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284

IDENTIFICATION:

BILL NUMBER: CS HB 254 (St. Aff)

BILL NAME: Designating the bowhead whale as the State marine mammal.

SPONSOR(S): Fuller, M M Miller

RELATED BILLS PENDING:

DATE INTRODUCED: 4-19-83

REFERRALS: Resources
State Affairs

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

✓ Rep. Fuller
✓ Environ. Lobby
✓ Rep. Miller

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
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Senate

Committee on Resources

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: CSHB 284 (St. Aff), Designating the bowhead whale as the state marine mammal.

DATE: April 28, 1983

CSHB 284 would amend the statute on state emblems by adding a section recognizing the bowhead whale as the state marine mammal. This designation would be commemorative only and in no way effect management of the species.

Other marine mammals that inhabit Alaskan land and water include polar bear, walrus, stellar sea lions, ring seals, bearded seals, beluga whales and humpback whales. The bowhead whale was selected by the bill's sponsor because its range is limited to Alaskan waters and because of its role in the culture and subsistence activities of Alaskan Natives.

(d) All adjustments in valuation approved by the board of equalization are subject to review and final approval by the commissioner. A property owner may appeal the final determination in accordance with AS 29.53.140. (§ 12 ch 59 SLA 1975; am § 3 ch 65 SLA 1977)

Effect of amendment. — The 1977 amendment added the third and fourth sentences of subsection (a).

Sec. 44.08.070. Regulations. The commissioner shall adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) to carry out the purposes of AS 44.08. (§ 13 ch 59 SLA 1975)

Sec. 44.08.075. Annual report. The commissioner shall submit an annual report of his activities under AS 44.08 to the governor and the legislature at the beginning of each regular legislative session. (§ 14 ch 59 SLA 1975)

Sec. 44.08.080. Definitions. In AS 44.08 "commissioner" means the commissioner of community and regional affairs. (§ 15 ch 59 SLA 1975)

Chapter 09. State Seal, Flag, and Emblems.

Section	Section
10. State seal	60. State bird
15. Improper use of state seal	70. State tree
20. State flag	80. State fish
30. Display of flags	85. State sport
40. State song	90. State medal for heroism
45. State motto	100. State gem
50. State flower	110. State mineral

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)

Am. Jur.
Jur. 2d, Seal

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Am. Jur. 2d reference. — 68 An.
Jur. 2d, Seals, § 10.

Sec. 44.09.015. Improper use of state seal. (a) It is unlawful to 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.

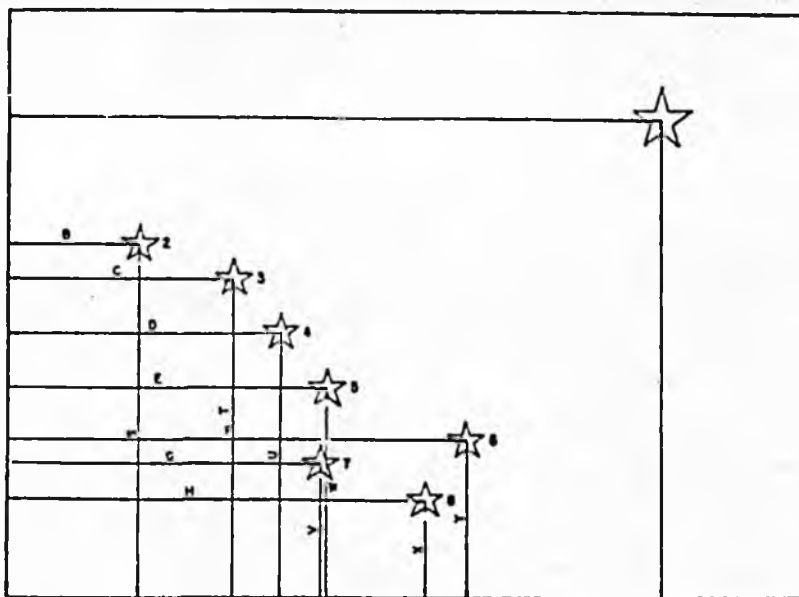
(b) Violation of this section constitutes a misdemeanor, and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both. (§ 1 ch 90 SLA 1968; am § 22 ch 166 SLA 1978)

Editor's note. — This section derives from AS 11.60.225 and was renumbered by the revisor of statutes pursuant to § 22, ch. 166, SLA 1978 (revision of the criminal code).

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 our 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 and which at some future time will take its place as the forty-ninth star in our 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:



STANDARD PROPORTIONS AND SIZE

HOIST (WIDTH VERT.) 1.000
 FLY (LENGTH HORIZ.) 1.418
 DIAM. LARGE STAR .104
 DIAM. SMALL STARS .062

1	2	3	4	5	6	7	8
A	B	C	D	E	F	G	H
1.158	.818	.229	.604	.396	.342	.478	.452
				.563	.360	.813	.271
						.552	.228
							.740
							.187

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

Revisor's note. — 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.

Sec. 44.09.030. Display 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. (§ 1-1-3 ACLA 1949; am § 1 ch 26 SLA 1955)

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 —

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 (§ 1 ch 50 :

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. 44.09.080. 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 by him in the saving of a life or for injury or death or threat of injury or death incurred by him in the service of the state or his 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)

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
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Senate Committee on Resources

MINUTES

April 29, 1983
3:12 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair
Senator Ziegler, Vice Chair
Senator P. Fischer

Senator V. Fischer
Senator Mulcahy
Senator Sturgulewski

CALENDAR

- HB 284 An Act designating the bowhead whale as the state marine mammal.
- SCR 19 Relating to a statewide system of trails.
- HB 258 An Act establishing a special investment tax credit; and providing for an effective date.

HB 284

Representative Fuller urged that the Committee support the bill. He stated that the bowhead whale represents Alaska's history, culture and spirit.

Senator Mulcahy moved the bill be reported out with individual recommendations. The motion passed without objection.

SCR 19

Senator V. Fischer said that the State has the authority to coordinate a statewide trails system, but has established no policy. The resolution asks the Governor to develop a plan for a trails system. There would be no fiscal impact, because most agencies involved are already working on various aspects of the system; it would be a matter of coordinating efforts. Fischer

moved that CS SCR 19 be reported out of committee with individual recommendations. The motion passed without objection.

CSHB 258

Deborah Vogt, Assistant Attorney General, said the bill is constitutionally unclear, and explained this point of view.

Joe Donohue, Deputy Commissioner, Department of Revenue, explained language suggested for a committee substitute. He explained how the tax credit might work, and compared it to the federal investment tax credit.

Rov Huhndorf, President, Cook Inlet Region, Inc., explained the bill's potential to stimulate and broaden the Alaskan economy, and urged adoption of the bill.

Dave Heatwole, Alaska Miners Association, said the Association had passed a resolution endorsing the bill, and explained how it would benefit the mining industry. He opposed exempting sand and gravel, and noted that the mining license tax would still generate revenue to the State.

Wayne Allred, Northwest Alaskan Pipeline Company, provided written testimony. He supported the tax credit without limitation of the location of facilities. He felt the bill, as written, is discriminatory and unconstitutional, and requested all geographical references be removed from the bill.

Jeff Day, assistant to Rep. Joe Hayes, agreed to relay questions and concerns to Rep. Hayes.

The Committee adjourned at 4:40 p.m.

Offered: 4/13/83
Referred: Resources

Original sponsors: Fuller and M.M. Miller

*Get info!
- check statute
- why
Bowhead*

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

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CS FOR HOUSE BILL NO. 284 (State Affairs)

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IN THE LEGISLATURE OF THE STATE OF ALASKA -

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THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act designating the bowhead whale as the state marine mammal."

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

1978 bill passed House - Jack Pickett

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* Section 1. LEGISLATIVE INTENT. By recognizing the bowhead whale as

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the state marine mammal, the legislature intends to give recognition to the grace, strength, and beauty of this inhabitant of the arctic.

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* Sec. 2. AS 44.09 is amended by adding a new section to read:

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Sec. 44.09.075. STATE MARINE MAMMAL. The bowhead whale is the

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state marine mammal.

*MM 4841
Fuller 3789, 3765*

*Bob Speed - Miller's
Linda - Fuller's*

*state seal
- song
motto north to the future
flower forget me not
bird ptarmigan
tree Sitka spruce
flag
fish king salmon
sport dog mushing
mineral gold
gem jade*

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strictly in
alaskan waters.
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Native whaling*