

**S B**

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# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 29, 2010

**SUBJECT:** Alaska's Flag song, copyright issues  
(SB 43 Work Order No. 26-LS0259\A)

**TO:** Representative Bob Lynn  
Attn: Nancy Manly

**FROM:** Alpheus Bullard *LAB*  
Legislative Counsel

Concerned about copyright infringement issues that might accompany an adoption of the second verse of the Alaska Flag song, Nancy Manly of your office called Saturday. In response I asked Michael Rovito, of Senator Menard's office, whether permission had been secured for the use of the text of the second verse of the song "Alaska's Flag" from the copyright holder. Michael provided me with an email from Mary Rutherford of the University of Alaska Foundation, the copyright holder for the music and both verses of the song. Mary's email stated that the copyright holder had no objection to the addition of the song's second use in statute if there was no alteration to the copyrighted text and that all copies of the text contain the attribution "copyright University of Alaska Foundation, non-profit use permitted, all other rights reserved."

Accordingly, if the words and punctuation of the second verse are changed to conform to the copyrighted material and additional text is added to the bill that acknowledges the University of Alaska Foundation's copyright, all copyright issues should be resolved.

If you have questions, please do not hesitate to contact me.

TLAB:plm  
10-193.plm

26-LS0259\A  
Bullard  
3/29/10

**HOUSE CS FOR SENATE BILL NO. 43( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATORS MENARD, Egan, Hoffman, Paskvan, McGuire, Meyer, Stedman, Olson, Davis, Dyson, Coghill, Wagoner, Kookesh, Stevens**

**REPRESENTATIVES Kerttula, Muñoz**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

3 **\* Section 1.** AS 44.09.040 is amended to read:

4 **Sec. 44.09.040. State song.** The song "Alaska's Flag," with music composed  
5 by Elinor Dusenbury and words to the first verse by Marie Drake and words to the  
6 second verse by Carol Beery Davis, is the official song of the state. The words of the  
7 official song are as follows:

8 Alaska's Flag  
9 Eight stars of gold on a field of blue -  
10 Alaska's flag. May it mean to you  
11 The blue of the sea, the evening sky,  
12 The mountain lakes, and the flow'rs nearby;  
13 The gold of the early sourdough's dreams,  
14 The precious gold of the hills and streams;  
15 The brilliant stars in the northern sky.

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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.

A Native lad chose the Dipper's stars  
For Alaska's flag that there be no bars  
Among our culture. Let it be known  
Through years the Native's past has grown  
To share life's treasures, hand in hand,  
To keep Alaska our Great-Land;  
We love the northern midnight sky,  
The mountains, lakes and streams nearby.  
The great North Star with its steady light  
Will guide all cultures, clear and bright,  
With nature's flag to Alaskans dear,  
The simple flag of the last frontier.

\* Sec. 2. AS 44.09.040 is amended by adding a new subsection to read:

(b) A copy of "Alaska's Flag" produced for public use must have the following attribution and notice: "copyright University of Alaska Foundation, nonprofit use permitted, all other rights reserved."

# Senator Linda Menard

## Session

State Capitol, Room 9  
Juneau, Alaska 99801  
Phone: (907) 465-6600  
Fax: (907) 465-3805



## Interim

600 E. Railroad Ave.  
Wasilla, Alaska 99654  
Phone: (907) 376-3370  
Fax: (907) 376-3157

## Alaska State Legislature

To: Rep. Bob Lynn, Chair  
House State Affairs Committee

From: Sen. Linda Menard

Re: Explanation of changes to SB 43

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The committee substitute for Senate Bill 43 has three changes. These changes arose from concern about copyright infringement and exact language of the second verse of the Alaska Flag Song.

Under section one, line five, the words "to the first verse" were added to clarify the first verse of the Flag Song was composed by Elinor Dusenbury. Also beginning on line five, the phrase "and words to the second verse by Carol Beery Davis," make clear Ms. Davis is the composer of the song's second verse.

Beginning on page two, line seven, multiple words and punctuations have been changed to more accurately reflect the copyrighted version of the second verse of the Alaska Flag Song. This was done to correct oversights made by the drafter at the bill's inception.

This committee substitute adds a new subsection. On page two, section two, beginning on line 20, language dictates that the words "copyright University of Alaska Foundation, nonprofit use permitted, all other rights reserved," be attributed to all copies of Flag Song text.

These are the extent of the changes.

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## MEMORANDUM

March 29, 2010

**SUBJECT:** Alaska's Flag song, copyright issues  
(CSSB 43( ) Work Order No. 26-LS0259\R)

**TO:** Senator Linda Menard  
Attn: Michael Rovito

**FROM:** Alpheus Bullard  
Legislative Counsel

This memorandum accompanies the committee substitute described above.

Concerned about copyright infringement, I asked Michael Rovito, of your office, whether permission had been secured for the use of the text of the second verse of the song "Alaska's Flag" from the copyright holder. Michael provided me with an email from Mary Rutherford of the University of Alaska Foundation, the copyright holder for the music and both verses of the song. Mary's email stated that the copyright holder had no objection to the addition of the song's second use in statute if there was no alteration to the copyrighted text and that all copies of the text contain the attribution "copyright University of Alaska Foundation, non-profit use permitted, all other rights reserved."

Accordingly, in this committee substitute, the words and punctuation of the second verse are changed to conform to the copyrighted material and a new subsection is added to the bill that acknowledges the University of Alaska Foundation's copyright.

If you have questions, please do not hesitate to contact me.

TLAB:plm  
10-192.plm

Enclosure

Word and punctuation changes to second verse of AK Flag Song:

- Line 9- remove "s" from cultures.
- Line 9- add "Let" before "it" and "be"
- Line 12- add dash between "great" and "land"
- Line 13- remove comma between northern and midnight
- Line 14 – remove comma between "Lakes" and "and"



*Last Updated: December 2006*

### **IV.3 Policy on use of Alaska Flag Song**

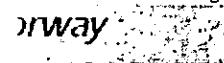
The copyright to the Alaska Flag Song is held by the Foundation for three general purposes, and with resulting obligations, in the following order: **1)** as a donated asset and thus, in order to meet its obligation to the donors, to insure that the song is used in a manner befitting its status when donated as the state song of the State of Alaska, **2)** as the state song of the State of Alaska and thus, in order to meet the Foundation's public obligation to the people of Alaska as a custodian of a portion of the state's patrimony, to promote, facilitate and assist in the legal use of the song; and **3)** as an asset of the University of Alaska Foundation and thus, in order to meet its corporate obligations, to protect the song from illegal use and copyright infringement and to obtain sufficient remuneration of use of the song as befits any other investment asset of the Foundation.

Licenses for use of the Alaska Flag Song will be issued under the following guidelines:

1. Licenses will be non-exclusive and will be of the shortest duration possible to accommodate the intended use - but in no case longer than one year.
2. Licenses may be issued for reasonable commercial uses.
2. Licenses will be issued for public performances, recordings, and the creation of new renditions for such purposes subject to these guidelines.
3. Licenses will not be issued for public performances, recordings or new renditions which are:
  - a. satires, caricatures or humorous applications
  - b. obviously not in keeping with the stature of the Song as the official state song of the State of Alaska as determined by the Alaska Legislature.
4. Licenses will be issued in accordance with the current fee structure which is substantially as follows:
  - a. Commercial use (recordings, publications or performances for profit or in connection with commercial or profit making activities - e.g. cassette tapes, CD's, in performances, publications of sheet music etc.) and use in connection with political campaigns and activities = \$200



- b. Non profit uses (fundraising performances by non-profit groups, renditions by school bands etc.) = No Charge
5. Unlicensed users of the song, when discovered, will be informed of this policy and the requirements for legal use outlined herein.



## FAQ ALASKA - Frequently Asked Questions About Alaska

### State Symbols

**Alaska Flag and Song** The design for the Alaska flag was selected in a contest for Alaska students in grades seven through twelve in 1926. The winning design, submitted by 13-year-old Benny Benson, consisted of eight gold stars on a field of blue, representing the Big Dipper and the North Star. The Alaska Legislature adopted the design as the official flag for the Territory of Alaska on May 2, 1927. Later the drafters of the Alaska constitution stipulated that the territorial flag would become the official flag of the State of Alaska. The words to the song *Alaska's Flag* were written by Marie Drake, a long-time employee of the Alaska Department of Education, and first appeared as a poem in 1935. The poem was set to music composed by Elinor Dusenbury, whose husband was commander of Chilkoot Barracks at Haines from 1933-1936. The Territorial Legislature adopted *Alaska's Flag* as Alaska's official song in 1955.

Permission is not needed to reproduce the image of the state flag. However, The University of Alaska holds the copyright to the song. For further information, contact the University of Alaska Foundation, 910 Yukon Drive, Suite 206, PO Box 755080, Fairbanks, AK 99775.

phone: 907.450.8030

fax: 907.450.8031

Email: [sdfnd@alaska.edu](mailto:sdfnd@alaska.edu)

### State Motto

The official motto of the State of Alaska, *North to the Future*, was adopted by the legislature during Alaska's Purchase Centennial in 1967. Created by veteran newsman Richard Peter, the motto is meant to represent Alaska as a country of promise. According to Peter, the motto "...is a reminder that beyond the horizon of urban clutter there is a Great Land beneath our flag that can provide a new tomorrow for this century's 'huddled masses yearning to be free.'"

### The Seal of the State of Alaska

When Congress provided for civil government for Alaska in 1884, the first governor designed, and had made, a seal for the District of Alaska. The seal was used until 1910 when Governor Walter E. Clark decided the design placed too much emphasis on icebergs, northern lights and Native people. The governor had a draftsman in Juneau sketch a new seal that incorporated the original features, plus symbols for mining, agriculture, fisheries, fur seal rookeries, and a railroad. The design was approved by the acting attorney general of the United States. A more refined drawing was made by an unknown person in the Department of the Interior, and the new seal was ready for use early in 1911. When Alaska changed from district to territorial status in 1912, the new designation was substituted on the seal. The Constitution of the State of Alaska provides that the territorial seal shall be the seal for the State of Alaska, with the word "territory" changed to that of "state." The seal is 2 1/8 inches in diameter.

The seal of the State of Alaska may be used only with the permission of the Lt. Governor.

### Other State Symbols

- The State Bird, the Willow Ptarmigan, was adopted by the Territorial Legislature in 1955. It is a small (15-17 inches), arctic grouse that lives among willows and on open tundra and muskeg. Plumage is brown in summer, changing to white in winter. The Willow Ptarmigan is common in much of Alaska.
- The State Fish - King Salmon (adopted by the Alaska Legislature in 1962)
- The State Flower, the wild Forget-Me-Not, was adopted by the Territorial Legislature in 1917. It is a perennial that is found throughout Alaska, from Hyder to the Arctic Coast, and west to the Aleutians.
- The State Fossil - Woolly Mammoth (adopted by the Alaska Legislature in 1986)
- The State Gem - Jade (adopted by the Alaska Legislature in 1968)
- The State Insect - Four-spot skimmer dragonfly (adopted by the Alaska Legislature in 1995)
- The State Land Mammal - Moose (adopted by the Alaska Legislature in 1998)
- The State Marine Mammal - Bowhead Whale (adopted by the Alaska Legislature in 1983)
- The State Mineral - Gold (adopted by the Alaska Legislature on 1968)
- The State Sport - Dog mushing (adopted by the Alaska Legislature in 1972)
- The State Tree - Sitka spruce (adopted by the Alaska Legislature in 1962)

### << Back to FAQ ALASKA MAIN MENU

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- Source : *Alaska Blue Book 1993-94*, 11th ed., Juneau. Department of Education, Division of State Libraries, Archives & Museums.

- Source: *Alaska Almanac*, 25th ed., 2001.

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*Last Modified: 17 January 2006*

*For further information about Alaska, [contact your nearest library](#). For comments or corrections about this site, contact:*

*Alaska State Library: [e-mail - asl@eed.state.ak.us](mailto:asl@eed.state.ak.us)*

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## Senate flag song addition conflicts with copyrighted text

by dermatocole Dermot Cole

16 days ago | 1139 views | 27 | 10 | | | [permalink](#)

The state Senate voted 18-2 to add a second verse to "Alaska's Flag," with supporters saying they did so because the state song, based on the words of flag designer Benny Benson, does not recognize Alaska Natives.

The three Fairbanks senators, Joe Thomas, Joe Paskvan and John Coghill, voted in favor of the measure. Unfortunately, they, along with most of the Senate, have opted to treat the state song as a political document, instead of a work of art.

The measure, which was opposed by Sens. Con Bunde and Charlie Huggins, now goes to the House.

Coghill said he supported adding a second verse for reasons of "harmony."

"As an official song, the idea of having a little harmony in it is a good thing because when we do have to deal with some of these tougher legal issues that are settling Alaska, this may very well be one good step forward," he said.

Missing from the Senate debate was any acknowledgment by proponents that the copyrighted text, written by Juneau poet Carol Beery Davis, who stayed up late one night at age 95 to compose her addition, is not what is contained in the bill.

Friends and family of Davis have said that approval of this bill would be an overdue honor for Davis, who was poet laureate of Alaska from 1967-69.

It appears that her friends and family, as well as our legislators, are willing to overlook or refuse to allow that there are shortcomings in the text. Former Rep. Fran Ulmer introduced the original bill to add the extra verbiage in 1987, at Davis' request.

The text approved by the Senate Wednesday is not identical to that Davis donated to the University of Alaska Foundation, which holds the copyright.

This could present a legal dilemma because the foundation controls the use of "Alaska's Flag" and the added words from Davis. I have asked Sen. Linda Menard, the sponsor of the bill, if she knows how or why the text was changed, but have not received a response.

The copyrighted version submitted by Davis in 1986, is as follows, according to the UA Foundation:

*"A native lad chose our Dipper's stars  
for Alaska's flag that there be no bars  
among our cultures. Be it known  
through years our natives' past has grown  
to share our treasures, hand in hand,  
to keep Alaska our Great Land.  
We love the northern midnight sky,  
our mountains, lakes and the streams nearby,  
Our Great North Star with its steady light*

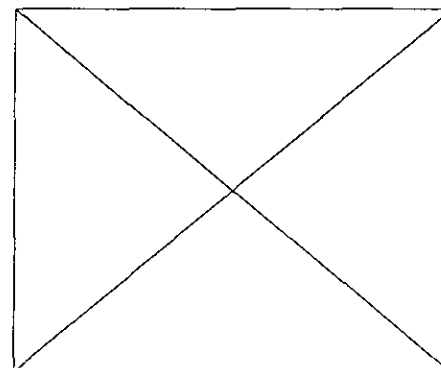
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FREQUENT  
HEARTBURN  
FOR A FULL  
24 HOURS**



**SAVE \$2 NOW >**

May take 1-4 days for full effect

0709



*will guide our cultures clear and bright*

*with Nature's flag to Alaskans dear —*

*The simple flag of a Last Frontier."*

There are nine changes, not counting capitalization and punctuation, between the copyrighted text and the second verse approved Wednesday. It's my guess that this was an attempt to improve a poem that wasn't deemed to be acceptable. The copyrighted text also has the title wrong. It says the title is "The Alaska Flag," but it really is "Alaska's Flag."

The revised language approved by the Senate is as follows:

*"A Native lad chose the Dipper's stars*

*For Alaska's flag that there be no bars*

*Among our cultures. Be it known*

*Through years the Natives' past has grown*

*To share life's treasures, hand in hand,*

*To keep Alaska our Great Land;*

*We love the northern, midnight sky,*

*The mountains, lakes and streams nearby.*

*The great North Star with its steady light*

*Will guide all cultures, clear and bright,*

*With nature's flag to Alaskans dear,*

*The simple flag of the last frontier."*

The flag song is a simple poem that is based on a short account written by Benny Benson, the Alaska Native student who designed the flag. It is a tribute to Benson in a real sense. In that text Benson did not say that he chose the Big Dipper stars for his design so "that there be no bars among our cultures."

What he actually said was this: "The blue field is for the Alaska sky and the forget-me-not, an Alaskan flower. The North Star is for the future state of Alaska, the most northerly in the union. The Dipper is for the Great Bear — symbolizing strength."

The state song does not need a second verse, no matter how well-intentioned the effort.

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Fairbanks - The voice of Interior Alaska since 1903 is in fairbanks,  
AK

#### post a comment

comments (27)

« Zinkdifferent wrote on Friday, Mar 12 at 11:19 AM »

Dermot: Why make a fuss about a trivial issue such as copyright rights? Society has already turned a blind eye to the trivial issue of the President's birth certificate. Those folks are called 'Birthers.' For journalists who fuss about copyright issues, I suggest a new category, 'copywriters.'

#### report abuse

« minor\_epicycle wrote on Friday, Mar 12 at 10:34 AM »

Alaskans are unique in the country: we actually know and spontaneously sing the (existing version) of our state song. No fawning political embellishments needed.

Agree with "fairbanksfoever" that 2nd verse is paternalistic rather than respectful to Alaska Natives and to several citing absurdity of "past has grown."

Look forward to "bump's" 3rd verse. Cannot be worse and surely more amusing!

**report abuse**

« **ArcticWriter** wrote on Friday, Mar 12 at 06:09 AM »

Great. Way to ruin the sweetest and most beautiful state song of all of America.

The Alaska Flag song is about the state and its beauty, NOT about people and politics. The only mention of people in the song is the sourdough's dream, and that only briefly.

Shame on the State Senate for politicizing this song. This is right up there with flag burning legislation.

I have had the honor of being an anthem singer at sporting events and have always sung this song with joy, because of its simple beauty and its ability to portray our state. To make a political football out of this is a shame.

And yes I have Native members of my family and am active in supporting rights for all American Natives. But this is not the proper forum in which to do so.

Dermot is correct - leave our state song alone!

**report abuse**

« **Yukonjohn** wrote on Thursday, Mar 11 at 07:33 PM »

This is just a single symptom of the bigger problem. Other than Woodie Salmon, I am for getting rid of the whole lot of them. We need to hold a special election and vote them all out. They are a disgrace to our State, and a disgrace to themselves. Hell, the coke snorting, liquor drinking legislators of the 70s were head and shoulders above these clowns!! GET RID OF THEM NOW!! All except Woodie, one shining star amongst idiots!!!

**report abuse**

« **Dove** wrote on Thursday, Mar 11 at 06:51 PM »

Get over myself? There was a civilization here before the gold rush. A settlement? We're still paying? Good heavens, adding a 2nd verse to the Alaska song isn't about any settlement. Adding a 2nd verse is simple the right thing to do.

I'm not interested in arguing with you. If you can't grasp the importance of unity in a land we share with people, whose descendant's origins existed hundreds of years before the gold rush era, there's no educating the blind.

**report abuse**

« **morym** wrote on Thursday, Mar 11 at 06:47 PM »

I have seen it on these postings so many times...

There ain't no fixin' stupid!

Attach it to the freakin' gasoline bill and move it the puck along.

**report abuse**

« **lalalelou** wrote on Thursday, Mar 11 at 01:28 PM »

Dove,

Get over yourself, if you stop to think about it, the native population has received and continues to receive many, many benefits not offered to us "other" people. Apparently nobody understood the term "settlement" back in the 70's because we're still paying.

The only state song that warranted updating was that of Kentucky and now it's still ridiculous; unless, of course, the entire population of Kentucky is gay.

**report abuse**

« **lalaleelou** wrote on Thursday, Mar 11 at 01:15 PM »

Well, Paskvan, Thomas and Coghill just lost any support I may have had for them. The Alaska Flag song was perfect as it was. The new verse is not only unnecessary, it's clumsy.

Apparently in an effort to honor Benny Benson, they never considered the slap in the face to Marie Drake.

Here's an idea, get back to the real business of Alaska! It's no wonder they're having trouble getting their work done in the 90 days, which was also a very bad idea.

**report abuse**

« **longhornak** wrote on Thursday, Mar 11 at 10:53 AM »

Dove:

I personally don't have much of an issue with a second verse, or an Alaska state dog. (I must have missed that one...) My issue is with their prioritization. There will probably be a special session called for energy reasons. My question is: would a special session on the Alaska state song be worth it?

There are some things more important than others. Energy is more important than the state song or the state dog. Our politicians need to prioritize better.

**report abuse**

« **doc\_powmiariders** wrote on Thursday, Mar 11 at 09:45 AM »

I am not sure why we want to change the words to the state song. DO our state representatives have nothing better to do? I do not care for the politically correct world we live in. Would you change the Declaration of Independence or the National Anthem just because it offends one person or culture. Too bad. Our country was founded on certain values. If you dont like them leave.

**report abuse**

« **oldakcuss** wrote on Thursday, Mar 11 at 08:53 AM »

Dove:

Check out the line in my first post..."Not only is this just a way to placate the native communities..." This is not one of those pieces of legislation that's being enacted because it's the will of the people. This fluff piece is to quiet the native community in order to gain the rural votes on significant and important pieces of legislation that really matter. Don't place more importance on this than is needed. Everyone knows why this is happening...we're just frustrated that it's happening when there are so many other pressing issues in the legislature that NEED to be worked on.

**report abuse**

« **bump** wrote on Thursday, Mar 11 at 08:48 AM »

I'm currently working on a 3rd stanza of the "Alaska's Flag" song. It will have to do with the pipeline days; buckets of money, the bars on 2 Street and 4th Ave., the workforce invasion, Jesse Carr, 798ers, cocaine, whiskey, and hookers.

I should have it ready in time for the next legislative session.

**report abuse**

« **Dove** wrote on Thursday, Mar 11 at 08:24 AM »

Of course it doesn't matter to you. Why should it? I think it does matter to many more people, or the Alaska legislature wouldn't be considering it.

So much for the neys.

**report abuse**

« **Glacierwolf** wrote on Thursday, Mar 11 at 07:52 AM »

We have bigger fish to fry in Juneau.

It's crap like this - wasting time on the state song, state dog, etc etc when we have real issues to deal with that makes me mad at Juneau. This is why our legislature has no damn business being in Juneau - it should be in Anchorage - so when the legislature shows up for work in the morning they can be greeted by thousands of us telling them to move on to bigger issues!!!!

**report abuse**

« **Dove** wrote on Thursday, Mar 11 at 07:20 AM »

"rediculous"? "silly"?

I think giving tribute and recognition to our fellow native Alaska citizens and neighbors is long overdue.

No one barked at naming the Alaska state dog.

I dare say that the early settler's descendants are more native than any other race. How can any of you ignore this oversight?

Of course there are other issues worth addressing in Juneau, but the single most respectful bill before Alaska legislature is the Alaska Flag song.

**report abuse**

« **blaqtie** wrote on Thursday, Mar 11 at 05:41 AM »

This has now become RIDICULOUS! Alaska's politicians will join J. Danforth Quayle in the "wtf" category of American political history. THE ALASKA STATE SONG IS ALREADY THE MOST BEAUTIFUL STATE SONG in the union of the 50 United States! Once, twice, THRICE: "IT AIN'T BROKE, DON'T FIX IT!" Oy! Please, do not change the state song of Alaska. Do not make me come up there and open a can of Katie Couric. SHE knows the Vulcan peace sign.

**report abuse**

« **grace3** wrote on Thursday, Mar 11 at 03:25 AM »

All of these arguments - legal, musical, historical, and nonsensical - were made before they voted. It is clear that the opinion of the people in general is not important.

And, as mentioned before and now - they don't have a single spare minute during the session to waste on anything that is not directly tied to the economy, public safety, or resource management.

Do all these legislators attend some kind of brain drain ceremony after being elected?

**report abuse**

« **NotPc** wrote on Thursday, Mar 11 at 02:08 AM »

Just another instance of trying to be "PC".....

GET OVER IT.

**report abuse**

« **99712** wrote on Thursday, Mar 11 at 01:51 AM »

Sen. Bunde pointed out in the debate today that there are many more important things for the legislature to be working on than this kind of silliness. Do we have affordable energy? No. A gasline? No. A new source of state revenue? No. New Hydro projects? No. A ten billion dollar obligation to the state retirement system? Yes.

The legislature is running out of time to tackle the improtant stuff- but rather than working on the hard issues they dunce around with this nonsense.

**report abuse**

« **just-saying** wrote on Thursday, Mar 11 at 01:13 AM »

Dermot is correct. The Alaska Flag Song does not need an additional verse.

The guys in Juneau need to get busy with important business, not this foolishness!

**report abuse**

**view more comments**

To follow up on our phone conversation:

The University of Alaska Foundation holds in trust, for the benefit of the university and the public, the copyright to the music and first verse of the Alaska Flag Song. The music and first verse were authored and generously donated to the university by Elinor Dusenbury and Marie C. Drake, and are presently recognized as the Alaska State Song.

The Foundation similarly holds in trust the copyright to the second verse of the Alaska Flag Song. That verse was authored and generously donated to the university by Carol Beery Davis, and is presently being considered by the Legislature for recognition as a second verse of the Alaska State Song.

The University and Foundation have been honored to protect these works for public, non-profit use as the state song, and as trust properties for the benefit of the university. The Foundation is unaware of any effect on copyright ownership resulting from recognition of a work as the state song with the permission of the copyright holder, and likewise is unaware of any legal impediment to appending a verse to a work with the permission of the affected copyright holder. Thus the Foundation has no objection to recognition of the Carol Beery Davis verse as the second verse of the Alaska State Song, should the Legislature choose to do so.

In order to protect the copyrights, the Foundation asks that there be no alteration to the original texts, and that a notation appear on all copies of the state song produced for public use stating: "copyright University of Alaska Foundation, non-profit use permitted, all other rights reserved."

I hope this is helpful. Please let me know if I can be of any further assistance.

Mary (Rutherford)

# Senator Linda Menard

**Session**  
State Capitol, Room 9  
Juneau, Alaska 99801  
Phone: (907) 465-6600  
Fax: (907) 465-3805



**Interim**  
600 E. Railroad Ave.  
Wasilla, Alaska 99654  
Phone: (907) 376-3370  
Fax: (907) 376-3157

## Alaska State Legislature

### Senate Bill 43 Sponsor Statement

Senate Bill 43 will add a second verse to the Alaska Flag Song, finally giving recognition to the history of the state flag and the contributions of the wonderful Native community.

Written by the late **Carol Beery Davis**, the second verse of Alaska's Flag Song adds **12 lines** and pays tribute to not only the aforementioned subjects but, indirectly, to the young lad who designed the flag: **Benny Benson**. Benson, of course, came up with the **eventual design** of Alaska's flag, the **Big Dipper** and **North Star** against a **dark blue background**.

After Davis wrote the **second verse** she gifted the **words** to the **University of Alaska Foundation** in **1987**. This bill will effectively pull the second verse of Alaska's Flag Song from **obscurity** and bring it to the forefront of this great state's **heritage**.

**Already, Fran Ulmer, the chancellor of the University of Alaska**, has endorsed **Senate Bill 43**. Ulmer, who introduced a **similar bill** when she was in the **Legislature**, summed up a major intent of **my legislation**: the first verse of the song did not recognize the **contributions Alaska Native people have made to the state**. The bill sailed through the House of Representatives, but stalled in the Senate.

The Senate had the chance to hear the Flag Song performed with both versus as we **gaveled in** on the first day of session this year. I think we can all agree the **second verse not only added a special touch**, but highlighted **music teachers' desire** to have a second verse to **teach** their choirs.

Please join me in supporting a long overdue addition of a second verse to Alaska's Flag Song.

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Senator\_Linda\_Menard@legis.state.ak.us

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 43  
 () Publish Date: \_\_\_\_\_

Identifier (file name): SB043-GOV-OMB-1-26-10 Dept. Affected: All  
 Title Adding a second verse to the official Alaska state song RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Sen. Menard  
 Requester Sen. Community & Regional Affairs Committee Component Number \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
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>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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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								
Other Interagency 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>	<b>0.0</b>

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

This legislation will not have a significant fiscal impact on any State agency.

Prepared by: Jack Kreinheder, Senior Analyst Phone 465-4676  
 Division: Office of Management and Budget Date/Time 1/26/09 9:35 AM  
 Approved by: Karen Rehfeld, Director Date 1/26/2009  
Office of Management and Budget

Dear Senator Menard,

I am delighted that you are proposing the second verse of the Alaska Flag song be adopted by the state as part of the official state song. I introduced that legislation many years ago; it passed the House but stalled in the Senate. I have long felt it important that both verses be sung on all occasions. Alaska Poet Laureate Carol Berry Davis wrote the second verse because she felt that the first verse did not recognize the contributions that Alaska Native people have made to our state. She asked me to introduce the bill, which I did and there were many people who supported it.

Years ago Carol Berry Davis gave the second verse to the University. I am not sure what rules might apply to the copyright. I am happy to have my staff look into this and help you with whatever contacts or permission is necessary in order to pursue this legislation.

Thank you so much for your work promoting the adoption of the second verse of the Alaska Flag song.

Best regards,  
Fran Ulmer  
Chancellor

## "Alaska's Flag"

Written by Marie Drake  
Composed by Elinor Dusenbury

Adopted on February 23 1955.

[Sheet Music](#) | [MIDI Tune](#) | [Realaudio Song](#)

### 1st Verse of Alaska's Flag Song

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 flowers 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,  
O'er land and sea a beacon bright,  
Alaska's flag to Alaskans dear,  
The simple flag of a last frontier.

### 2nd Verse of Alaska's Flag Song -- Words by Carol Beery Davis

A Native lad chose the Dipper's stars  
For Alaska's flag that there be no bars  
Among our culture. Let it be known  
Through years the Native's past has grown  
To share life's treasures, hand in hand,  
To keep Alaska our Great-Land;  
We love the northern midnight sky,  
The mountains, lakes and streams nearby.  
The great North Star with its steady light  
Will guide all cultures, clear and bright,  
With nature's flag to Alaskans dear,  
The simple flag of the last frontier.

• *Source* : *Alaska Blue Book 1993-94*, 11th ed., Juneau, Department of Education, Division of State Libraries, Archives &

## Origin of Song:

The words to the song Alaska's Flag were written by Marie Drake, The Territorial Legislature adopted Alaska's Flag as Alaska's official song in 1955.

"Alaska's Flag" written by Marie Drake a long-time employee of the Alaska Department of Education, and set to music composed by Elinor Dusenbury, who husband was commander of Chilkoot Barracks at Haines from 1933 to 1936 was adopted as the official state song in 1955, and was gifted to the University of Alaska in April 1960. Carol Beery Davis wrote the second verse to "Alaska's Flag" and gifted the words (protected by copyright) to the University of Alaska Foundation in February 1987.

Carol Beery Davis, an Alaskan pioneer and poet laureate, as the maker of the second verse. While the official Alaska state song recognizes and describes Alaska's flag, the words of Davis in the second verse of "Alaska's Flag", "A Native lad chose the Dipper's stars, For Alaska's flag that there be no bars", provides recognition of Bennie Benson who designed Alaska's official flag in 1927. Benny Benson described his design of the flag:

"The blue field is for the Alaska Sky and the forget-me-not, an Alaskan flower. The North Star is for the future of Alaska, the most northerly in the union. The Dipper is for the Great Bear - symbolizing strength."

### Marie Drake:

Marie Drake, author of the words to *Alaska's Flag*, the state song, was born February 11, 1888. In 1907 she married James Drake in Van Wert, Ohio, where she was engaged in social work with the Y.W.C.A. and the Red

Museums.

- Copyright for *Alaska's Flag* is held by the University of Alaska. For further information contact the University Archivist at the Rasmuson Library, University of Alaska Fairbanks, Fairbanks, Alaska 99775-6808.
- Verse 2 by Carol Beery Davis. 1986.

Cross. They came to Alaska when her husband was assigned to work with the Bureau of Public Roads. In 1917, Lester Henderson was appointed first commissioner of education, and he hired Marie Drake as his secretary. She remained with the Department for 28 years, retiring July 1, 1945.

Marie Drake assumed the post of assistant commissioner of education in 1934. She edited and wrote most of the material for the department's *School Bulletin*, that was circulated throughout the territorial school system. The poem that later provided the words for the official state song first appeared on the cover of the October 1935 *School Bulletin*. In recognition of her devotion to the young people of Alaska, Marie Drake received an honorary Doctor of Letters degree from the University of Alaska in 1958. She died March 5, 1963.

- Source : *Alaska Blue Book 1993-94, 11th ed., Juneau, Department of Education, Division of State Libraries, Archives & Museums*

Benny Benson chose the background color of the flag to represent both the blue sky and the forget-me-not. The Legislature later named the forget-me-not as the official State flower. This provides another symbolic link, one between the official State flag, the official song and the official flower.

Carol Beery Davis, a longtime Juneau resident and musician, wrote a second verse to the Alaska Flag song and gifted the words (protected by copyright) to the University of Alaska Foundation in February 1987. It has been unsuccessfully proposed as an addition to the official lyrics twice. The last time, in 2002, House Bill 285 sought to officially incorporate Davis' second verse into the Alaska state song. The bill passed the Alaska House, but it died in the Senate. Because of the copyright restrictions, it is not shown here. Instead, a link to it and more detailed information is provided at the bottom of the page

*Source: Wikipedia*