLA 1986, in the Temporary and Special Acts.

Sec. 44.09.130. State insect. The four spot skimmer dragonfly is the official state insect. (§ 1 ch 49 SLA 1995)

Sec. 44.09.140. State dog. The Alaskan Malamute is the official state dog. (§ 1 ch 17 SLA 2010)

Effective dates. — Section 1, ch. 17, SLA 2010, which enacted this section, is effective August 10, 2010.