

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2311

2005 SENATE POLITICAL SUBDIVISIONS

SB 2311

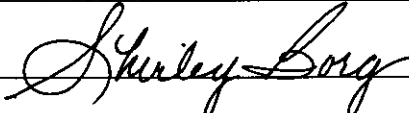
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2311

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date January 27, 2005

Tape Number	Side A	Side B	Meter #
1	X		1277 - 2015
2	X		2238 - 2388
Committee Clerk Signature 			

Minutes:

Chairman Cook opened the hearing on SB 2311 relating to unlawful use of the great seal. All committee members (6) were present.

Senator Judy Lee, District 13, which is most of West Fargo, ND, introduced SB 2311.

Secretary of State Al Jaeger ask me if I would be willing to introduce this bill because of an abuse that has been taking place. There is an individual who is using the great seal on stationary and business cards. They look very official and with the great seal it looks like it is a government official agency but it is a private entity. There is no way to prevent this person from doing what he is doing the way the current law reads. Mr. Jaeger asked that these kind of uses be restricted for the use of the general public. Senator Lee's understanding is with the additions of the language on line sixteen through eighteen, this would stop this person from putting himself forward and his group being put forward as a official state of North Dakota entity.

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Senate Political Subdivisions Committee

Bill/Resolution Number SB 2311

Hearing Date: January 27, 2005

Senator Triplett: The way it is written now is that it says it is a Class B misdemeanor for anyone using the great seal for a commercial purpose. Why would Mr. Jaeger not feel he has the authority to stop this abuse already?

Senator Judy Lee: If I understand this situation clearly this individual is not using it for business or profit. He is putting himself forward as some kind of community human rights agency or something such as that. He is putting himself forward as an official state entity that would be not for profit. If it were a commercial purpose it would be covered.

No further testimony in support or opposed to SB 2311.

Senator Cook Closed the hearing on SB 2311.

Senator Fairfield made a motion for a Do Pass on SB 2311.

Senator Dever seconded the motion.

No discussion.

Roll call vote: 6 Yes 0 No 0 Absent

Carrier: **Senator Fairfield**

Date: 1-27-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO SB 2311

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Fairfield Seconded By Senator Dever

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes 6 No 0

Absent 0

Floor Assignment Senator Fairfield

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

Stand. Comm. Rep.
1-27-05

REPORT OF STANDING COMMITTEE (410)
January 27, 2005 4:02 p.m.

Module No: SR-18-1240
Carrier: Fairfield
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2311: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2311 was placed on the Eleventh order on the calendar.

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2311

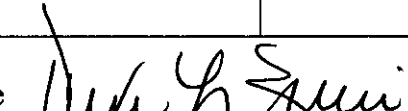
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2311

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 3/17/05

Tape Number	Side A	Side B	Meter #
1	x		30.1-43.5
Committee Clerk Signature 			

Minutes: SB 2311 Relating to unlawful use of the great seal.

Chairman Haas: At this time I will call the meeting back to order and we will open the hearing on SB 2311 and ask the clerk to read the title, please, thank you. Good Morning Senator Lee.

Senator Judith Lee-District 13- Introducing the bill. Done at the request of the Secretary of State. This was an abuse of the great seal.

Chairman Haas: Are there questions for Senator Lee? If not, thank you for being here this morning. Secretary Jaeger.

Secretary of State-Al Jaeger-Testimony Attached

Chairman Haas: As you develop the language on the revised bill, did you have an attorneys opinion on that on whether or not it would apply to this situation?

Secretary of State: We worked with our legal council the Attorney General office. The second page is why this bill is before you.

Chairman Haas: It certainly is a misrepresentation.

Secretary of State: Some of the vendors have permission from our office have permission to use the great seal. I am very protective of the great seal. You can not use it for campaign purposes.

Chairman Haas: Are there further questions for Secretary Jaeger? Is there any further testimony on SB 2311, is there any testimony opposing SB 2311. Committee members what are your wishes on SB 2311? We have a DO PASS motion by Rep. Galvin, is there a second, seconded by Rep. Sitte. Is there any discussion? If not we will ask the clerk to take a roll call vote on a DO PASS motion on SB 2311.

VOTE: YES 14 NO 0 ABSENT 0 DO PASS ON SB 2311

REP. HORTER WILL CARRY THE BILL.

Date: 3/17/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2311

House House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

DO PASS

Motion Made By

Rep. Galvin

Seconded By

Rep. Sitte

Representatives	Yes	No	Representatives	Yes	No
Chairman C.B. Haas	✓		Rep. Bill Amerman	✓	
Bette B. Grande - Vice Chairman	✓		Rep. Kari Conrad	✓	
Rep. Randy Boehning	✓		Rep. Louise Potter	✓	
Rep. Glen Froseth	✓		Rep. Sally M. Sandvig	✓	
Rep. Pat Galvin	✓				
Rep. Stacey Horter	✓				
Rep. Jim Kasper	✓				
Rep. Lawrence R. Klemin	✓				
Rep. Lisa Meier	✓				
Rep. Margaret Sitte	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment

Rep. Horter

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

REPORT OF STANDING COMMITTEE (410)
March 17, 2005 12:22 p.m.

Module No: HR-49-5257
Carrier: Horter
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2311: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2311
was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

SB 2311

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SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 27, 2005

TO: Senator Cook, Chairman, and Members of the Senate Political Subdivisions Committee
FR: Al Jaeger, Secretary of State
RE: SB 2311 – Great Seal

This bill prohibits the use of North Dakota's Great Seal by any person on stationery or business calling card unless they are authorized to do so in N.D.C.C. § 54-02-01(1) – see below.

The change is prompted by a situation where a person, not affiliated with government at any level, has used the Great Seal on both stationery (copy on reverse side) and a business calling card in a manner that is misleading to the public.

When referred for possible prosecution, legal authorities could not pursue it because the law did not specifically prohibit the person from using the Great Seal in this manner.

This bill is intended to close that loophole.

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1. The great seal of the state is that prescribed in section 2 of article XI of the Constitution of North Dakota. A description in writing of such seal must be deposited and recorded in the office of the secretary of state and must remain a public record. A reproduction of the great seal may be placed on any official form, document, or stationery of any agency, authority, board, body, branch, bureau, commission, committee, council, department, division, industry, institution, or instrumentality of the state or of any elected or appointed official of the state. A reproduction of the great seal may be placed on business calling cards produced for the use of an elected or appointed state official or state employee regardless of whether the cards are purchased by the official or employee or by the state. Any use of the great seal on any other object or thing by any of the foregoing state entities or officials is prohibited unless approved by the secretary of state; provided, however, that the state historical society and the parks and recreation department may, with the concurrence of the secretary of state, reproduce the great seal on any objects they offer for sale as souvenirs.



STATE OF NORTH DAKOTA

Independent

Commission on Civil Rights

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HOME PAGE www.state.nd.us/sec



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STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

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CHAPTER 54-02

STATE EMBLEMS, SYMBOLS, AND AWARDS

Section

54-02-01. Great seal - Permitted uses - Penalty for commercial use.

54-02-02. State flag.

54-02-03. State flower.

54-02-04. State song.

54-02-05. State tree.

54-02-06. State bird.

54-02-07. Theodore Roosevelt rough rider award.

54-02-08. State fossil - Teredo petrified wood.

54-02-09. Adoption of North Dakota state march.

54-02-10. State grass.

54-02-11. State art museum.

54-02-12. State beverage.

54-02-13. English as official language.

54-02-14. State railroad museum.

54-02-15. Honorary equine.

54-02-16. State dance.

54-02-01. Great seal - Permitted uses - Penalty for commercial use.

1. The great seal of the state is that prescribed in section 2 of article XI of the Constitution of North Dakota. A description in writing of such seal must be deposited and recorded in the office of the secretary of state and must remain a public record. A reproduction of the great seal may be placed on any official form, document, or stationery of any agency, authority, board, body, branch, bureau, commission, committee, council, department, division, industry, institution, or instrumentality of the state or of any elected or appointed official of the state. A reproduction of the great seal may be placed on business calling cards produced for the use of an elected or appointed state official or state employee regardless of whether the cards are purchased by the official or employee or by the state. Any use of the great seal on any other object or thing by any of the foregoing state entities or officials is prohibited unless approved by the secretary of state; provided, however, that the state historical society and the parks and recreation department may, with the concurrence of the secretary of state, reproduce the great seal on any objects they offer for sale as souvenirs.

2. It is a class B misdemeanor for any person to:

a. Place or cause to be placed the great seal, or any reproduction of the great seal, on any political badge, button, insignia, pamphlet, folder, display card, sign, poster, billboard, or on any

other public advertisement, or to otherwise use the great seal for any political purpose, as defined in section 16.1-10-02.

b. Place or cause to be placed on the great seal, or any reproduction thereof, any advertisement.

c. Expose the great seal, or any reproduction thereof, to public view with any advertisement attached thereto.

d. Utilize the great seal, or a copy or reproduction thereof, for any commercial purpose.

As used in this subsection, "advertisement" means any printed matter, device, picture, or symbol, no matter how presented to the senses, which informs the public that a good or service is available; and "commercial purpose" means with intent to produce a pecuniary gain through sale of a good or service. Notwithstanding any other provision of law, the secretary of state may grant a written request by a private vendor to reproduce official state forms and documents, containing a reproduction of the great seal, for resale to persons intending to submit the forms or documents to any state entity in the regular course of business. The secretary of state may also grant a written request by a publisher, educational institution, or author to reproduce the great seal in any research, reference, or educational publication containing a compilation of the great seals of other states.

Source: S.L. 1890, ch. 149, § 1; R.C. 1895, § 1046; R.C. 1899, § 1046; R.C. 1905, § 1342; C.L. 1913, § 1911; R.C. 1943, § 54-0201; S.L. 1975, ch. 461, § 1; 1995, ch. 490, § 1; 1997, ch. 430, § 1.

Collateral References.

States <key> 23.

81A C.J.S. States, § 39.

54-02-02. State flag.

The flag of North Dakota must consist of a field of blue silk or material which will withstand the elements four feet four inches [132.08 centimeters] on the pike and five feet six inches [167.64 centimeters] on the fly, with a border of knotted yellow fringe two and one-half inches [6.35 centimeters] wide. On each side of said flag in the center thereof, must be embroidered or stamped an eagle with outspread wings and with opened beak. The eagle must be three feet four inches [101.6 centimeters] from tip to tip of wing, and one foot ten inches [55.88 centimeters] from top of head to bottom of olive branch hereinafter described. The left foot of the eagle shall grasp a sheaf of arrows, the right foot shall grasp an olive branch showing three red berries. On the breast of the eagle must be displayed a shield, the lower part showing seven red and six white stripes placed alternately. Through the open beak of the eagle must pass a scroll bearing the words "E Pluribus Unum". Beneath the eagle there must be a scroll on which must be borne the