

**HJR**

**59**

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 12, 1998

FURTHER REFERRALS:

Date of Committee Action: 3/5/98

The STATE AFFAIRS Committee considered:

HJR 59

HOUSE JOINT RESOLUTION NO. 59

DESECRATION OF U.S. FLAG

Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  
 a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal note(s) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Janette James</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>Frank [Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			

CHAIR'S SIGNATURE *Janette James*

# Alaska State Legislature House of Representatives

## Committees

Rules Committee, Chair  
Legislative Council  
International Trade & Tourism  
Military & Veterans Affairs  
World Trade & State/Federal Relations



Interim:  
10928 Eagle River Rd. Suite 141  
Eagle River, AK 99577

Session:  
Alaska State Capitol  
Juneau, AK 99801

## HOUSE JOINT RESOLUTION NO. 59

### SPONSOR STATEMENT

This resolution urges the Congress of the United States to present a constitutional amendment to the states that would authorize Congress to prohibit the physical desecration of the American flag.

The flag has long been enshrined as the symbol of what is right with America and is a most worthy emblem of our nation. The law, as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect and dignity befitting the banner of our noble experiment of a nation state, "the last, best hope of mankind." (A. Lincoln).

The Resolution supports Congressional House Resolution 54 or Senate Joint Resolution 40 providing Congress the authority to prohibit the physical desecration of the flag.

I urge your support for this Resolution.

Representative Pete Kott

Juneau Office (907) 465-3777 Toll Free 1-800-861-KOTT(5688) Fax (907) 465-2819  
Eagle River Office (907) 694-8944 Fax (907) 694-8945 E-Mail: representative\_pete\_kott@legis.state.ak.us



# **Ted Stevens**

## **United States Senator For Alaska**



February 4, 1998  
FOR IMMEDIATE RELEASE

Contact: Press Office  
(202) 224-5209

### **STEVENS JOINS IN SPONSORING RESOLUTION PROPOSING FLAG DESECRATION AMENDMENT**

Senator Stevens today joined in sponsoring a Senate Resolution proposing a Constitutional Amendment that would give Congress the power to prohibit the physical desecration of the flag.

Noting that Alaskans are strong in their belief that our flag should not be desecrated, Stevens said, "The power to amend the Constitution demands a cautious respect. It is a considerable power - one that has helped to chart the course of our history. We should not jump headlong into amendments. But we should not be afraid to act on our beliefs, either.

"The Supreme Court has given us a choice," the Senator said. "We can accept that the First Amendment allows the desecration of America's flag, or we can change the law to prevent it."

The Senator pointed out that 48 states had laws preventing flag desecration before those laws were struck down in a Supreme Court decision.

For those who serve overseas, in peacetime as well as conflict, the flag serves as a special reminder and symbol of the freedom Americans enjoy more than any other nation, Stevens said. The Senator, who was closely involved in the Statehood movement when he served as assistant to the Secretary of the Interior and Solicitor of the Department, recalled, "I remember the day the 49<sup>th</sup> star was pinned on our flag. It was one of the proudest moments of my life."

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Alaska Offices: Anchorage: 271-5815 Fairbanks: 458-0287 Juneau: 598-7400  
Kenai: 283-5808 Ketchikan: 228-5500

105TH CONGRESS  
1ST SESSION

# H. J. RES. 54

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## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled*
- 3 *(two-thirds of each House concurring therein), That the fol-*

2

1 following article is proposed as an amendment to the Con-

2 stitution of the United States, which shall be valid to all  
3 intents and purposes as part of the Constitution when  
4 ratified by the legislatures of three-fourths of the several  
5 States within seven years after the date of its submission  
6 for ratification:

7 "ARTICLE —

8 "The Congress shall have power to prohibit the phys-  
9 ical desecration of the flag of the United States."

Passed the House of Representatives June 12, 1997.

Attest:

*Clerk.*

II

105TH CONGRESS  
2D SESSION**S. J. RES. 40**

Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

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**IN THE SENATE OF THE UNITED STATES**

FEBRUARY 4, 1998

Mr. HATCH (for himself, Mr. CLELAND, Mr. HAGEL, Mr. STEVENS, Mr. FORD, Mr. LOTT, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. ALLARD, Mr. ASHCROFT, Mr. BOND, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Mr. COLLINS, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, Mr. BAUCUS, Mr. BREAUX, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. REID, Mr. ROCKEFELLER, and Mr. JOHNSON) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

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**JOINT RESOLUTION**

Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That the following article is proposed as an amendment
- 4 to the Constitution of the United States, which shall be

2

1 valid to all intents and purposes as part of the Constitu-  
2 tion when ratified by the legislatures of three-fourths of  
3 the several States within 7 years after the date of its sub-  
4 mission for ratification:

5

“ARTICLE —

6 “The Congress shall have power to prohibit the phys-  
7 ical desecration of the flag of the United States.”.

○

# Alaska State Legislature House of Representatives

## Committees

**Rules Committee, Chair**  
Legislative Council  
International Trade & Tourism  
Military & Veterans Affairs  
World Trade & State/Federal Relations



Interim:  
10928 Eagle River Rd. Suite 141  
Eagle River, AK 99577

Session:  
Alaska State Capitol  
Juneau, AK 99801

February 16, 1998

To: Rep. Jeannette James, Chair State Affairs  
From: James Hornaday % Rep. Pete Kott

Please schedule a committee hearing on HJR59. *and Hornaday 50th!*

Thank you

*Yes*



## Representative Pete Kott

Juneau Office (907) 465-3777 Toll Free 1-800-861-KOTT(5688) Fax (907) 465-2819  
Eagle River Office (907) 694-8944 Fax (907) 694-8945 E-Mail: representative\_pete\_kott@legis.state.ak.us



FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. HR 59

Revision Date: \_\_\_\_\_  
 Title: Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States  
 Sponsor: Representative Kott  
 Requester: \_\_\_\_\_

Dept. Affected \_\_\_\_\_  
 BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Component Serial No. \_\_\_\_\_

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES [ ]						
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FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: \_\_\_\_\_

POSITIONS						
Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Prepared by House State Affairs Committee  
 Division \_\_\_\_\_  
 Approved by Rep. Jeannette J. Miller  
 Agency 7100

Phone \_\_\_\_\_  
 Date \_\_\_\_\_  
 Date 3/5/98

Author: Barbara Cotting at LAA\_TRANS  
Date: 2/26/98 1:34 PM  
Priority: Normal  
TO: shari\_kociman@gov.state.ak.us at CC2MHS1  
Subject: details

I have scheduled the following for hearing on Tuesday, March 3, 1998,  
and need fiscal notes.

HJR 1	Limit session to 90 days	Elections
HB 359	Health Insurance Regulation	Commerce
HJR 59	Desecration of U.S. Flag	Admin
HB 338	Annul All Admin Regs; Repeal APA	Admin
HB 413	Initiative Petition Comp.	Elections

at 9:30 a.m. Monday 3/2/98  
when packets must be prepared,  
none of the requested been  
fiscal notes had been  
received.  
B. Cotting