

2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1056

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1056
1/4/2019
30431

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Provide for the display of the prisoner of war and missing in action flag on the state capitol grounds

Minutes:

Attachments 1-4

Chairman Kasper opened the hearing on HB 1056.

Rep. Pat Heinert appeared in support of HB 1056. We will start flying the POW flag on poles at the capitol grounds. If we do not have a specific flagpole identified for the POW flag, then it can be flown under the USA flag.

Rep. B. Koppelman: If the ND flag is flown below the USA flag, then where would this flag be flown in that hierarchy?

Rep. Heinert: I am going to leave that to the experts in the room on flag placement and etiquette.

Rep. Rohr: Is there a cost associated with this?

Rep. Heinert: We wrote this bill so we would not have to add another flagpole. There will possibly be some cost, because we will have to replace the POW flag throughout the year like the other flags.

Rep. Rohr: Any staffing needed?

Rep. Heinert: I would assume the individual that is putting up the flags now would just add that flag as well.

Rep. Hoverson: Anyone against this idea?

Rep. Heinert: I am not aware of anyone.

Jim Nelson, spokesperson for the ND Veterans' Legislative Council, appeared in support. Attachment 1 (3:53-7:06)

Rep. C. Johnson: I am curious about the display of the flag. Are there any other acceptable methods for displaying this flag?

Mr. Nelson: It flies immediately under the Ensign. If it has its own flagpole, it is to the immediate right.

Rep. C. Johnson: What do you do if you hang it on a wall or in a window?

Mr. Nelson: Tradition has it, you don't change it out regularly, because the tearing and tattering represent hardships that the prisoners of war and the missing have undergone.

Rep. Rohr: What about the veterans' cemeteries?

Mr. Nelson: Down south, it already is. As far as I know, it flies at every national and veterans' cemetery.

Dell Lind, member of the Freewheelers' Motorcycle Club and a Vietnam veteran, appeared in support. He shared the story of the USS Pueblo. (9:20-14:59) Attachment 2. Attachment 3 showing numbers on POWs was handed out.

Chairman Kasper thanked Mr. Lind for his service and talked briefly about his father being a veterans' service officer in Beulah.

No opposition.

John Boyle, Director of OMB Facility Management Division, appeared in a neutral position. Attachment 4. (18:55-21:46)

Rep. B. Koppelman: Could I get your take on how we clean up that language on whether it flies with the ND and USA flags which I don't think is the intent. Is there anywhere on the capitol grounds where we have a flagpole that is flying multiple flags now?

Mr. Boyle: Right now we have seven sets of flagpoles on the capitol grounds, so I interpret it that we would have seven flags, and at each set of flagpoles we would have it flying in the designated spot. At the Governor's residence, we have one flagpole and it has three flags on it now. One of the concerns now is if we add a fourth flag, when we lower the flag to half-staff, it is not tall enough and that fourth flag would be touching the ground. We would probably have to put another flagpole up and move the state flag and the Governor's flag over to the other one and add a POW flag under the USA flag.

Rep. Laning: Rep. Heinert, do you have an objection to amending this to John's recommendation?

Rep. Heinert: The intent of the bill was to have at each location instead of each flagpole. We should have said each flagpole location. The Vietnam veterans' groups were very specific that they wanted it in front of the capitol building every day of the year.

Vice Chair Louser: How many American flags get displayed the week before the 4th of July on the capitol grounds?

Mr. Boyle: The day of the 4th of July, we put 50 flags up. Out on the mall, there are 50 flagpoles sitting, so we put up 50 flags. There are three days a year where the city comes and they put flagpoles down State Street so they run along the east and south part of our property. There are at least another 50 that are just on our property there for the 4th only. The 4th is the only day we do a display of the American flag.

Chairman Kasper closed the hearing.

A subcommittee of Rep. B. Koppelman, Rep. Laning, and Rep. Johnston will work with Rep. Heinert to clean up this language.

Minutes of the

(HOUSE) (SENATE) BILL NO. 1056 SUBCOMMITTEE OF THE

House GVA STANDING COMMITTEE

Meeting location: ~~Senate~~ House Chamber

Date of meeting: 1/8/19

Time meeting called to order: 4:30 pm

Members present: Rep. Ben Koppelman, Rep. Vern Loring

Others present (may attach attendance sheet):

Topics discussed:

Discussed the wishes of the veterans as well as the bill sponsor, Rep. Heinert. The language for the amendment was discussed and finalized. Rep. Koppelman will prepare and present to the full Committee

Motion and vote:

To move forward with presenting amendments to the full Committee.
2 Yes 0 No

Time of adjournment: 4:40

Note: If a motion is made, a description of the motion must be provided along with the member seconding the motion. A recorded roll call vote must be taken and reported for any nonprocedural motion.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1056
1/10/2019
30663

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Provide for the display of the prisoner of war and missing in action flag on the state capitol grounds

Minutes:

Attachments 1, 2

Chairman Kasper opened the meeting on HB 1056.

Rep. B. Koppelman: Attachment 1 and 2 was handed out which is an amendment and a Christmas tree version of the bill. We are removing outdoor flagpoles and replacing them with permanent flagpole locations. After this action I want to bring up a possible amendment to the amendment. **I move the amendment 19.0420.02001.**

Vice Chair Steiner seconded the motion.

Rep. Schneider: Is permanent flagpole location defined somewhere?

Rep. B. Koppelman: Legislative Council's indication was anytime there is common understanding in the law, we do not necessarily need to define it.

Rep. P. Anderson: Did we decide that Mr. Boyle's suggestion of placing it with the middle flagpole was too specific?

Rep. B. Koppelman: The veterans' groups really want to see it in front of the capitol. There are probably some options for the capitol grounds committee to decide how they want to display it in front of the capitol, etc.

Rep. Laning: It also is a problem if you only have two poles in a location. Now which one is the middle?

Rep. P. Anderson: They were specifically located east of the state museum.

Rep. Laning: They have one flagpole at the governor's residence with the thought of adding a second. Which one of those is considered the middle pole if you add middle pole on there? As long as it is at the location, it has to be flown below the US flag.

Rep. P. Anderson: Mr. Boyle stated where the middle flagpole was.

Rep. B. Koppelman: I think he was referring to the flagpole series at the Heritage Center. There may be some flagpole etiquette in terms of order of the flags. I will let the capitol grounds committee figure out how to do it properly.

Rep. P. Anderson: John Boyle is fine with this?

Rep. B. Koppelman: The bill sponsor talked to Mr. Boyle after the committee meeting. His wishes may have been outweighed by the intent of the bill. Also it would be the committee's wishes to do it in the proper fashion, and the feeling was that outweighs Mr. Boyle's wishes.

Voice vote to adopt the amendment. Motion carried.

Rep. B. Koppelman: Legislative Council said we don't need to have the term outdoor. There was another term for inside. **I am going to propose we remove the overstrike on the word outdoor and amend the amendment.**

Rep. Laning seconded the motion.

Voice vote. Motion carried.

Rep. B. Koppelman made a motion for a DO PASS AS AMENDED.

Vice Chair Steiner seconded the motion.

A roll call vote was taken. 14-0, 0 absent.

Rep. B. Koppelman will carry the bill.

19.0420.02001
Title.

Prepared by the Legislative Council staff for
Representative B. Koppelman
January 9, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1056

Page 1, line 6, replace "outdoor flagpoles" with "permanent flagpole locations"

Renumber accordingly

19.0420.02002
Title.03000

Adopted by the Government and Veterans
Affairs Committee
January 10, 2019

OK
1/10/19
1 of 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1056

Page 1, line 6, replace "flagpoles" with ", permanent, flagpole locations"

Renumber accordingly

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1056**

House Government and Veterans Affairs Committee

☒ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☒ Move forward with presenting amendment to the full committee

Motion Made By Rep. Laning Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Rep. B. Koppelman	x				
Rep. Laning	x				

Total (Yes) 2 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 1-18-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1056

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 19.0420.02001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep B. Koppelman Seconded By Rep Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Pamela Anderson		
Vice Chair Vicky Steiner			Rep. Mary Schneider		
Rep. Jeff Hoverson					
Rep. Craig Johnson					
Rep. Daniel Johnston					
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Karen Rohr					
Rep. Austen Schauer					
Rep. Steve Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice vote to accept amendment

Date: 1-16-19
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1056

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: Further amend - see below

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. B. Koppelman Seconded By Rep. Laning

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Pamela Anderson		
Vice Chair Vicky Steiner			Rep. Mary Schneider		
Rep. Jeff Hoverson					
Rep. Craig Johnson					
Rep. Daniel Johnston					
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Karen Rohr					
Rep. Austen Schauer					
Rep. Steve Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Remove the overstrike on the word outdoor.
Voice vote. Motion Carried

Date: 1-10-19
Roll Call Vote #: 3

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1056

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 19.0420.02002

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. B. Koppelman Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson	X	
Vice Chair Vicky Steiner	X		Rep. Mary Schneider	X	
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Karen Rohr	X				
Rep. Austen Schauer	X				
Rep. Steve Vetter	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. B. Koppelman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1056: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1056 was placed
on the Sixth order on the calendar.

Page 1, line 6, replace "flagpoles" with ", permanent, flagpole locations"

Renumber accordingly

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1056

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Sheyenne River Room, State Capitol

HB1056

3/8/2019

33446

☐ Subcommittee

☐ Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

To provide for the display of the prisoner of war & missing in action flag on the state capitol grounds.

Minutes:

Att # 1-Jim Nelson; Att # 2- John Boyle

Chairman Davison: Let's open the hearing for HB1056.

Rep. Pat Heinert, Dist. 32, Bismarck: I am here to introduce HB1056. This bill would make sure that the POW and MIA flags are displayed in various places on the capitol grounds. If there is not a pole, you can fly it under the US flag. I noticed that the federal court house had the MIA/POW flag on their pole.

Sen. Shawn Vedaa: How many states have this in law now?

Rep. Heinert: I don't know.

Vice Chair Meyer: How many flag poles are on the capitol grounds?

Rep. Heinert: I believe we counted nine. (1.55) There is one in front by the Heritage Center and one by the Vets memorial.

Chairman Davison: I don't see a fiscal note with this? Does it only have to fly in one spot?

Rep. Heinert: We are asking that it fly in all spots that has a US flag. It can have its own pole. Capitol grounds could fund a new pole. The Vietnam vets told me the more torn the flag is, the more meaning it has to them. We are missing people and lives are torn apart.

Chairman Davison: 65 assemblies have come before this 66th assembly. Why now?

Rep Heinert: I was asked by a group of veterans from Vietnam. It was the first time, I guess. (3.43)

Jim Nelson, N.D. Veterans Legislative Council Director: (4.17) (see att #1) I am in support of this bill. Any questions?

Chairman Davison: We currently fly that flag in two locations on the capitol grounds, right?

Jim: Yes.

Del Lind? (did not sign in) Free Rollers Motorcycle Club: I am in the Vietnam Vets Club, also. I am here in support. (7.55) This is our passion. I will read some statistics. WWII – 78,751 missing in action with 25,000 held by Russia and none were returned at war's end. Korea – 81,077 of which 954 left behind alive and 41 South Korea POW escaped since 1994. The rest are forgotten. Vietnam – 2300 with 1,000 plus left behind. There were 6,000 live sightings since 1973. One escaped in 1979. 572 Pow's still held captive as of 1994. Left behind. Persian Gulf – 49 nobody knows. We need that reminder out there. (9.59)

John Voltschultson(?-did not sign): I am with the Vietnam Cycle Club: We formed in the middle 1980's. Our main goal is to account for all the POW/MIA's. We Vietnam vets stirred up the issue. Before this, nothing was mentioned when there were POW/MIA's in other wars. (11.05) In 1995 we brought the wall to the capitol grounds. We put a pole and put it in front. When the display was over, I bought the pole and put it at my shop 25 years ago. I see it every day. This is the sign of all five branches of our military. When they go to war, they may not come back. I think our country now tries hard to bring our POW/MIA's back. That flag is your commitment to us.

Chairman Davison: Any more in support? Agency? Against?

John Boyle, OMB Facility Management Division: (see att # 2) (13.17-22.49) I am here in opposition which is very difficult for me to do. You will hear more testimony here than I did in the House. The House passed this unanimously. I proposed some amendments, but the House did not look at them. I have a map I will be referring to. Also. I have five reasons I am opposed. First clarification. The bill states that the POW/MIA flag must be flown daily on all outdoor permanent flag pole location on state grounds. I identified these on the map. The ones in blue, 5 and 6, is where the flag flies every day. The 5th location is east of the Heritage Center. Before the Heritage expansion, there were no flags on the east side. They wanted to put three poles up. They wanted to put the US flag, North Dakota flag, and the Canadian flag. We said we are not flying the Canadian flag. We use to fly the POW flag out front on the 6 holidays that were required. We thought it was more important that it be flown daily in a very visible location. We chose to put it on the middle pole on the east side. That is the most visible set of poles on the grounds. State street is very busy so many people see that flag. Number 8 is the governor's residence. There are three flags on that pole already. To add a fourth would be too much. We would have to add a flag pole at governor's residence. Number 7 is where the state office building is, there are two flags already. (crowd interrupted and said the POW can only fly with the US flag). If you only have one pole it does not work. We would have to add another pole. We would have to add another pole at location 3 and 2. There is no appropriation or spending authority in this bill. The flags stay up all night so you would have to have lighting, also. You figure \$15,000 a pole, so that is \$60,000 right there. The veteran's memorial is the most solemn place and the PW flies already. We are all blest to be citizens of the greatest country in the world. I asked about 20-25 people how they felt. They felt the US and N.D. flag should fly alone in front of the capital. Please take the time and look out memorial hall facing south. You will see the two permanent locations. You can see all branches of the military. The people said the only two should be US and state flag in

that location. (19.33) Number 4 reason, if this is such an outstanding idea, why not require all public buildings should fly. Why only the state capital grounds. Reason 5, is 65 legislative assemblies have meet prior, but they have never brought up this issue before. I suggest the legislative management follow the federal law, and we do fly the POW flag on the six dates that are required. The House did amend their original bill. On line 6, it says all outdoor permanent locations, replace with 'the middle flag pole located east of the state museum and the current location in front of Veterans' Memorial'. I would replace the last sentence, on line 7, with 'no other shall fly daily on the two permanent flag poles on the south side of capital'. (22.11) Any questions. It is an emotional subject.

Sen. Richard Marcellais: In your testimony you said you talked to 20 people. Were any veterans?

John: Yes. I picked some retired state employees, some current state employees, 3 veterans.

Sen. Richard Marcellais: Do you know if they were in wars?

John: No. I did not ask that question. (23.12)

Sen. Richard Marcellais: There are five tribal nations flag. I introduced that bill four times, and it got defeated each time because you spoke against it.

John: Those were to be flown inside. We have here outside.

Sen. Richard Marcellais: If we amend this bill to cover your five items, you are OK to put a fiscal note on this bill?

John: Whatever you decide, we will do. (24.18)

Chairman Davison: Any more against? The hearing is closed.

Vice Chair Meyer: I sent you all an e-mail of a picture I took from Idaho. Please look.

Done (25.30)

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HB1056
3/21/2019
#34114

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk:

Explanation or reason for introduction of bill/resolution:

To provide for a display of the POW/MIA flag on the state capitol grounds.

Minutes:

Att #1

Chairman Davison: Look at HB1056. This bill was in regard that the POW/MIA flag we flown on all outdoors. We heard some opposition from John Boyle. I asked Vice Chair Meyer: to visit with John about an amendment to come up with something. I am not in favor, me personally, to have the flag on all outdoor permanent flag poles. We would have to have a fiscal note on this. He determines where it flies now. Maybe a step forward would be to codify where you fly it and it has to be each day.

Vice Chair Meyer: We are just codifying it. It will be on the spots it is currently flying. I think it is a nice compromise. (2.32) It puts it into Code. That is the amendment. (see att #1)

Vice Chair Meyer: I move to adopt amendment 19.0420.03001 for engrossed HB1056.

Sen. Kristin Roers: I second.

Chairman Davison: Discussion?

Sen. Shawn Vedaa: (3.15) Did you run this by Rep. Heinert?

Vice Chair Meyer: No, I did not.

Sen. Shawn Vedaa: I mean the veteran, Jim Nelson?

Vice Chair Meyer: No, I did not. (4.10)

Sen. Erin Oban: It can only be the US flag and then MIA/POW flag and nothing beneath. We could then not fly the state flag on the same pole, is my concern. I think we should have the state flag on our grounds. (4.45) This is a happy medium I guess.

Sen. Shawn Vedaa: So now we do US flag and then N.D. flag, so this would eliminate the N.D. flag. (5.31)

Chairman Davison: There was a map that John Boyle had at the hearing. There are the 6 days that we may fly it in additional areas. (6.06)

Sen. Kristin Roers: Does anyone know how the capitol grounds funds can be used? I wonder if there is an opportunity to petition that group to add some flag poles. We don't have the funds right now. (6.50)

Chairman Davison: I don't think we spend that fund down to zero.

Sen. Richard Marcellais: I did sit on the capitol grounds committee, but I got off of it because I felt we did not have any power. It was directed by Mr. Boyle. If he said it goes, it went. I don't think a flag pole costs \$15,000 like John said. I just bought a nice one for \$350. Don't know where he comes up with his costs. (8.48)

Chairman Davison: My opposition it I want the N.D. and US flag to fly in south side. Roll on amendment: **YES -- 6 NO -- 1 -0-absent. Amendment PASSED.**

Vice Chair Meyer: I move a DO PASS as amended. **Sen. Kristin Roers:** I second.

Chairman Davison: Discussion?

Sen. Richard Marcellais: I feel the veterans should have been asked about it. Not just Mr. Boyle when you talked to people after the hearing. (11.10)

Chairman Davison: Take roll: **YES -- 6 NO -- 1 -0-absent.**
HB1056 PASSED as amended. Vice Chair Meyer will carry the bill.

Done (12.03)

March 19, 2019

SK
3/21
1801

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1056

Page 1, line 6, remove "all outdoor,"

Page 1, line 7, remove "permanent, flagpole locations on"

Page 1, line 7, after "grounds" insert "on the middle flagpole on the east side of the heritage center and on a flagpole in front of the all veterans memorial"

Renumber accordingly

3-21-19
Date:
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES HB 1056
BILL/RESOLUTION NO.

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 19.0420.03001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Sen Meyer Seconded By Sen Roers

Senators	Yes	No	Senators	Yes	No
Chairman Davison	/		Senator Marcellais		/
Vice Chairman Meyer	/		Senator Oban	/	
Senator Elkin	/				
Senator Roers	/				
Senator Vedaa	/				

Total (Yes) 6 No 1

Absent -0-

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Amend. Passed

3-21-19
Date:
Roll Call Vote #:
8

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HP 1056

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 19,0420,03001

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Sen. Meyer Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
Chairman Davison	/		Senator Marcellais		/
Vice Chairman Meyer	/		Senator Oban	/	
Senator Elkin	/				
Senator Roers	/				
Senator Vedaa	/				

Total (Yes) 6 No 1

Absent -0-

Floor Assignment Sen. Meyer

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1056, as engrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1056 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "all outdoor,"

Page 1, line 7, remove "permanent, flagpole locations on"

Page 1, line 7, after "grounds" insert "on the middle flagpole on the east side of the heritage center and on a flagpole in front of the all veterans memorial"

Renumber accordingly

2019 CONFERENCE COMMITTEE

HB 1056

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1056

4/9/2019

34627

☐ Subcommittee

☒ Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Provide for the display of the prisoner of war and missing in action flag on the state capitol grounds

Minutes:

Attachments 1, 2

Chairman B. Koppelman opened the meeting on HB 1056. Other members present were Rep. Louser, Johnston, Senators Davison, Meyer, and Marcellais. The house had a lot of testimony that had the desire to have the POW flag displayed at the capitol particularly at the front of the capitol in our primary flagpole area. The bill was calling for it to be displayed on all flagpole locations within the capitol grounds. It was determined from time to time the city puts up American flags on some of the light poles around the perimeter, and there might be some incidental flags like those stuck on the capitol lawn at times. We wanted to clean up the intent and have it to be permanent flagpole locations. We had discussions about POW and American flag protocol and how they are displayed. We determined that it was reasonable to have the POW flag flown at the permanent flagpole locations throughout the capitol grounds. If it was a single American flagpole there and there wasn't an additional flagpole for the POW flag, it would be protocol to be flown below the US flag. We left it up to the capitol grounds to determine whether or not they would add flagpoles or fly it below the US flag in the various locations. I understand the senate version narrows it much to the amendments that John Boyle had brought to our committee which was the two locations currently on the capitol grounds.

Chairman Davison: Mr. Boyle provided testimony regarding current protocol and potential funding issues that may have happened with some different flagpoles, but that wasn't a big variable. He also had a compromise based on what his beliefs are as director of the grounds. We adopted some of his compromise and are comfortable that we can still can fly the POW flag on six particular days. We probably do fly it outside the front of the capitol on those days.

Senator Meyer: I met with Mr. Boyle and talked about some of the issues and tried to find a common ground. That is where we came up with that amendment about the middle flag on the east side of the heritage center and also in front of the veterans' memorial, always having that in codified there. Most of the committee agreed as far as putting it in front of the capitol even when you look at the symmetry. When you stand up in the memorial hall, you

see two flags, ND and American. They could fly underneath the American flag if they would like.

Senator Marcellais: I opposed both the amendment and the bill on the floor, because I felt we didn't fulfill the veterans' requests, and it doesn't hurt to put that POW flag under the American flag. That is protocol. It is not protocol to put the state flag under the American flag.

Chairman B. Koppelman: I had worked some on the amendments that we did in the house. At first blush, this doesn't appear to me as being a compromise between the parties that were in our side. One side was veterans' groups who felt that it should fly all the time at all the locations. On the other side of the coin, we had Mr. Boyle's amendments that talked about it flying in these two locations which I believe it is already flying.

Chairman Davison: Based on his decision. If there was a new capitol grounds person, they wouldn't have to fly them there.

Chairman B. Koppelman: We understand that. I think the reason the bill came forward was an observation of how are we doing things today and how would we like to have things done. Continue to do it, but codify it on two spots, or all spots. There was some discussion about the cost of the flags was not going to be that high. Often, those flags are allowed to be flown until they can't be flown anymore. If they get tattered, that is okay. You can tell me about the cost.

Senator Meyer: We didn't discuss the cost of the flags. We were talking about putting in a permanent flagpole, the trenching of wiring for lighting, etc. Those would be costs that we need to take into account.

Chairman Davison: I wouldn't get caught up on the funding. I don't think that is the snag in this whole process. We just feel that this is the right solution where those flags should be placed currently.

Chairman B. Koppelman: Is it fair to say from the majority of the senate's position that the symmetry probably weighed into it more than most of the other factors?

Chairman Davison: Yes.

Chairman B. Koppelman: Give some thought to if there is any middle ground between our positions that we can discuss, and we will schedule another meeting to do that. I want to try to get to the original intent of the bill was if we are going to send the bill forward. The meeting was adjourned.

Attachment 1, testimony by Caryl Two-Eagle, was given to the committee members prior to the meeting. Attachment 2, testimony by John (Butch) Olson, was given to the committee members prior to the meeting.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1056

4/11/2019

34686

☐ Subcommittee

☒ Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Provide for the display of the prisoner of war and missing in action flag on the state capitol grounds

Minutes:

Attachment 1-2

Chairman B. Koppelman opened the meeting on HB 1056. Others present were Rep. Louser, Johnston, Senators Davison, Meyer, and Marcellais. Attachment 1 was handed out. I had asked legislative council to find out exactly how many flags were on the capitol grounds that would have been affected by the bill that we sent to the senate.

Chairman Davison: This is the information that we were presented.

Chairman Koppelman: Was there a fiscal note going into the senate with this bill? We did not have a fiscal note on our side either. As you see from the handout, a lot of the locations that it would fly there would have no cost. The areas where there is cost might suggest that we may be lacking in our lighting or otherwise for those locations anyway. For example, if the west side of the state museum had a flag and lighting but we are not adding a pole, it suggests we are adding the flag probably below the stars and stripes. I am aware the governor's residence pole is not as tall as some of them, so there are some struggles with multiple flags on there. At our last meeting we talked about concerns over the symmetry of how we have flags on the south side of the capitol. Is there objection to the POW flag flying in these other locations?

Chairman Davison: We are comfortable with where the bill is at right now. The funding issue was a little bit of a factor, but it wasn't the overwhelming factor in why we decided to move with 1056. Certainly if the director of the capitol grounds wants to fly the POW flag in those areas, he is welcome to do that. He can make that decision on his own. We thought it was important to codify it in the places that if the current director of the capitol grounds left, we knew from the senate standpoint the POW flag would still continue to fly in those two areas where it does currently.

Senator Marcellais: If you are flying the American flag, you have to have lighting. The etiquette is that you fly the POW flag underneath the American flag, and that wouldn't require

a pole. I see on here where it says add flag below the US flag. If that would happen, I think that would suffice the bill. There wouldn't be any cost involved in adding poles or lighting. I noticed at the governor's residence that the ND flag is under the American flag. That is not flag etiquette. It should be on a separate pole.

Rep. Louser: South Dakota has one flag pole in front of their capitol. They alternate. It is the American flag, and sometimes the South Dakota flag is second, and the POW third. Sometimes the POW is second, and there isn't any South Dakota flag at all. It looks like it just might be whatever is important to them at the time. Minnesota has two flagpoles that are on top of the capitol building on either side of the rotunda. I have not seen any photos of the POW flag flying at all in Minnesota. I understand the concern out front with the symmetry and how the pictures may look or presented to visitors. I think the intent of the bill sponsor was to have that POW flag underneath the American flag in particular out front on the south side of the capitol grounds at our entrance.

Chairman Koppelman: Every day?

Rep. Louser: Yes.

Chairman Koppelman: Our committee had the discussion as to why would we adopt Mr. Boyle's amendments, because if we were going to put a bill in, we may not pick the same two places as it is currently being flown. If it is being flown and that is adequate, we wouldn't need a bill at all. Do we want to show the respect for those fallen soldiers every day, or do we want to do it just on a handful of holidays when we try to put extra effort to honoring those individuals because the capitol where we or they come throughout the session is not anywhere near the war memorial or the heritage center? I think symmetry is a very secondary concern to respect for those that give us the ability to exercise our form of government by standing up for us.

Chairman Davison: I don't remember what the final vote in the senate was. Obviously, the senate is comfortable with how the bill is and where it is at. I don't think there is a solution outside of what is in the bill.

Rep. Louser: Could a compromise be to focus the POW flag on the south side of the capitol grounds permanently as one area where it is permanently displayed and then optional or special times of the year in other areas?

Chairman Davison: The director of facilities management can do that now if he wants to.

Rep. Louser: True. Leaving it up to the director of facilities management is a decision they make. This is a decision the legislature makes to direct that? I am wondering if that would be a compromise the senate would consider?

Chairman Davison: At this point, no. The director of facilities management is able to make those decisions, and I am comfortable with where it is at. I think the south side is probably the most sensitive side of the whole process. As you see, many state capitols just fly the US flag and their state flag similar to us. I think Idaho is the only one that doesn't.

Chairman Koppelman: The senate vote was 44-1. The house vote was 92-0 to fly in all these locations. If the house bill that we had sent you was in front of the full body of the senate, do you believe they would vote yes or no?

Chairman Davison: I have no idea. It won't be, so we won't know.

Chairman Koppelman: If symmetry is going to be the primary concern, should we be looking at other options for flying the flag on the south side on its own pole in some fashion that would satisfy symmetry when taking a picture of the capitol from the capitol mall?

Chairman Davison: I think those are discussions that you should have with the director of facilities management. We are comfortable with where the bill is at.

Chairman Koppelman: Would you suggest that your position in the senate would likely be amended as to what the will of the facilities manager, Mr. Boyle...

Chairman Davison: So, he would be on that case. He has the ability to fly that flag each day. Do we agree with that? He has the ability to fly the POW flag on the south side if he wants to do that. He is currently making the choice to fly it at two spots.

Chairman Koppelman: He currently has the ability to fly it in all or none of these places. The senate sent us a bill back that sought there was a reason why we needed to codify where it flies in case there is a change in that opinion. We agree we need to codify it. There appears to be a difference of opinion from veterans' in the house to that of Mr. Boyle's. If Mr. Boyle's opinion changes like an Option C, do you think the senate is open to considering that option if Mr. Boyle is okay with it?

Chairman Davison: I am only going to commit to the fact that we are comfortable with where 1056 is at.

Chairman Koppelman adjourned the meeting.

Attachment 2 was handed out by the law intern.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1056

4/17/2019

34795

☐ Subcommittee

☒ Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Provide for the display of the prisoner of war and missing in action flag on the state capitol grounds

Minutes:

Attachment 1

Chairman B. Koppelman opened the conference committee meeting on HB 1056. Others present were Rep. Louser, Johnston, Senators Davison, Meyer, and Marcellais. Last time we met we discussed some of the potential costs of the areas the house version of the bill had suggested. At that point, the senate was comfortable with their version of the bill.

Senator Davison handed out an amendment (19.0420.03002). Attachment 1. The intent of the amendment is that we would codify the flags flying on the middle flagpole on the east side of the heritage center and on the flagpole in front of the all veterans' memorial. In addition to that, we would fly the POW flag on any day the legislative assembly is in session below the flag of the US on the flagpole immediately south of the state capitol building. I would **move that amendment**.

Senator Meyer seconded the motion.

Senator Marcellais: I don't have a problem with it except the any day of the legislative session. I feel it should be all 365 days instead of the 80 days.

Chairman B. Koppelman: I am still curious as to why we would be limiting it to just 80 days every other year and what message that would send to the public as to the importance of flying it then but not the rest of the time. The bill sponsor and others had interest in improving our presentation with flying that flag all the time as being a statement. My guess is that this amendment probably does not achieve that.

A roll call vote was taken on the amendment. 1-5, 0 absent. Failed.

Rep. Louser: Was there any thought on this amendment to the symmetry discussion we have had with facility management? Maybe during the legislative year there aren't a lot of pictures taken outside because it is snowing and cold. We have heard we don't achieve the

balance when we have two flags on one side and one on the other. I am trying to get to a point where we can find a solution, and I appreciate that you are looking for a compromise. Did that weigh in at all?

Senator Davison: I was asked yesterday by the bill sponsors as to why we can't fly it 365 days a year? The burden is on the bill sponsor to provide enough convincing evidence that we need to fly it 365 days a year. It is not my responsibility to say why we shouldn't. As far as the senate goes, that bar just hasn't been met. If we are talking about taking some pictures in front of the capitol, we are going to change the symmetry so people can drive by and take pictures? If 49 other states have their state flag and the US flag flying in front of their capitol and one state flies the POW flag on all their public buildings, what is the overall convincing evidence that is something so important that we need to do it here in ND?

Rep. Louser: That answers my question. The purpose of your bill wasn't predicated on taking pictures or symmetry. It was more of a convincing argument that we should fly it 365 days which, in my opinion, was the whole purpose of the original bill as introduced saying that flag should be flown on all outdoor flagpoles. It is just a matter of the house needing to convince the senate that the original purpose of the bill serves its purpose.

Chairman B. Koppelman: I think the bill sponsor's intent was hinging upon having the POW/MIA flag flown on the south side of the capitol. With that being the premise of the bill, that is what concerns me about the senate's version that they passed. I am hoping ultimately that we come up with a solution that deals with the intent to the original bill.

The meeting was adjourned.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1056

4/19/2019

34859

☐ Subcommittee

☒ Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Provide for the display of the prisoner of war and missing in action flag on the state capitol grounds

Minutes:

Attachment 1-2

Chairman B. Koppelman opened the conference committee meeting on HB 1056. Others present were Rep. Louser, Johnston, Senators Davison, Meyer, and Marcellais. Attachment 1 (amendment 19.0420.03003) was handed out. Attachment 2 is a handout on the flag etiquette for displaying the POW flag. Primarily our previous discussions were about symmetry and allowing the capitol grounds to decide when and where we fly the POW flag with the exception of the two areas where they have chosen to fly it currently. There are basically two parts in the amendments. It was brought to my attention that there are a set of flagpoles on the west side of the museum that were not really set up to fly the US or ND flag. They were more ceremonial for different displays or exhibits. That is why in the first part you will see the wording must be flown daily on the state capitol grounds on all outdoor permanent flagpole locations where the flag of the United States is flown which would clarify that. We also clarify on No. 2 in the first section that it may be flown on the same flagpole or on a separate flagpole. The effective date of Section 1 has an emergency clause on it. It would be when the governor signs it, or it would be August 1. Section 2 of the amendment has a delayed effective date of January 1, 2020. No. 2 on Page 2 of Attachment 2 shows how Section 1 would work. No. 3 and 4 on that same page indicate the two options that the capitol grounds committee would have in how to display the flag on a separate flagpole. Regarding the south side of the capitol grounds, there is a project to enclose the tunnel. In the process they are going to re landscape the south side of the capitol. Also, they are going to be removing the center sidewalk that goes between the flagpoles now. That would leave a good opportunity to put a third flagpole in between the two that are there. I also was informed that the POW flag flies continually over the white house, capitol rotunda, various war memorials, all the national cemeteries, each post office, each military installation, and many departments of the federal government.

Rep. Johnston moved amendment .03003.

Rep. Louser seconded the motion.

Senator Davison: Tell me what the first section does in your mind and how it changes anything from the original bill.

Chairman B. Koppelman: I will refer to the way we sent it over from the house. One of the concerns raised by Mr. Boyle was it removed a location that was kind of unintended, but he felt it was included in that language when the original house version said all permanent flagpole locations on the capitol grounds. We eliminated that. There were discussions that I have had with Mr. Boyle and the Lt. governor who chairs that committee about the lists of potential action items I handed out at an earlier conference committee meeting which had some costs. There was some discussion as to whether or not these costs were unique to flying this flag or whether some of the lighting projects needed to be done anyway. Now that it has been brought to everyone's attention, I trust the capitol grounds will deal with some of those proper process issues for displaying the flag. Section 1 is very similar to the house version with the exception of that unintended location correction.

Senator Davison: How does Section 2 differ from the house version?

Chairman B. Koppelman: It differs from the house version because it directs that the POW/MIA flag after January 1, 2020 be flown on its own flagpole. The Lt. governor thought if those two projects move forward, it would not be difficult to afford that third flagpole.

Senator Meyer: Is there any way to make sure we can make it like No. 3 on Page 2 of Attachment 2?

Senator Davison: I would suggest we come back on Monday and work through it instead of trying to do the work on the wording.

Chairman B. Koppelman: Do we feel we are in favor of the three flagpole concept in front of the south side of the capitol and waiting for an amendment that would ensure the center flagpole is taller and would bear the US flag?

Senator Davison: I think we are getting closer. I need to confirm a couple things in regarding the construction project and the time frame. I can't support it today.

Senator Marcellais: On behalf of the veterans, I want to thank you for all the work you have done on this bill. Can we act on the motion that is on the floor?

A roll call vote was taken on amendment. 4-2, 0 absent. Motion fails.

The meeting was adjourned.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1056

4/22/2019

HB 1056

☐ Subcommittee

☒ Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Provide for the display of the prisoner of war and missing in action flag on the state capitol grounds

Minutes:

Attachment 1-2

Chairman B. Koppelman opened the conference committee meeting on HB 1056. Others present were Rep. Louser, Johnston, Senators Davison, Meyer, and Marcellais. Last meeting one of the senators had indicated they wanted a similar version to the prior amendment with having the tallest flagpole in the center be the US flag. That is what is before you (Attachment 1).

Senator Marcellais: I have a handout where the 116th congress in Washington, DC is introducing a bill that all POW flags be flown with the US flag. Attachment 2. It was introduced on March 7 of this year.

Chairman B. Koppelman: All federal buildings then would have the POW flag, and it would be every day?

Senator Marcellais: Yes.

Rep. Louser moved the amendment .03004.

Rep. Johnston seconded the motion.

Chairman B. Koppelman: We need discussion on how this is different from the previous amendment we looked at. Other discussion is fine too. Senator Meyer, you had made some comments at the last meeting, and I tried to tailor this amendment to those comments. You and I followed up after the meeting just to make sure I was clear on what you were talking about. Does this appear to do that?

Senator Meyer: My concern now after some discussion is what could be coming down the pike with our capitol grounds. If we put this in, will it change in two years?

Chairman B. Koppelman: Could you elaborate on that? From the information I was given on the capitol grounds project by Mr. Boyle was that the flagpole area was going to remain relatively unchanged in terms of where the flagpoles were and that the center sidewalk was getting removed. I had a conversation with the Lt. governor who chairs that grounds committee, and his comments were something to the effect that if even they decided to have a center sidewalk, they could do something that kind of wrapped around the center pole. Neither one of those led me to believe there was concern about what happened unless this is just a way to create a smokescreen.

Senator Davison: My suggestion would be to vote the amendment, and then we can further discuss the bill.

Chairman B. Koppelman: I have tried to be as cooperative with everybody as I can, and it seems we are shifting sands every time we talk to the capitol grounds crew.

A roll call vote was taken. 4-2. Motion fails.

Senator Meyer: We did chat with Mr. Boyle, and I think we might be able to come up with an amendment that would appease the original intent and fly the POW flag under that American flag. Put it in and codify it knowing that the capitol grounds are planning on an overhaul with the tunnel and they are sounding like maybe they are going to be doing a capitol quad out there. Put a sunset on it, and say when we come back in two years, we can really direct with more idea of what is going to happen in the future with that whole removing of the sidewalks, removing of the flagpoles, and we could have more input on the whole picture.

Chairman B. Koppelman: Since day one, I have not had an issue with flying the POW flag below the US flag. That is what they originally wanted to do, and we have heard money, symmetry, what the grounds guy have control, etc. What concerns me is it seems to be like throwing things against the wall as landmines trying to figure out what is going to stick. I am kind of tired of coming back here and doing that when the goalposts keep changing. Do we need to have Mr. Boyle come here and tell us what the plan is for the tunnel?

Senator Davison: I don't think anybody is throwing any landmines. We simply came up with an amendment similar to yours. This has about a \$50,000-\$100,000 price tag. There are no dollars in the bill, and that isn't even the significant piece. The significant piece is that from the start, they wanted the POW flag to fly under the US flag under the south side. What Senator Meyer has come up with meets that goal. You get to fly the POW flag under the US flag for the next two years. Within that, the capitol grounds committee, to the best of my knowledge, is going to develop a plan for that front side. Within that front side, the south side, they will determine how to put that POW flag in there. They will have flown the flag for two years, and they will get feedback from the public if that is something that the public wants. Secondly, they will have the flexibility to develop that south side with the POW flag, with the capitol grounds committee, and with the input of the legislators on the capitol grounds committee, and if everybody is so happy with flying the POW flag underneath the American flag, we just write another bill and run it through. I don't think it is a bombshell. I think it is something that was well thought out and reasonable. I take offense a little bit to your verbiage that your amendment is fine, and ours is a bombshell.

Chairman B. Koppelman: I was referring to the fact that when we met over the few times, the first time we were told it was a money thing...

Senator Davison: We have never come close to agreeing on anything. In your mind, you are interpreting our words however you want. We are not interested in the bill that you just brought forward. Nobody has ever insinuated that was the magic ticket.

Chairman B. Koppelman: I would disagree. Last week we had Senator Meyer saying that is what he wanted added to the previous amendment. I believe we did have that on the record as to what was desired. Apparently those desires have changed. Senator Meyer, how would your proposed amendment differ from the 3000 version of the bill which is what the house sent the senate?

Senator Meyer: The biggest difference would be the sunset. I don't know if we could even put in language to say we want to have input on the capitol grounds.

Chairman B. Koppelman: I believe the tunnel project is to take place in the next two years, and so for us to have a sunset on what our policy is that would likely drive what they do in that project, I think would be probably not a very good thing to do. If you were in favor of saying it has to be flown and give them the flexibility of how to fly it as they put the plan together, I think there might be a version that the house could agree with, but the biggest thing is it would have to be without the sunset clause, because we would be putting direction saying it is the policy of the legislature that we will be flying this. Now figure out how you want to fly it.

Senator Meyer: We talked to Mr. Boyle, and he seemed fine with it.

Chairman B. Koppelman: He has had several ideas. It wasn't a great idea when we started this process with Mr. Boyle. He didn't want this at all. He is the only opposition on both chambers to this. We have thorough hearings in the house and senate. At least as far as the public weighed in, John Boyle seems to be the only one that doesn't want this. For us to say we need to sunset because one person doesn't like, I don't know if that is good policy. I look forward to seeing whatever amendment you have.

The meeting was adjourned.

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1056
4/23/2019
34919

☐ Subcommittee
☒ Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Provide for the display of the prisoner of war and missing in action flag on the state capitol grounds

Minutes:

Attachment 1

Chairman B. Koppelman opened the conference committee meeting on HB 1056. Others present were Rep. Louser, Johnston, Senators Davison, Meyer, and Marcellais.

Senator Meyer: Attachment 1 (Amendment 19.0420.03005) was handed out. **I make a motion the senate recede from senate amendments and further amend HB 1056 with amendment 3005.**

Senator Davison seconded the motion.

Chairman B. Koppelman: Would you walk through your amendment?

Senator Meyer: This amendment will have the flag flying and codified again with the heritage center, the veterans' memorial, and now it says it can either fly underneath the American flag or on a pole of its own in front of the south side of the capitol using proper flag etiquette.

Chairman B. Koppelman: Would you be agreeable to adding an emergency clause? I think it might be important to veterans to be able to have a flag ceremony in the aftermath.

Senator Meyer: I am fine with that.

Chairman B. Koppelman: I think we could make a motion to amend the amendment to add an emergency clause.

Senator Davison: **So moved.**

Senator Meyer seconded the motion.

Voice vote. Motion carries.

House Government and Veterans Affairs Committee

HB 1056

4/23/19

Page 2

A roll call vote was taken. 6-0, 0 absent.

House carrier: Rep. B. Koppelman Senate carrier: Senator Meyer

The meeting was adjourned.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1056

That the Senate recede from its amendments as printed on page 1324 of the House Journal and page 1049 of the Senate Journal and that Engrossed House Bill No. 1056 be amended as follows:

Page 1, line 6, replace "daily" with ":

1. Daily"

Page 1, line 6, remove "all outdoor."

Page 1, line 7, remove "permanent, flagpole locations on"

Page 1, line 7, remove ". The prisoner of war and missing in"

Page 1, line 8, replace "action flag" with "on the middle flagpole on the east side of the heritage center and on a flagpole in front of the all veterans memorial and"

Page 1, line 8, replace "under" with "below"

Page 1, line 8, after "States" insert "at these locations"

Page 1, after line 8, insert:

"2. On any day the legislative assembly is in session below the flag of the United States on the flagpole immediately south of the state capitol building."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1056

That the Senate recede from its amendments as printed on page 1324 of the House Journal and page 1049 of the Senate Journal and that Engrossed House Bill No. 1056 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 48-05-01.1 of the North Dakota Century Code, relating to the display of the prisoner of war and missing in action flag on the state capitol grounds; to amend and reenact section 48-05-01.1 of the North Dakota Century Code, relating to the display of the prisoner of war and missing in action flag on the state capitol grounds; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 48-05-01.1 of the North Dakota Century Code is created and enacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

The prisoner of war and missing in action flag:

1. Must be flown daily on the state capitol grounds on all outdoor permanent, flagpole locations where the flag of the United States is flown; and
2. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.

SECTION 2. AMENDMENT. Section 48-05-01.1 of the North Dakota Century Code is amended and reenacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

1. The prisoner of war and missing in action flag:
 - 4- a. Must be flown daily on the state capitol grounds on all outdoor permanent, flagpole locations where the flag of the United States is flown; and
 - 2- b. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.
2. Notwithstanding subdivision b of subsection 1, the prisoner of war and missing in action flag flown at the outdoor, permanent flagpole display located immediately south of the state capitol building must be flown alone on a separate flagpole.

SECTION 3. EFFECTIVE DATE. Section 2 of this Act becomes effective on January 1, 2020.

SECTION 4. EMERGENCY. Section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1056

That the Senate recede from its amendments as printed on page 1324 of the House Journal and page 1049 of the Senate Journal and that Engrossed House Bill No. 1056 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 48-05-01.1 of the North Dakota Century Code, relating to the display of the prisoner of war and missing in action flag on the state capitol grounds; to amend and reenact section 48-05-01.1 of the North Dakota Century Code, relating to the display of the prisoner of war and missing in action flag on the state capitol grounds; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 48-05-01.1 of the North Dakota Century Code is created and enacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

The prisoner of war and missing in action flag:

1. Must be flown daily on the state capitol grounds on all outdoor permanent flagpole locations where the flag of the United States is flown; and
2. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.

SECTION 2. AMENDMENT. Section 48-05-01.1 of the North Dakota Century Code is amended and reenacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

1. The prisoner of war and missing in action flag:
 4. a. Must be flown daily on the state capitol grounds on all outdoor permanent, flagpole locations where the flag of the United States is flown; and
 2. b. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.
2. At the outdoor, permanent flagpole display located immediately south of the state capitol building:
 - a. The display must consist of three flagpoles with the tallest flagpole in the center and the other two flagpoles positioned directly east and directly west of the center flagpole.

- b. The flag of the United States must be flown on the center flagpole.
 - c. Notwithstanding subdivision b of subsection 1, the prisoner of war and missing in action flag must be flown alone on a separate flagpole directly west of the flagpole displaying the flag of the United States.
 - d. The flag of North Dakota must be flown on the flagpole directly east of the flagpole displaying the flag of the United States.
3. All flags displayed on state capitol grounds must be displayed using proper flag etiquette.

SECTION 3. EFFECTIVE DATE. Section 2 of this Act becomes effective on January 1, 2020.

SECTION 4. EMERGENCY. Section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

April 23, 2019

De 4/23/19

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1056

That the Senate recede from its amendments as printed on page 1324 of the House Journal and page 1049 of the Senate Journal and that Engrossed House Bill No. 1056 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 48-05-01.1 of the North Dakota Century Code, relating to the display of the prisoner of war and missing in action flag on the state capitol grounds; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 48-05-01.1 of the North Dakota Century Code is created and enacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

The prisoner of war and missing in action flag:

1. Must be flown daily on the state capitol grounds at the following flagpole locations:
 - a. Immediately south of the state capitol building;
 - b. In front of the all veterans memorial; and
 - c. On the east side of the heritage center.
2. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.
3. Must be displayed using proper flag etiquette."

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Renumber accordingly

Date: 4-17-19
Roll Call Vote #: 1

**2019 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 1056 as (re) engrossed

House Government and Veterans' Affairs Committee

- Action Taken**
- ☐ HOUSE accede to Senate Amendments
 - ☐ HOUSE accede to Senate Amendments and further amend
 - ☐ SENATE recede from Senate amendments
 - ☐ SENATE recede from Senate amendments and amend as follows
 - ☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed
 - ☒ Adopt amendment

Motion Made by: Senator Davison Seconded by: Senator Meyer

Representatives	4-9	4-11	4-17	Yes	No	Senators	4-9	4-11	4-17	Yes	No
Chairman B. Koppelman	X	X	X		X	Chairman Davison	X	X	X	X	
Rep. Louser	X	X	X		X	Senator Meyer	X	X	X		X
Rep. Johnston	X	X	X		X	Senator Marcellais	X	X	X		X
Total Rep. Vote						Total Senate Vote					

Vote Count Yes: 1 No: 5 Absent: 0

House Carrier _____ Senate Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

- Continue flying POW flag on middle flagpole on east side of heritage center and on flagpole in front of all veterans memorial.
 - Fly POW any day of legislative session below US flag south of Capital building
- Failed*

Date: 4-19-19
Roll Call Vote #: 1

**2019 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 1056 as (re) engrossed

House Government and Veterans' Affairs Committee

- Action Taken**
- ☐ HOUSE accede to Senate Amendments
 - ☐ HOUSE accede to Senate Amendments and further amend
 - ☐ SENATE recede from Senate amendments
 - ☐ SENATE recede from Senate amendments and amend as follows
 - ☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

☒ *Adopt amendment*

Motion Made by: Rep. Johnston Seconded by: Rep. Louser

Representatives	<u>4/19</u>			Yes	No		Senators	<u>4/19</u>			Yes	No
Chairman B. Koppelman	X			X			Chairman Davison	X				X
Rep. Louser	X			X			Senator Meyer	X				X
Rep. Johnston	X			X			Senator Marcellais	X			X	
Total Rep. Vote							Total Senate Vote					

Motion fails

Vote Count Yes: 4 No: 2 Absent: 0

House Carrier _____ Senate Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

- POW flown daily on Capital grounds on all flagpole locations where the US flag is flown
- May be flown on the same flagpole or on a separate flagpole
- POW flag after Jan 1, 2020 be flown on its own flagpole.

Date: 4-22-19
Roll Call Vote #: 1

**2019 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 1056 as (re) engrossed

House Government and Veterans' Affairs Committee

Action Taken ☐ HOUSE accede to Senate Amendments
☐ HOUSE accede to Senate Amendments and further amend
☐ SENATE recede from Senate amendments
☐ SENATE recede from Senate amendments and amend as follows

☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

☒ Adopt amendment

Motion Made by: Rep. Louser seconded by: Rep. Johnston

Representatives				Yes	No	Senators				Yes	No
Chairman B. Koppelman	<u>4-22</u>	<u>X</u>		<u>X</u>		Chairman Davison	<u>4-22</u>	<u>X</u>			<u>X</u>
Rep. Louser		<u>X</u>		<u>X</u>		Senator Meyer		<u>X</u>			<u>X</u>
Rep. Johnston		<u>X</u>		<u>X</u>		Senator Marcellais		<u>X</u>		<u>X</u>	
Total Rep. Vote						Total Senate Vote					

Vote Count Yes: 4 No: 2 Absent: 0

House Carrier _____ Senate Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Tallest flagpole in the center with the
US flag

Date: 4-23-19
Roll Call Vote #: 7

**2019 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 1056 as (re) engrossed

House Government and Veterans' Affairs Committee

- Action Taken**
- ☐ HOUSE accede to Senate Amendments
 - ☐ HOUSE accede to Senate Amendments and further amend
 - ☐ SENATE recede from Senate amendments
 - ☐ SENATE recede from Senate amendments and amend as follows
 - ☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

☒ *Adopt amendment*

Motion Made by: Sen. Davison Seconded by: Sen. Meyer

Representatives				Yes	No	Senators				Yes	No
Chairman B. Koppelman						Chairman Davison					
Rep. Louser						Senator Meyer					
Rep. Johnston						Senator Marcellais					
Total Rep. Vote						Total Senate Vote					

Voice Vote. Motion Carries

Vote Count Yes: _____ No: _____ Absent: _____

House Carrier _____ Senate Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

*Amend the amendment to add
emergency clause*

Date: 4-23-19
Roll Call Vote #: 2

**2019 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 1056 as (re) engrossed

House Government and Veterans' Affairs Committee

- Action Taken**
- ☐ HOUSE accede to Senate Amendments
 - ☐ HOUSE accede to Senate Amendments and further amend
 - ☐ SENATE recede from Senate amendments
 - ☒ SENATE recede from Senate amendments and amend as follows
 - ☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Meyer Seconded by: Sen. Davison

Representatives	<u>4/23</u>			Yes	No		Senators	<u>4/23</u>			Yes	No
Chairman B. Koppelman	<u>X</u>			<u>X</u>			Chairman Davison	<u>X</u>			<u>X</u>	
Rep. Louser	<u>X</u>			<u>X</u>			Senator Meyer	<u>X</u>			<u>X</u>	
Rep. Johnston	<u>X</u>			<u>X</u>			Senator Marcellais	<u>X</u>			<u>X</u>	
Total Rep. Vote							Total Senate Vote					

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Rep. Koppelman Senate Carrier Senator Meyer

LC Number 19.0420 . 03006 of amendment

LC Number 19.0420 . 05000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 19.0420.03006
House Carrier: B. Koppelman
Senate Carrier: Meyer

REPORT OF CONFERENCE COMMITTEE

HB 1056, as engrossed: Your conference committee (Sens. Davison, Meyer, Marcellais and Reps. B. Koppelman, Louser, Johnston) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1324, adopt amendments as follows, and place HB 1056 on the Seventh order:

That the Senate recede from its amendments as printed on page 1324 of the House Journal and page 1049 of the Senate Journal and that Engrossed House Bill No. 1056 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 48-05-01.1 of the North Dakota Century Code, relating to the display of the prisoner of war and missing in action flag on the state capitol grounds; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 48-05-01.1 of the North Dakota Century Code is created and enacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

The prisoner of war and missing in action flag:

1. Must be flown daily on the state capitol grounds at the following flagpole locations:
 - a. Immediately south of the state capitol building;
 - b. In front of the all veterans memorial; and
 - c. On the east side of the heritage center.
2. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.
3. Must be displayed using proper flag etiquette."

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Renumber accordingly

Engrossed HB 1056 was placed on the Seventh order of business on the calendar.

2019 TESTIMONY

HB 1056

HR 1056 Flying POW/MIA flag on Capitol Grounds

1
1056
1-4-19

Good Morning

Chairman Kasper and members of the committee, I am Jim Nelson and I am the spokesperson for the North Dakota Veterans Legislative Council. I serve as Vice President and Legislative Director. As you know the Council is made up of the top officers from the five Veterans Organizations—American Legion, AMVETS, DAVVFW and Vietnam Veterans of America comprising of over 30 thousand veterans statewide.

I rise today in support of this bill.

The POW/MIA flag was created for the National League of Families of American Prisoners and Missing in Southeast Asia in 1972 by the wife of a missing U.S. military officer to remind every American of the servicemen whose fates were never accounted for during the war. In 1979 as pressure mounted for full accountability of the missing in Vietnam, Congress and the President proclaimed the first POW/MIA Recognition Day as a way of acknowledging the concerns of the families and to symbolize the resolve of the American people to never forget the men and women who gave up their freedom protecting ours.

After nearly a decade, the flag gained attention in a huge way. In 1982 the POW/MIA flag became the only flag other than the Ensign to fly over the White House. Historians and flag experts believe it also has the distinction of being the only non-national flag that any federal government anywhere in the world has mandated to be flown regularly. That began on August 10, 1990 when Congress passed U.S. Public Law 101-355, designating the POW/MIA: "The symbol of our Nation's concern and commitment to resolving as full as possible the

1
1056
1-4-19

fates of Americans still prisoner, missing and unaccountable for in Southeast Asia,”

The POW/MIA flag has come to represent the unaccounted servicemen and service women from all wars. In North Dakota the flag as come to remind us of the 395 unaccounted for: 19 from WW, 346 from WWII, 21 from Korea, 8 official and 1 unofficial from Vietnam and 1 from Operation Desert Storm.

Many states have mandated that the POW flag be flown on the 6 holidays and others day of importance with Idaho in 2011, becoming the 1st state to mandate the POW/MIA flag 24/7 on all state buildings or until such time that all our unaccounted are answered for. I ask that that we join Idaho and provide the people of ND a reminder of the high cost of the freedom we enjoy, every time they come to or drive by the Capitol.

Thank You

#1 2
1056
1-4-19

NORTH KOREA - Published January 22

On 50th anniversary of capture by North Korea, USS Pueblo crew still feels scars



By Andrew O'Reilly, | Fox News



A photo of the Pueblo in the Puget Sound (United States Navy)

Ralph McClintock wasn't even supposed to be on the mission that changed his life.

Out of duty to both his country and sense of curiosity, the young U.S. Navy communications technician volunteered to fill a vacant spot on the USS Pueblo's mission in the waters off North Korea in January of 1968.

"I took the job because I wanted know what the North Koreans did and I wanted to see the enemy up close," McClintock told Fox News. "The mission was only supposed to last 22 days."

Instead of lasting 22 days, McClintock and 82 other Pueblo crew members would spend 11 grueling months away from their home port – most of it spent in North Korean prisoner of war camps – in what might have been one of the more gripping dramas of the Cold War. But the incident was somewhat buried in the headlines of a tumultuous time.

It "was just an extraordinary year, with the Tet Offensive in Vietnam, Lyndon Johnson announcing he wouldn't seek re-election, RFK and MLK being killed, the Soviet invasion of Czechoslovakia and the Apollo 8 launch to name just a few," Jack Cheevers, author of "Act of War: Lyndon Johnson, North Korea, and the Capture of the Spy Ship Pueblo," told Fox News in an interview. "The Pueblo fell through the cracks of history because it became a sideshow to everything that happened."

But Cheevers added that given the current heightened tensions between the U.S. and North Korea, the saga of the Pueblo could hold clues as to how Washington should deal with its longtime adversary.

"The Pueblo incident may gain prominence over time because it teaches us that you can deal with North Korea, even during a major crisis," he said.



The Pueblo in Japan before its capture. (Ralph McClintock)

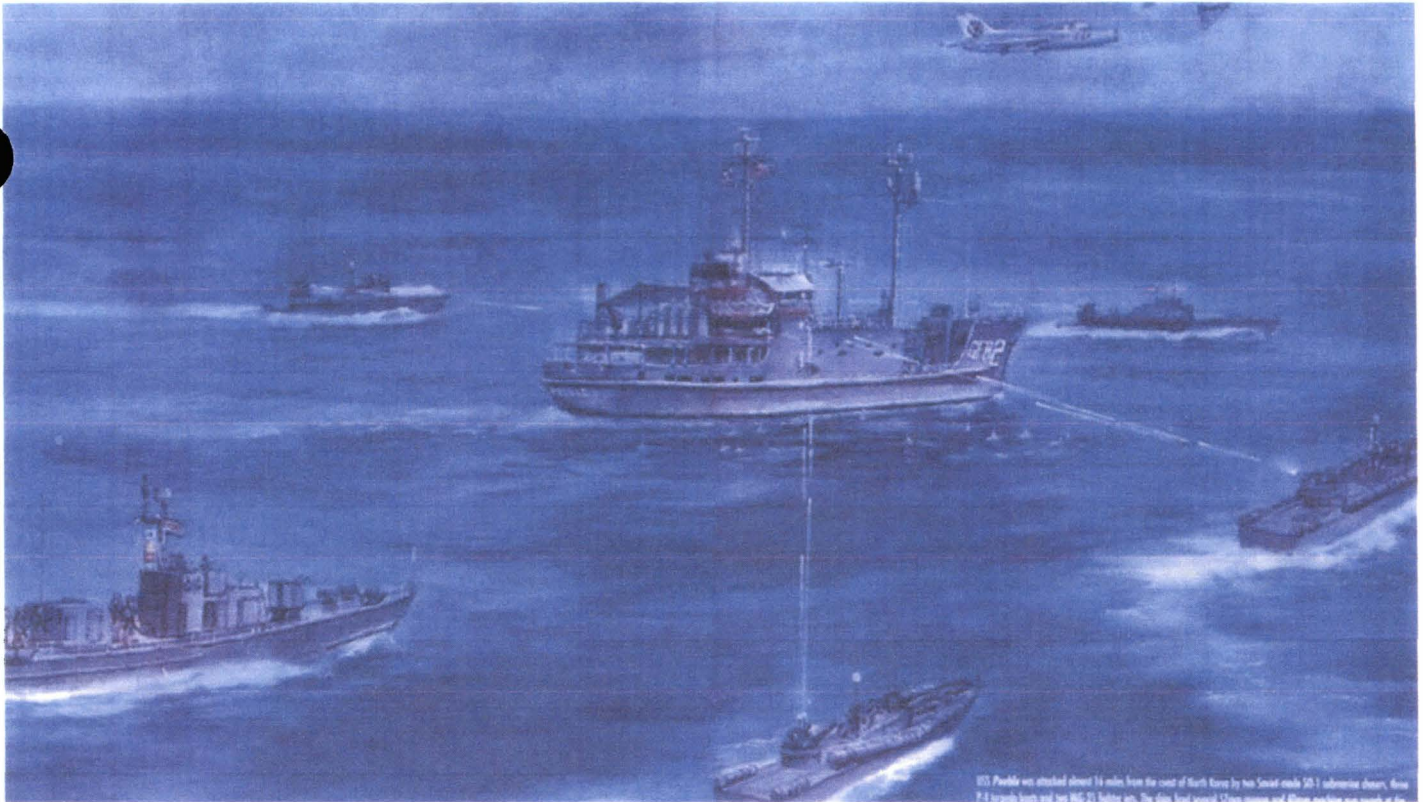
The tale of the Pueblo begins in early January, 1968, when the crew set off from the U.S. Navy base in Yokosuka, Japan with orders to conduct surveillance on Soviet Navy and North Korean communication activity. The ship carried out its work without incident for the majority of the mission, with little to no resistance, as Commander Lloyd M. Bucher kept the vessel safely in international waters.

The problems began as the mission approached its close. First, a North Korean submarine chaser passed within some 4,000 yards of the Pueblo. Two days later, a pair of North Korean fishing trawlers came within 30 yards, while the "fishermen" looked on with binoculars and snapped photos.

"I'd never heard off any North Korean fishermen bringing cameras with them," McClintock said.

The following day, Jan. 23, another submarine chaser appeared, challenged the Pueblo, and ordered the crew to stand down. The Pueblo tried to outmaneuver the other ship, but another submarine chaser, four torpedo boats and two MiG-21 fighter jets joined the scene.

After a protracted chase, which the Americans insist occurred in international waters and which cost one Pueblo crewmember his life, the U.S. sailors signaled compliance, and began destroying any sensitive material.



USS Pueblo was attacked about 14 miles from the coast of North Korea by two Soviet-made SSG-1 submarine chasers, three P-6 torpedos boats and two KSS-10 torpedo boats. The ship lost several 20mm cannons and 40mm machine guns, and was captured at sea.

An artist's depiction of the capture of the Pueblo (USS Pueblo Veterans Association)

"We had large, weighted bags for dumping documents," Don Peppard, an administrative assistant on the Pueblo and the president of the ship's veterans association, told Fox News. "The problem was that there were just too many documents for us to destroy in such a short time. The North Koreans got a lot of documents."

The North Korean also took all 82 surviving Pueblo crewmembers captive – blindfolding them and binding their hands on the trip to the port of Wonson. They were then bused to Pyongyang, and kept as prisoners of war in two different camps: the "Barn" and the "Farm."



Survivors of the USS Pueblo in Colorado in 2016. (USS Pueblo Veterans Association)

"We had no idea what was going to happen to us, but whatever it was, it didn't seem like it would be pleasant," Peppard said. "At that point I felt like my life wasn't going to be worth very much."

While all of the crew were beaten and tortured, some of the worst treatment was reserved for Cmdr. Bucher. He was subject to horrific psychological torture, which included putting him in front of a mock firing squad in an attempt to force a confession. It was only when the North Koreans threatened to execute the entire crew in front of Bucher that he relented, and agreed to confess to the crimes leveled against him.

Bucher, who died in 2004, spent much of the rest of his life defending his actions. It wasn't until 1989 that the U.S. government finally recognized the crew's sacrifice, and granted them Prisoner of War medals.

"His view was that the Navy treated the crew very unfairly," Cheever said. "The crew really have had to fight to have their reputations restored."

Some of the worst treatment came during a period they refer to as "Hell Week," which occurred when the North Koreans discovered the crew had secretly given "the finger" in staged propaganda photos, an action the crew had initially explained as being a "Hawaiian good luck sign."



The infamous "finger" photo that was taken as North Korean propaganda. (USS Pueblo Veterans Association)

"They must have seen the Time Magazine article where they explained what 'flipping the bird' was," Peppard said. "After they found that out, they beat us mercilessly."

After 335 days in captivity – and following an apology, a written admission by the U.S. that the Pueblo had been spying – as well as an assurance the U.S. would not spy in the future – the men were sent to the Demilitarized Zone border with South Korea, and ordered to walk south across the "Bridge of No Return." Many of the men were crippled, malnourished and almost blind from the treatment they received.

Some, like Peppard and McClintock, say the fact that the story of their suffering has gone under-reported remains very difficult to accept.

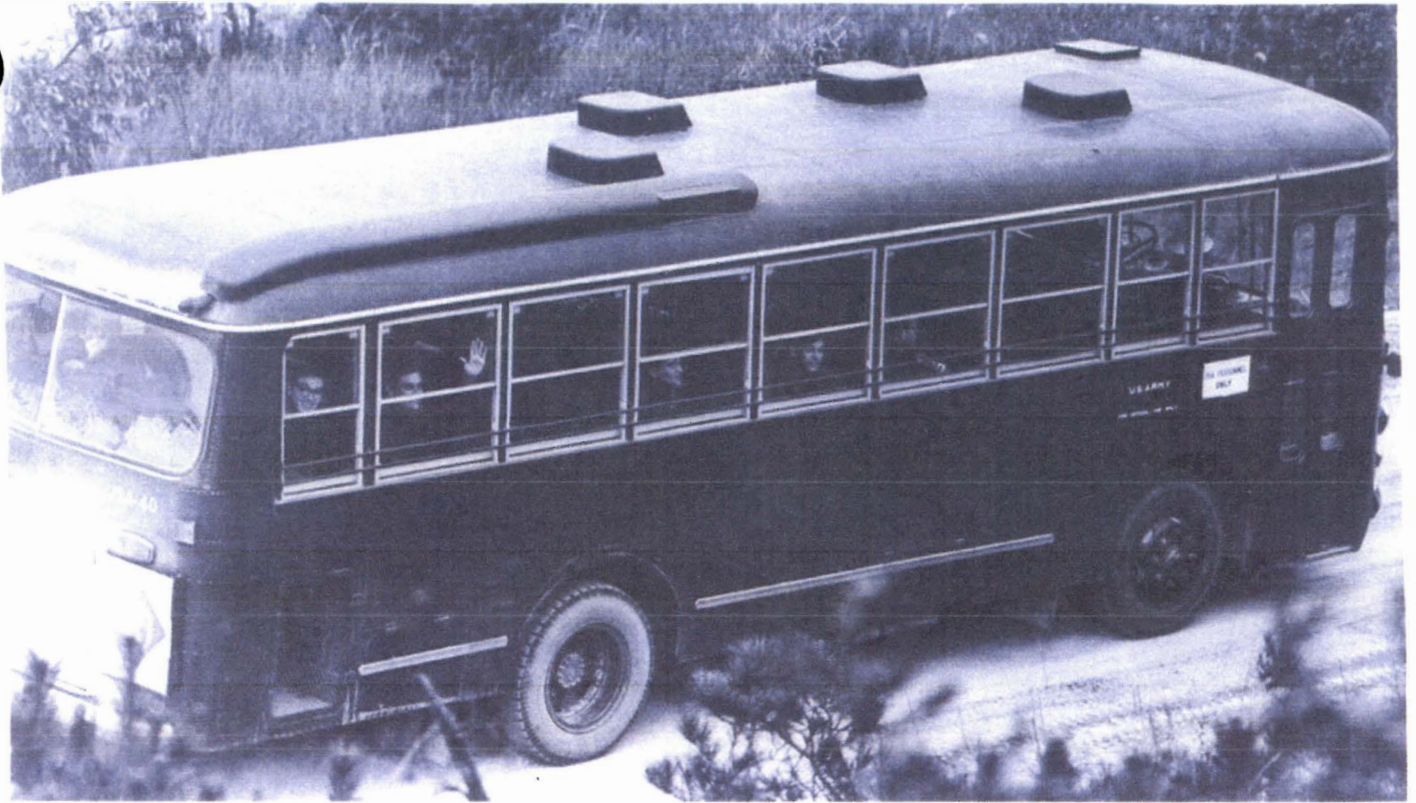
They must have seen the Time Magazine article where they explained what 'flipping the bird' was. After they found that out, they beat us mercilessly.

— Don Peppard, administrative assistant on USS Pueblo

"There are a lot of people who have no idea of what we went through," Peppard said. "I think we're lost to history."

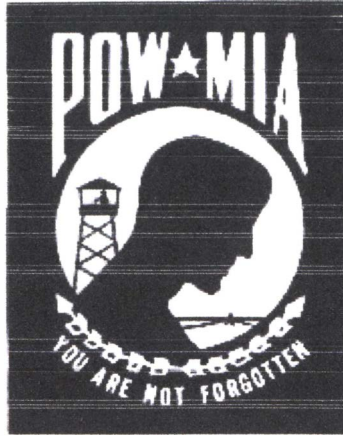
Another sore point: The Pueblo itself remains in North Korea. Still officially in commission in the U.S. Naval Vessel Register, it sits in the Botong River in North Korea, where it has become a popular

tourist attraction.



The crew in buses after entering South Korea. (USS Pueblo Veterans Association)

The U.S. has attempted to have the boat repatriated, without success. "I would really like to see our ship come home," Peppard said.

#13
1036
1-4-19

War of the Revolution:	POW - 18,152	MIA - 1,426
War of 1812:	POW - 20,000	MIA - 695
Mexican War:	POW - 46	MIA - 238
Indian Wars (US):	POW - 339	MIA - 11
Indian Wars (Native American):	POW - 2,958	MIA - 40
Civil War - Union:	POW/MIA - 194,743	
Civil War - Confederacy:	POW/MIA - 214,865	
Spanish-American War:	POW - 8	MIA - 72
World War I:	POW/MIA - 7,470	
World War II:	POW - 124,079	MIA - 30,314
Cold War Era:	POW - Classified	MIA - 343
Korean War:	POW - 7,140	MIA - 8,025
Vietnam War:	POW - 766	MIA - 1,719
U.S.S. Pueblo:	POW - 83	http://www.usspueblo.org
Grenada:		MIA - 4
U.S.S. Stark:		MIA - 1
Persian Gulf War:	POWs - 29	MIAs - 21
Somalia:	POW - 6	MIA - 2
Yugoslavia:	POWs - 3	

e-mail: sales@gmasw.com

Update: February 14, 2017

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[MI POW Comm](#)

4
1056
1-4-19

Testimony on HB 1056
John Boyle, Director
OMB Facility Management Division
January 4, 2019

Good morning Chairman Kasper and members of the Government and Veterans Affairs committee. My name is John Boyle. I am the Director of the Facility Management Division within the Office of Management and Budget.

I am testifying this morning in a neutral position. The POW/MIA flag does currently fly on a daily basis on the Capitol grounds in the following two locations:

- East of the State Museum
- All Veterans Memorial

The three flag poles located east of the State Museum are the most visible on the Capitol grounds. They are seen by everyone driving by State Street and the over 150,000 annual visitors who enter the east doors of the State Museum.

If there is opposition to this bill, I would propose the legislation strike on line 6 "all outdoor flagpoles" and replace with "the middle flagpole located east of the State Museum and the flagpole located in front of the All Veterans Memorial".

I would also suggest Facility Management follow the Federal Law on flying the POW/MIA flag which mandates the flag be flown on the White House, the U.S. Capitol, the U.S. Postal Service, the Departments of State, Defense, and Veterans Affairs, all national cemeteries in the Federal system, the National Vietnam Veterans Memorial and the Korean War Memorial on the following six days:

- Armed Forces Day – the third Saturday in May
- Memorial Day – the last Monday in May
- Flag Day – June 14th
- Independence Day – July 4th
- National POW/MIA recognition Day – the third Friday in September
- Veteran's Day – November 11th

Mr. Chairman, this concludes my prepared remarks. At this time, I would be happy to answer any of your questions.

19.0420.02001
Title.

#1
HB 1056
1-10-19
Prepared by the Legislative Council staff for
Representative B. Koppelman
January 9, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1056

Page 1, line 6, replace "outdoor flagpoles" with "permanent flagpole locations"

Renumber accordingly

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1056

#2
HB 1056
1-10-19

Introduced by

Representatives Heinert, M. Ruby, Meier, Dockter, Keiser, Klemin, Pyle

Senators Dever, Bekkedahl, Marcellais

1 A BILL for an Act to provide for the display of the prisoner of war and missing in action flag on
2 the state capitol grounds.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.**

5 **Display of prisoner of war and missing in action flag - State capitol.**

6 The prisoner of war and missing in action flag must be flown daily on all outdoor
7 flagpolespermanent flagpole locations on the state capitol grounds. The prisoner of war and
8 missing in action flag may be displayed on its own flagpole or under the flag of the United
9 States.

HR 1056 Flying POW/MIA flag on Capitol Grounds

HB 1056
3-8-19
att #1
pg 1

The POW/MIA flag was created for the National League of Families of American Prisoners and Missing in Southeast Asia in 1972 by the wife of a missing U.S. military officer to remind every American of the servicemen whose fates were never accounted for during the war. In 1979 as pressure mounted for full accountability of the missing in Vietnam, Congress and the President proclaimed the first POW/MIA Recognition Day as a way of acknowledging the concerns of the families and to symbolize the resolve of the American people to never forget the men and women who gave up their freedom protecting ours.

After nearly a decade, the flag gained attention in a huge way. In 1982 the POW/MIA flag became the only flag other than the Ensign to fly over the White House. Historians and flag experts believe it also has the distinction of being the only non-national flag that any federal government anywhere in the world has mandated to be flown regularly. That began on August 10, 1990 when Congress passed U.S. Public Law 101-355, designating the POW/MIA: "The symbol of our Nation's concern and commitment to resolving as full as possible the fates of Americans still prisoner, missing and unaccountable for in Southeast Asia,"

The POW/MIA flag has come to represent the unaccounted servicemen and service women from all wars. In North Dakota the flag as come to remind us of the 395 unaccounted for: 19 from WW, 346 from WWII, 21 from Korea, 8 official and 1 unofficial from Vietnam and 1 from Operation Desert Storm.

Many states have mandated that the POW flag be flown on the 6 holidays and others day of importance with Idaho in 2011, becoming

make
copy

the 1st state to mandate the POW/MIA flag 24/7 on all state buildings or until such time that all our unaccounted are answered for. I ask that that we join Idaho and provide the people of ND a reminder of the high cost of the freedom we enjoy, every time they come to or drive by the Capitol.

Note, the one unofficial MIA is Petty Officer Patrick Glennon who along with 74 died when the USS Frank E Evans sunk after being cut in half by other ship, just outside the combat zone in June of 1969.

Thank You

HB1056
3-8-19
AH #1
PS 2

HB 1056
3-8-19
att #2
pgs'

Testimony on HB 1056
John Boyle, Director
OMB Facility Management Division
March 8, 2019

Good morning Chairman Davison and members of the Government and Veterans Affairs committee. My name is John Boyle. I am the Director of the Facility Management Division within the Office of Management and Budget.

I am here today testifying in opposition to House Bill 1056. I am doing so for the following reasons:

1. Clarification of the bill. The bill states "the prisoner of war and missing in action flag must be flown daily on all outdoor, permanent, flagpole locations on the state capitol grounds." The attached map identifies the eight locations where flagpoles exist. One of these locations has 10 permanent flagpole locations (located #4 on map). One location has one pole with three flags already flying on it (located #8 on map). I cannot add a fourth flag to the pole and there is no spending authority or an appropriation included in the bill. Does a flag go on each permanent flagpole location?
2. The prisoner of war and missing in action flag does currently fly on a daily basis on the state capitol grounds in the two locations identified on the attached map in blue. These locations represent the most visible (located #5 on map) and the most solemn (located #6 on map) locations on the state capitol grounds.
3. We are so blessed to be citizens of the greatest country in the history of the world and residence of the great state of North Dakota. It is the opinion of myself and at least 20 other individuals questioned if any other flag besides the United States flag and the state of North Dakota flag should fly in the most cherished place on our state capitol grounds (located #1 on map). No disrespect to the prisoner of war and missing in action flag or any other flag, but all deserved respect to the United States flag and the state of North Dakota flag to fly alone on its own flagpole in all its glory. Like me, you are all very proud citizens of the United States and residents of North Dakota. I request each of you on this committee to take the time to stand in Memorial Hall facing south. As you look through the large windows, you will see two permanent flagpole locations. There is no other location in any other state capitol building in the United States where you can stand and look to your right and left and see all three branches of government all on the same floor. As you reflect on the magnitude of where you are standing, look back through those large glass windows and ask yourself can any other flag command such a prominent and cherished location?
4. If this is such an outstanding idea why are we limiting it to the state capitol grounds? Why not require it to be flown at every permanent flagpole location in front of every publicly owned building in the state of North Dakota?
5. 65 legislative assemblies have met. Not once has a legislative body determined that another flag should fly daily on the state capitol grounds much less in front of our state capitol building.

HB 1056
3-8-19
Att #2
pg 2

I would suggest Facility Management follow the Federal Law on flying the POW/MIA flag which mandates the flag be flown on the White House, the U.S. Capitol, the U.S. Postal Service, the Departments of State, Defense, and Veterans Affairs, all national cemeteries in the Federal system, the National Vietnam Veterans Memorial and the Korean War Memorial on the following six days:

- Armed Forces Day – the third Saturday in May
- Memorial Day – the last Monday in May
- Flag Day – June 14th
- Independence Day – July 4th
- National POW/MIA recognition Day – the third Friday in September
- Veteran's Day – November 11th

If there is opposition to this bill, I would propose the legislation strike on line 6 “all outdoor, permanent, flagpole locations” and replace with “the middle flagpole located east of the State Museum and the current location in front of the All Veterans Memorial”. Replace the last sentence starting on line 7 with “No other flag shall fly daily on the two permanent flagpoles located on the south side of the state Capitol.”

Mr. Chairman, this concludes my prepared remarks. At this time, I would be happy to answer any of your questions.

Northwest Parking
ot North Dakota ...

North Dakota
State Capitol

North Dakota
Department of Health

North Dakota Department
of Transportation

North Dakota
State Library

North Dakota Heritage
Center & State Museum

History Preservation

Bismarck Capital
Monument

State Water Commission

Boulevard Ave

E Boulevard Ave.

E Boulevard Ave

Statute 137

State, N

Hanh Chairman Davison and Members of Senate GVA Committee. For the record, my name is Carel Two-Eagle, and I stand in support of HB 1056.

I am the widow of two veterans – one Korean War, and one Vietnam. Virtually all of my male elders were veterans. EVERY war has POWs and the stories of their treatment by the enemy are for the most part, hair-raising and gut-clenching. Tales of decent treatment of our military who were POWs are rare. Many POWs never came home. For their loved ones, there is no “closure” – at best, there is tincture of time. I’m not entirely sure time heals all wounds. I believe that many times, time simply causes enough scar tissue to build up so that the wounds don’t crack open easily.

Regardless, Vietnam is the war I am most familiar with. Even today, as a Pipe Keeper, I spend a great deal of time helping veterans – mainly Vietnam veterans – heal from their experiences in that war. Those who were POWs and who came home generally came home with pieces of their souls missing or so badly damaged that they have required repeated ceremonies with my holy Pipe to effect any healing at all, and Ch’annunpa – holy Pipes – are all-powerful. To require more than one ceremony speaks to the amount of damage a veteran has or had. It isn’t that the Pipe can’t heal everything all at once; it is more that the recipient of the ceremonies can’t handle the sudden shift in his or her spirit’s condition if everything is healed at once, in a case where there is a great amount of damage.

The holy Pipe I Keep has as Its focus “healing the Sacred Hoop”. This prayer is usually referred to as Dancing The Four Winds, because (a) this prayer is made live thru a Sun Dance obaghi (oh-BAH-ghee) – a sacred commitment, and (b) this prayer is danced at one or more Sun Dances, each commitment 4 years long. Over those four years, not only is the Prayer made live, but the Sun Dancer is reborn, healed and renewed. We are the original born-again people. Each Sun Dance obaghi has many requirements and taboos associated with it. It is not done haphazardly or without focus, purpose, and determination. It tests each Sun Dancer greatly.

Because we each own nothing other than our bodies, the thing we can give that most succinctly tells the Spirits how serious we are about our obaghi is our flesh. Men pierce as well as give flesh offerings. Flesh offerings are tiny bits of skin & flesh that are removed in ceremony, bundled in red natural cloth with sacred materials, and set in a sacred place to perpetuate each prayer for a year. Women do not pierce, but we do give flesh offerings. I gave more than 800 pieces of my flesh over the course of my obaghi. That says, “I’m serious” in no uncertain terms. It was not grandstanding – it was what the Spirits told me in answer to my question about it in the ceremony you call “vision quest” and we properly call

hanblecheya (Hahn-BLEH-cheh-yah). It means “crying through the night”, asking for guidance.

So, not only does it take no particular extra effort to fly the POW flag all the time, such as on the same pole as the U.S. flag, which flies “everywhere” 24 hours a day, 7 days a week, under lights, in all weathers; a DO PASS on HB 1056 also shows respect for the POWs and their loved ones, including veterans who are still here on the earth & missing their brothers and sisters in arms, and it could make my job easier. I wouldn’t object to that.. The cost of such flags is minimal and in view of the cost of war on everyone involved, is tiny.

A unanimous DO PASS on HB 1056 will help heal the Sacred Hoop, as well.

Thank you for hearing me in a good way now. I’m always available to answer any questions.

~~March 19, 2019~~ March 19, 2019

AB 1056
3-21-19
att #1
pg 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1056

Page 1, line 6, remove "all outdoor,"

Page 1, line 7, remove "permanent, flagpole locations on"

Page 1, line 7, after "grounds" insert "on the middle flagpole on the east side of the heritage center and on a flagpole in front of the all veterans memorial"

Renumber accordingly

Hanh Chairman Members of the Government and Veterans Affairs Committee. For the record, my name is Carel Two-Eagle, and I am here in support of HB 1056.

The only changes I would make to the original bill are:

On lines 6 and 7, the state that flag should fly daily on all outdoor, permanent flag poles.

Since the POW-MIA flag flies daily in the nation's Capitol directly under the U.S. flag on the same flag pole, and since the POW-MIA flag has flown in the rotunda of the U.S. Capitol for at least 20 years, I believe it is entirely fitting that this flag should fly daily on the North Dakota Capitol campus, and that it is entirely fitting that it fly on the same pole as the U.S. flag, underneath it.

There is certainly no reason not to. Moreover, should someone try to argue that somehow flying 2 flags on one pole and 1 flag on another, as in the U.S. and POW-MIA flags on 1 pole and the State flag on another, is in any way incorrect or not "symmetrical", I point out that a triangle is a symmetrical geometric figure, and a triangle is formed by flying these flags as I have described. Also, according to my book on flag etiquette, it is appropriate to fly these flags in the way I have described.

There is much hue and cry of late about "showing respect for veterans". Flying the POW-MIA flag as I have described definitely *shows* respect; so I trust you will give HB 1056 a unanimous DO PASS recommendation with no more amendments than I have offered, and you will urge your fellow Legislators to follow suit.

Thank you for hearing me in a good way, now.

#2
HB 1056
4-9-19

POW/MIA Flag

With the exception of the American Flag, the POW/MIA Flag is the only flag to fly over the White House and fly continually over the Capitol's Rotunda.

Protocol for flying the POW/MIA Flag

- On one flagpole, the POW/MIA Flag is flown below the American flag and above any state flag.
- On two flagpoles, the POW/MIA Flag is flown on the same pole as the American Flag, below the American Flag (this pole should be to the flag's own right of the second pole). Any state flag should fly on the second pole.
- On three flagpoles, the American Flag should be flown on the pole located to the flag's own right, the POW/MIA Flag should be flown on the middle pole, and any state flag should be flown on the pole to the (flag's own) left.

The Viet Nam Vets would be honored to have you fly the POW/MIA Flag below the American Flag in front of the Capitol every day. It's the rightful place to fly it. It shows the commitment of the Government in resolving as fully as possible the fates of Americans still missing and unaccounted for in all wars.

John (Butch) Olson



Viet Nam Vets Legacy Vets Motorcycle Club

1
HB 1056
4-11-19

From: Boyle, John A. <jaboyle@nd.gov>
Sent: Tuesday, April 9, 2019 1:55 PM
To: Bjornson, John D. <jbjornson@nd.gov>
Cc: Morrisette, Joseph R. <jmorrisette@nd.gov>
Subject: RE: flag poles

John,

Please see below the list of each flag pole location, the necessary changes to the location to abide by appropriate flag etiquette and the estimated cost associated with any necessary changes.

Location	Necessary Change	Estimated Cost
South side of Capitol	Add flag below US flag	None
East of Judicial Wing	Add flag below US flag	None
East of DOT	Add flag pole and lighting	\$15,000
East of State Museum	Already flies there daily	None
West of State Museum	Add flag and lighting	\$8,000
All Veterans Memorial	Flies daily on building	None
South of State Office Bldg	Add flag pole and lighting	\$15,000
South of Gov. Residence	Add flag pole and lighting	\$15,000

Let me know if you have any questions or comments concerning this information.

Thanks.

John Boyle
Director
Facilities Management

701.328.4002 • jaboyle@nd.gov • www.nd.gov/omb

NORTH
Dakota | Management
Be Legendary.™ and Budget

#2
HB 1056
4-11-19

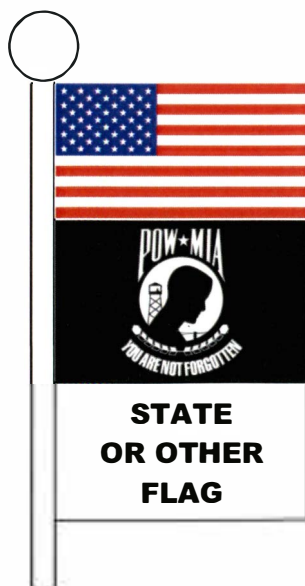
HOW TO DISPLAY THE POW/MIA FLAG OF THE NATIONAL LEAGUE OF FAMILIES



The POW/MIA flag features a silhouette of a POW before a guard tower and barbed wire in white on a black field. “POW/MIA” appears above the silhouette and the words “You Are Not Forgotten” appear below in white on the black field. This black and white flag stands as a stark reminder of Americans still prisoner, missing or otherwise unaccounted for in Southeast Asia and is now accepted nationally and internationally as the symbol of vigilance and remembrance for all POW and MIA’s.

BASIC GUIDELINES

1. DISPLAYING THE POW/MIA FLAG AND THE UNITED STATES FLAG WITH OTHER FLAGS ON THE SAME FLAGSTAFF



When flying the POW/MIA flag on the same flagstaff as the United States flag, the POW/MIA flag should fly immediately below the United States flag. If the United States flag and a state flag and/or other flag or pennant will be flown along with the POW/MIA flag on the same flagstaff, the order from top to bottom should be: the United States flag, the POW/MIA flag, then the state flag or other flags, unless otherwise stipulated by your state flag code.

#2
HB 1056
4-11-19

2. DISPLAYING THE POW/MIA FLAG WITH THE UNITED STATES FLAG AND OTHER FLAGS ON TWO ADJACENT FLAGSTAFFS



When flags are flown from two adjacent flagstaffs, the flag of the United States should be hoisted first and lowered last. The POW/MIA flag should be flown on the flagstaff with and below the flag of the United States, which should be at the peak of the flagstaff. The state flag (or other flag) on an adjacent flagstaff may not be placed above the flag of the United States or to its right (the viewer's left) if the flagstaffs are of equal height.

3. DISPLAYING THE POW/MIA FLAG WITH THE UNITED STATES FLAG AND OTHER FLAGS ON THREE ADJACENT FLAGSTAFFS OF UNEQUAL HEIGHT



When flags are flown from three adjacent flagstaffs of unequal height, the United States flag should be hoisted first and lowered last. The POW/MIA flag should be flown on the flagstaff to the right (the viewer's left) of the United States flag. State and other flags should be flown from the third flagstaff, unless otherwise stipulated by your state flag code.

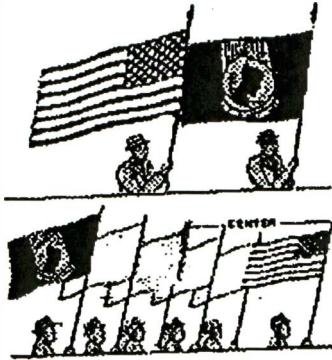
4. DISPLAYING THE POW/MIA FLAG WITH THE UNITED STATES FLAG AND OTHER FLAGS ON ADJACENT FLAGSTAFFS OF EQUAL HEIGHT



When flags are flown from adjacent flagstaffs of equal height, the flag of the United States should be hoisted first and lowered last and no other flag should be flown to its right (the viewer's left). The POW/MIA flag should be flown on the flagstaff to the immediate left (the viewer's right) of the United States flag and state or other flags flown farther left, unless otherwise stipulated by your state flag code.

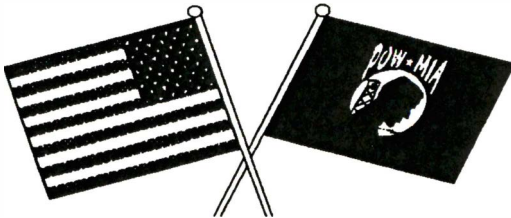
#2
HB 1056
4-11-19

5. MARCHING WITH THE POW/MIA FLAG



When the POW/MIA flag is carried in procession by itself, it should be carried front and center ahead of a marching unit. When carried in procession abreast with the United States flag, the POW/MIA flag should be on the marching left of the United States flag (top illustration). When a line of flags follow the United States flag, the US flag is centered on the line. The POW/MIA flag should be on the marching right of the line of flags (bottom illustration), unless otherwise stipulated by your state flag code.

6. POW/MIA FLAG AND UNITED STATES FLAG IN CROSSED-STAFF DISPLAY



When displayed with the United States flag in crossed-staff format, the United States flag should be on the viewer's left with its staff on top of the staff of the POW/MIA flag.

7. POW/MIA FLAG DISPLAYED ON A WALL OR BEHIND SPEAKER



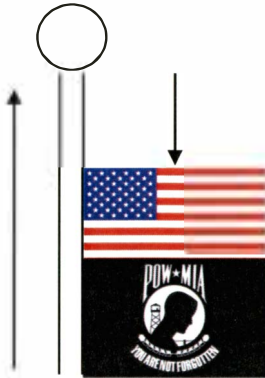
When the POW/MIA flag is displayed on wall, such as behind a speaker's platform, the flag must be displayed as shown.

8. POW/MIA FLAG DISPLAYED ON SPEAKER'S PLATFORM WITH THE UNITED STATES FLAG



When the POW/MIA flag is displayed with the United States flag on a speaker's platform, the United States flag should be on the speaker's right and the POW/MIA flag on the speaker's left.

9. FLYING THE UNITED STATES AND POW/MIA FLAGS AT HALF-STAFF



When flying the United States and the POW/MIA flag at half-staff, they should first be elevated to peak position, held there momentarily, and then lowered to half-staff. At the day's end, each should be again elevated to peak position before being lowered. If the flags are on different flagstuffs, the United States flag should be raised first and lowered last.

FEDERAL LAW ON FLYING THE POW/MIA FLAG

The Defense Authorization Act, Public Law 105-85, section 1082, signed by President Clinton on November 18, 1997, mandates that the U.S. Postal Service, the White House, the U.S. Capitol, the Departments of State, Defense and Veterans Affairs, all national cemeteries in the Federal system, the National Vietnam Veterans Memorial and the Korean War Memorial must fly the POW/MIA flag on the following designated days each year:

- Armed Forces Day—the third Saturday in May
- Memorial Day—the last Monday in May
- Flag Day—June 14th
- Independence Day—July 4th
- National POW/MIA Recognition Day—the third Friday in September
- Veteran's Day—November 11th

If any of these days fall on a non-business day, postal facilities are required to display the POW/MIA flag on the last business day before the designated day, as directed by Postal Bulletin 21967 dated March 12, 1998.

LEAGUE POLICY ON POW/MIA FLAG DISPLAY

For some time, there had been debate over when the POW/MIA flag should be flown, whether daily or on the specific six days noted in federal law. While not addressing the question of posting the flag at the national/federal level, League members at the 32nd Annual Meeting in June 2001, voted overwhelmingly in favor of the following resolution: *"Be it RESOLVED that the National League of POW/MIA Families strongly recommends that state and municipal entities fly the POW/MIA flag daily to demonstrate continuing commitment to the goal of the fullest possible accounting of all personnel not yet returned to American soil."*

--Complete instructions for displaying and respecting the United States flag can be found in—
the publication The Flag Code from The American Legion, National Americanism
Commission, Indianapolis, IN, USA.

April 15, 2019

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1056

That the Senate recede from its amendments as printed on page 1324 of the House Journal and page 1049 of the Senate Journal and that Engrossed House Bill No. 1056 be amended as follows:

Page 1, line 6, replace "daily" with ":

1. Daily"

Page 1, line 6, remove "all outdoor,"

Page 1, line 7, remove "permanent, flagpole locations on"

Page 1, line 7, remove ". The prisoner of war and missing in"

Page 1, line 8, replace "action flag" with "on the middle flagpole on the east side of the heritage center and on a flagpole in front of the all veterans memorial and"

Page 1, line 8, replace "under" with "below"

Page 1, line 8, after "States" insert "at these locations"

Page 1, after line 8, insert:

"2. On any day the legislative assembly is in session below the flag of the United States on the flagpole immediately south of the state capitol building."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1056

That the Senate recede from its amendments as printed on page 1324 of the House Journal and page 1049 of the Senate Journal and that Engrossed House Bill No. 1056 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 48-05-01.1 of the North Dakota Century Code, relating to the display of the prisoner of war and missing in action flag on the state capitol grounds; to amend and reenact section 48-05-01.1 of the North Dakota Century Code, relating to the display of the prisoner of war and missing in action flag on the state capitol grounds; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 48-05-01.1 of the North Dakota Century Code is created and enacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

The prisoner of war and missing in action flag:

1. Must be flown daily on the state capitol grounds on all outdoor permanent, flagpole locations where the flag of the United States is flown; and
2. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.

SECTION 2. AMENDMENT. Section 48-05-01.1 of the North Dakota Century Code is amended and reenacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

1. The prisoner of war and missing in action flag:
 - 4- a. Must be flown daily on the state capitol grounds on all outdoor permanent, flagpole locations where the flag of the United States is flown; and
 - 2- b. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.
2. Notwithstanding subdivision b of subsection 1, the prisoner of war and missing in action flag flown at the outdoor, permanent flagpole display located immediately south of the state capitol building must be flown alone on a separate flagpole.

#1
HB 1056
4-19-19

SECTION 3. EFFECTIVE DATE. Section 2 of this Act becomes effective on January 1, 2020.

SECTION 4. EMERGENCY. Section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

#2
4B 1056
4-19-19

HOW TO DISPLAY THE POW/MIA FLAG OF THE NATIONAL LEAGUE OF FAMILIES



The POW/MIA flag features a silhouette of a POW before a guard tower and barbed wire in white on a black field. "POW/MIA" appears above the silhouette and the words "You Are Not Forgotten" appear below in white on the black field. This black and white flag stands as a stark reminder of Americans still prisoner, missing or otherwise unaccounted for in Southeast Asia and is now accepted nationally and internationally as the symbol of vigilance and remembrance for all POW and MIA's.

BASIC GUIDELINES

1. DISPLAYING THE POW/MIA FLAG AND THE UNITED STATES FLAG WITH OTHER FLAGS ON THE SAME FLAGSTAFF



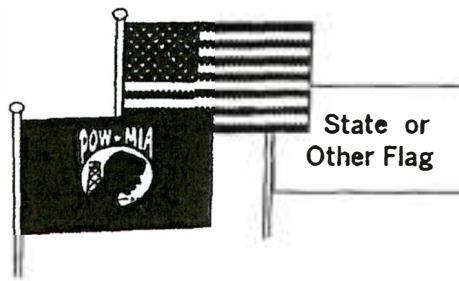
When flying the POW/MIA flag on the same flagstaff as the United States flag, the POW/MIA flag should fly immediately below the United States flag. If the United States flag and a state flag and/or other flag or pennant will be flown along with the POW/MIA flag on the same flagstaff, the order from top to bottom should be: the United States flag, the POW/MIA flag, then the state flag or other flags, unless otherwise stipulated by your state flag code.

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When flags are flown from two adjacent flagstaffs, the flag of the United States should be hoisted first and lowered last. The POW/MIA flag should be flown on the flagstaff with and below the flag of the United States, which should be at the peak of the flagstaff. The state flag (or other flag) on an adjacent flagstaff may not be placed above the flag of the United States or to its right (the viewer's left) if the flagstaffs are of equal height.

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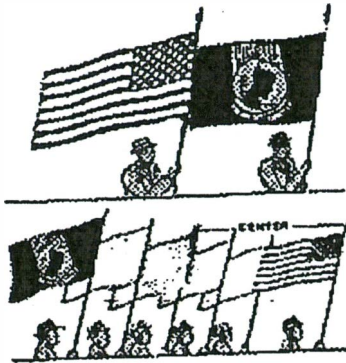
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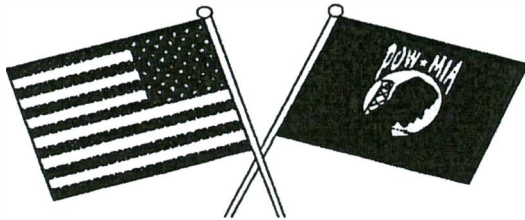
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5. MARCHING WITH THE POW/MIA FLAG



When the POW/MIA flag is carried in procession by itself, it should be carried front and center ahead of a marching unit. When carried in procession abreast with the United States flag, the POW/MIA flag should be on the marching left of the United States flag (top illustration). When a line of flags follow the United States flag, the US flag is centered on the line. The POW/MIA flag should be on the marching right of the line of flags (bottom illustration), unless otherwise stipulated by your state flag code.

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When the POW/MIA flag is displayed on wall, such as behind a speaker's platform, the flag must be displayed as shown.

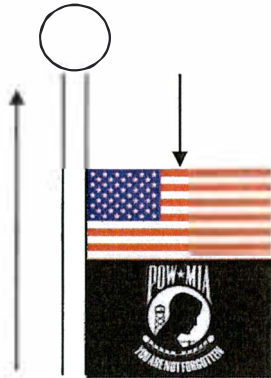


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When flying the United States and the POW/MIA flag at half-staff, they should first be elevated to peak position, held there momentarily, and then lowered to half-staff. At the day's end, each should be again elevated to peak position before being lowered. If the flags are on different flagstuffs, the United States flag should be raised first and lowered last.

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- Armed Forces Day—the third Saturday in May
- Memorial Day—the last Monday in May
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- Independence Day—July 4th
- National POW/MIA Recognition Day—the third Friday in September
- Veteran's Day—November 11th

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PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1056

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BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 48-05-01.1 of the North Dakota Century Code is created and enacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

The prisoner of war and missing in action flag:

1. Must be flown daily on the state capitol grounds on all outdoor permanent flagpole locations where the flag of the United States is flown; and
2. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.

SECTION 2. AMENDMENT. Section 48-05-01.1 of the North Dakota Century Code is amended and reenacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

1. The prisoner of war and missing in action flag:
 4. a. Must be flown daily on the state capitol grounds on all outdoor permanent, flagpole locations where the flag of the United States is flown; and
 2. b. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.
2. At the outdoor, permanent flagpole display located immediately south of the state capitol building:
 - a. The display must consist of three flagpoles with the tallest flagpole in the center and the other two flagpoles positioned directly east and directly west of the center flagpole.

- #1
HB 1056
4-22-19
- b. The flag of the United States must be flown on the center flagpole.
 - c. Notwithstanding subdivision b of subsection 1, the prisoner of war and missing in action flag must be flown alone on a separate flagpole directly west of the flagpole displaying the flag of the United States.
 - d. The flag of North Dakota must be flown on the flagpole directly east of the flagpole displaying the flag of the United States.
3. All flags displayed on state capitol grounds must be displayed using proper flag etiquette.

SECTION 3. EFFECTIVE DATE. Section 2 of this Act becomes effective on January 1, 2020.

SECTION 4. EMERGENCY. Section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

#2
HB 1056
4-22-19
II
P.1

116TH CONGRESS
1ST SESSION

S. 693

To amend title 36, United States Code, to require that the POW/MIA flag be displayed on all days that the flag of the United States is displayed on certain Federal property.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2019

Ms. WARREN (for herself, Mr. COTTON, Mr. THUNE, and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 36, United States Code, to require that the POW/MIA flag be displayed on all days that the flag of the United States is displayed on certain Federal property.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National POW/MIA
5 Flag Act”.

1 **SEC. 2. DAYS ON WHICH THE POW/MIA FLAG IS DISPLAYED**
2 **ON CERTAIN FEDERAL PROPERTY.**

3 Section 902 of title 36, United States Code, is
4 amended by striking subsection (c) and inserting the fol-
5 lowing:

6 “(c) DAYS FOR FLAG DISPLAY.—For the purposes
7 of this section, POW/MIA flag display days are all days
8 on which the flag of the United States is displayed.”.

○

April 22, 2019

#1
HB 1056 4-23-19

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1056

That the Senate recede from its amendments as printed on page 1324 of the House Journal and page 1049 of the Senate Journal and that Engrossed House Bill No. 1056 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 48-05-01.1 of the North Dakota Century Code, relating to the display of the prisoner of war and missing in action flag on the state capitol grounds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 48-05-01.1 of the North Dakota Century Code is created and enacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

The prisoner of war and missing in action flag:

1. Must be flown daily on the state capitol grounds at the following flagpole locations:
 - a. Immediately south of the state capitol building;
 - b. In front of the all veterans memorial; and
 - c. On the east side of the heritage center.
2. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.
3. Must be displayed using proper flag etiquette."

Renumber accordingly