

**ALASKA STATE LEGISLATURE  
HOUSE COMMUNITY AND REGIONAL AFFAIRS  
STANDING COMMITTEE**

January 30, 2003

8:02 a.m.

**MEMBERS PRESENT**

Representative Carl Morgan, Chair  
Representative Tom Anderson  
Representative Mike Chenault  
Representative Ralph Samuels  
Representative Sharon Cissna  
Representative Albert Kookesh

**MEMBERS ABSENT**

Representative Kelly Wolf, Vice Chair

**COMMITTEE CALENDAR**

HOUSE BILL NO. 58

"An Act relating to the reinstatement of Native corporations;  
and providing for an effective date."

- MOVED HB 58 OUT OF COMMITTEE

HOUSE BILL NO. 45

"An Act adding a second verse to the official Alaska state  
song."

- MOVED HB 45 OUT OF COMMITTEE

**PREVIOUS ACTION**

BILL: HB 58

SHORT TITLE:REINSTATEMENT OF NATIVE CORPS

SPONSOR(S): REPRESENTATIVE(S)FOSTER

Jrn-Date	Jrn-Page		Action
01/21/03	0047	(H)	READ THE FIRST TIME - REFERRALS
01/21/03	0047	(H)	CRA, L&C
01/30/03		(H)	CRA AT 8:00 AM CAPITOL 124

BILL: HB 45

SHORT TITLE:SECOND VERSE OF ALASKA'S STATE SONG

SPONSOR(S): REPRESENTATIVE(S) WEYHRAUCH

Jrn-Date	Jrn-Page		Action
01/21/03	0043	(H)	PREFILE RELEASED (1/10/03)
01/21/03	0043	(H)	READ THE FIRST TIME - REFERRALS
01/21/03	0043	(H)	CRA, STA
01/29/03	0089	(H)	COSPONSOR(S): MORGAN
01/30/03		(H)	CRA AT 8:00 AM CAPITOL 124

**WITNESS REGISTER**

LARRY LaBOLLE, Staff  
to Representative Richard Foster  
Alaska State Legislature  
Juneau, Alaska  
POSITION STATEMENT: Presented HB 58 on behalf of the bill  
sponsor, Representative Foster.

CARL PELOWOOK, President  
Savoonga Native Corporation  
Savoonga, Alaska  
POSITION STATEMENT: Testified on HB 58.

SALLY SADDLER, Legislative Liaison  
Department of Community & Economic Development  
Juneau, Alaska  
POSITION STATEMENT: Testified that the department staff have  
reviewed HB 58 and see no problems with it.

LINDA SYLVESTER, Staff  
to Representative Bruce Weyhrauch  
Alaska State Legislature  
Juneau, Alaska  
POSITION STATEMENT: Presented HB 45 on behalf of the sponsor,  
Representative Weyhrauch.

TERI TIBBETT, Staff  
to Representative Max Gruenberg  
Alaska State Legislature  
Juneau, Alaska  
POSITION STATEMENT: During the hearing on HB 45, sang both  
verses of Alaska's state song.

TOM STEWART, Retired Superior Court Judge  
Juneau, Alaska

POSITION STATEMENT: During the hearing on HB 45, explained his involvement with the Commission on Tolerance and its report recommending the adoption of the second verse to Alaska's official state song.

ALLAN MacKINNON  
Juneau, Alaska

POSITION STATEMENT: Urged the committee to [pass HB 45 from committee].

#### **ACTION NARRATIVE**

#### **TAPE 03-1, SIDE A**

Number 0001

**CHAIR CARL MORGAN** called the House Community and Regional Affairs Standing Committee meeting to order at 8:02 a.m. Representatives Morgan, Anderson, Chenault, Samuels, Cissna, and Kookesh were present at the call to order.

#### HB 58-REINSTATEMENT OF NATIVE CORPS

CHAIR MORGAN announced that the first order of business would be HOUSE BILL NO. 58, "An Act relating to the reinstatement of Native corporations; and providing for an effective date."

REPRESENTATIVE RICHARD FOSTER, Alaska State Legislature, speaking as the sponsor of HB 58 turned to his staff for the presentation of the bill.

Number 0361

LARRY LaBOLLE, Staff to Representative Richard Foster, Alaska State Legislature, explained that HB 58 provides a window of opportunity for Native village corporations to be reinstated under the corporate laws of the State of Alaska. When a Native village corporation fails to renew its corporation papers, the corporation has one year [to renew] otherwise the corporation is involuntarily dissolved. This is problematic because the corporation name can be taken by someone else. "But it isn't just the corporation name, it's the corporation's properties," he pointed out. The original corporation is the one to whom the property and monies involved in the [Alaska Native Claims Settlement Act] were granted by the federal government. Although he surmised that technically one could argue that the [the new corporation] could assume the properties of the previous corporation, providing this window of opportunity [for

the corporation] to regain the original corporation under the statutes is much cleaner and not open to challenge. Mr. LaBolle pointed out that the title specifies "Native corporations" and thus no one else can use this legislation to circumvent the laws of this state. He also pointed out that the fiscal note is zero.

Number 0636

CARL PELOWOOK, President, Savoonga Native Corporation, indicated that the [Savoonga Native Corporation] was involuntarily dissolved and reincorporated under the same name. [Therefore, it seeks to confirm its new status via this legislation.]

SALLY SADDLER, Legislative Liaison, Department of Community & Economic Development (DCED), informed the committee that staff in the Division of Banking, Securities & Corporations have reviewed HB 58 and see no problems with it. The [division] staff have indicated that there will probably be three Native village corporations that would be able to take advantage of HB 58. She noted that the cost to operate this would be negligible and would be absorbed in the routine operating expenses. There may be a small revenue impact due to the collection of fees and penalties.

Number 1060

REPRESENTATIVE ANDERSON moved to report HB 58 out of committee with individual recommendations and the accompanying fiscal note(s). There being no objection, it was so ordered.

HB 45-SECOND VERSE OF ALASKA'S STATE SONG

CHAIR MORGAN announced that the next order of business would be HOUSE BILL NO. 45, "An Act adding a second verse to the official Alaska state song."

Number 1120

LINDA SYLVESTER, Staff to Representative Bruce Weyhrauch, Alaska State Legislature, presented HB 45 on behalf of the sponsor, Representative Weyhrauch. Ms. Sylvester explained that HB 45 proposes the adoption of a second verse to the Alaska's state song. Legislation to add a second verse was first introduced in 1986 by a Juneau representative and again in 1995 by Representative Morgan. This legislation was well received by the House, although it wasn't adopted by the Senate. She

indicated that the Senate took a cautious approach to the adoption of a new symbol for the state. She noted that the statutes include a list of state symbols, such as the state song, motto, flower, marine mammal, land mammal, fish, et cetera.

MS. SYLVESTER informed the committee that the first verse of Alaska's state song was originally written as a poem, an ode to the flag, and was never intended to be a song. The poem was set to music composed by Elinor Dusenbury and was adopted as the official state song in 1956. In 1960, the song was gifted to the University of Alaska Foundation as was the case in 1987 with the second verse. Ms. Sylvester turned to the history of the second verse. She explained that Constance Monroe, one of the principals in [the creation of the second verse], felt that the state song was narrow because it only speaks about the flag and miners. Ms. Monroe was a good friend of Representative Alvin Osterback's wife, Marie. Ms. Monroe spoke with Representative Osterback and Senator [Frank] Ferguson about having a second verse to the state song, which would be determined through a statewide contest. The legislators didn't like the idea of a statewide contest due to the expense. In 1985, Ms. Monroe prepared to leave the state. During this time, she called Carol Beery Davis and related that she was sad that a second verse to the song was never adopted. The next morning Ms. Beery Davis asked Ms. Monroe to review a draft of the second verse. Ms. Beery Davis took the second verse to Representative Osterback and Senator Ferguson to determine whether it was appropriate and they agreed it was.

MS. SYLVESTER said that the second verse is easy to love because the words are beautiful and inclusive of everyone. "The words capture the mystical awe that the state itself and the land hold for them," she said. The second verse isn't a tribute to Benny Benson, the boy who designed the flag, rather it's a tribute to what the flag itself means. She read the second verse. Ms. Sylvester related her view that the first verse of the song lauds the flag's symbolic representation of the landscape, while the second verse is symbolic of how Alaskans live and live together.

Number 1445

TERI TIBBETT, Staff to Representative Max Gruenberg, Alaska State Legislature, sang both verses of the Alaska state song.

MS. SYLVESTER addressed the copyright [of the second verse]. She noted that the University of Alaska Foundation holds the copyright for [the second verse as well as the first]. According to Scott Taylor, University of Alaska Foundation, the foundation's first obligation is to fulfill the wishes of the donor. Therefore, if this verse is adopted, it will be treated exactly as the first verse and the foundation will give nonexclusive rights for both commercial and nonprofit uses and thus the second verse could be adopted in its entirety.

Number 1654

TOM STEWART, Retired Superior Court Judge, indicated that he was responsible for the December 2001 final report from the Commission on Tolerance, which recommended that [the second verse be adopted as part of the official state song]. He informed the committee that he was the chairperson of the leadership summit on subsistence during July 2001. During this summit, Byron Mallott, First Alaskans Institute, stressed that he was very tired of the way the white people in Alaska treat Native Alaskans. He related that Mr. Mallott pointed out that the second verse of the state's song pays tribute to Native Alaskans and it's never sung. Furthermore, Mr. Mallott pointed out that the seal of Alaska doesn't recognize the Alaska Native cultures. The result of the aforementioned summit was a report listing 10 ways in which the people of this state could diminish intolerance in Alaska. The fifth item on the list was the inclusion of the second verse of the Alaska's state song when it's officially used. Mr. Stewart concluded by commenting that this legislation is timely.

CHAIR MORGAN related his belief that it's time [the second verse] be adopted [as part of the official song]. This is mending legislation that will bring people together.

Number 2183

ALLAN MacKINNON began by noting his involvement in this project for quite a few years. He mentioned that he sat on Carol Beery Davis's piano bench for a number of years, which led him to his degree in music. Mr. MacKinnon recalled that in the past there has been discussion with regard to adding verses to existing material. He related his belief that history includes many instances in which latter words were used with original melodies. Therefore, he said he didn't believe such an argument would bear weight. Mr. MacKinnon pointed out that this situation is quite unique because Carol Beery Davis is a

contemporary of Marie Drake and Elinor Dusenbury. Furthermore, Ms. Beery Davis was very much a part of writing down the music of Alaska Native people. Originally, these songs were published in "Songs of the Totem." Again, Mr. MacKinnon said that the argument against adding verses doesn't bear weight; the original poem was just a poem and meant no harm to anyone. However, over time one can put into perspective what has gone on in this state and the territory before that. In conclusion, Mr. MacKinnon urged the committee to [pass the bill from committee].

Number 2475

REPRESENTATIVE SAMUELS moved to report HB 45 out of committee with individual recommendations and the accompanying zero fiscal note(s). There being no objection, it was so ordered.

#### **ADJOURNMENT**

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 8:42 a.m.