

2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1097

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1097
January 6, 2011
12625

☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

State Historical Society-State flag requirements

Minutes:

Chairman Bette Grande opened the hearing of HB 1097.

Merl Paaverud, State Historical Society, appeared. **Attachment 1.**

Chairman Bette Grande: If I wish to find this historical accuracy information because I want to manufacture this, may I find it online?

Merl Paaverud: I am sure that could be arranged. Again, we would like to make sure that the manufacturer had contacted us. That is part of the requirement here. They would be sure to contact us and hopefully, if they did find it online, would let us know or at least be able to prove that they have gone to that source and provided that.

Chairman Bette Grande: That is the legislative intent behind this, but I am not seeing the wording to that—they would have to contact you before manufacturing. We will assess that and see where we want to go with that.

Rep. Bill Amerman: I like the bill. I have a fear and I hope you can put it to rest. Last session we had a bill that you could not sell the American flag in the state of North Dakota unless it was American made or manufactured. It passed the House and after it passed the House to go to the Senate, it was learned that we were breaking Federal law of some sort of interstate commerce. When you say may not sell, do you know if this will be okay?

Merl Paaverud: I will have to ask some more of our representatives on that. I would think it was.

Rep. Gary Paur: Last year I spent a fair amount of time trying to download a copy of the flag. I even sent inquiries to the state. Nobody knew where to get or how to access a copy of the flag.

Chairman Bette Grande: When in doubt, always go to the Secretary of State.

Rep. Gary Paur: There should be a little more clarification.

Al Jaeger, Secretary of State, appeared. **Attachment 2 (Testimony and history of the state flag)**. We have come up with a couple of questions that you might want to ask. It says you may not sell it, and so what if I go ahead and sell one that doesn't look like that? What are you going to do about it? We run into the same thing with the great seal. It is a misdemeanor. If somebody in Florida decides to do the great seal, you can imagine that I can really get a lot of interest out of the Attorney General's office to go to Florida to prosecute. It is a statement. Is somebody going to be prosecuted? I am guessing that probably is not going to happen. We talked about it when this was being drafted. We talked to legal counsel and this came up. It sets a standard. If I am a vendor and a smart one, I will go to the customer and I will say, Karen Karls, I have a flag here. I can certify that it is the official colors of the state of North Dakota. Contrary to these guys over here, they have this little thing that is not whatever. In other words, it will take care itself. There is another issue. Following me, you are going to hear from State Procurement and other State Historical staff in terms of when they do bidding and the complications they run into because we don't have this specific in our law.

Vice Chairman Randy Boehning: The question I have is on the pantone colors. Is that a guide that all the printers use?

Al Jaeger: There are charts out there. This is a commonly used one. From an industry standpoint, if it is identified as this is the color chart and this is the number on that color chart, they know where exactly where to go.

Rep. Glen Froseth: Just a little information on that. There are only four basic colors that make up any color combination. These little numbers you see 131C, 409C, etc. is a combination of mix of those colors that make that specific shade.

Al Jaeger: Rep. Boehning, even your purple tie is made from those four basic colors.

Vice Chairman Randy Boehning: Is it purple or violet?

Karen Scanson, Procurement Officer, OMB, Central Services Division, State Procurement Office, appeared in support of this bill. **Attachment 3.** She showed several samples pointing out differences and similarities. The flag on the left was the closest representation to what our flag should look like. The next two flags she showed were on contract. They had to accept. One was a Valley Forge flag, one of the major flag manufacturers in the United States. There were many differences pointed out.

Rep. Lisa Meier: How many flags did you order of that flag (Sample 3)?

Karen Scanson: I would have to get an annual report from the vendor. I can tell you that State Historical Society purchases this particular flag for their merchant store and for all of their sites. All of our state agencies must purchase from this contract, and we do have political subdivisions that are purchasing from this contract. It is widespread across the state of North Dakota. Please remember that this manufacturer is a national manufacturer. This flag is being produced and bought in sets of 50 for the 50 states at any location that would display that.

Rep. Glen Froseth: Who manufactured this flag, the one that is close to ...?

Karen Scanson: This flag is a concept flag, a prototype produced by Annin & Company. I can tell you that if we are able to review stronger legislation that helps us to direct the manufacturer to produce according to our specifications, our plan at State Procurement is to take that law and this color chart and present it to the manufacturers and work with them to get it preapproved with a flag and those are the flags that we will bid for

Rep. Glen Froseth: Then the company that makes this concept flag doesn't manufacture them?

Karen Scanson: It is not manufactured at this point. It is strictly a prototype at this point in time.

Chairman Bette Grande: Did you say that this is a North Dakota company wanting to do this?

Karen Scanson: It was a local distributor. What we have seen in our bid process is that any of the local North Dakota vendors that are responding to our fiscal solicitations are distributors for these four majors. They are local companies, but the distributors are the four majors.

Rep. Gary Paur: Shouldn't the state be able to furnish the artwork so we don't have all these differences? Get a bid and the artwork looks like this?

Karen Scanson: That is our intent. We want to do that, but at current time our Century Code gives a description that by word this flag is very close to meeting without the direction that we govern the design.

Rep. Gary Paur: In your request, you are going to set that design, not just the colors?

Karen Scanson: The design itself is the eagle setting beneath the sunburst, grasping the olive branches and the sheath of arrows with the banner as indicated by the adoption of the 1911 flag. However, we need more teeth to be able to designate those colors specifically because that currently is not in Century Code.

Rep. Gary Paur: Yes, you are designating colors, but shouldn't you designate the actual artwork?

Karen Scanson: The general design is designated. I might defer to Merl.

Merl Paaverud: That part of it is what we have here is what we can provide to them at this point in time. Maybe that is something that should be looked at for more specifics. It is a long process. You can see here it is very detailed. Beyond that I don't know exactly what else we could put together, but we could certainly look at that.

Al Jaeger: We have been doing some penciling back here on amendments. I think you brought up a point, too, about the design. I think we have some ideas back here that might now with your input, we can do it better. You can see the dilemma.

Karen Scanson: The flags I have shown you thus far have all been printed on nylon material. This is a polyester flag. We decided to attempt to offer polyester as an option on the bid for this last year because it is a durable fabric, a bit heavier on the fly. In our windy state of North Dakota, a nylon flag might last for two months and then it has to be replaced. She pointed out the differences. We discovered the machining process for polyester is different than nylon and to get the colors to set into the fabric is more of a challenge. We did not advise agencies to buy this flag. I just wanted to show it to you.

Rep. Bill Amerman: The flag, it doesn't say the size. I come from a town of about 600. We have a celebration and order 10,000 of this size with a stick on it so we can wave during a parade, and we contract with a local print shop and they contract it out and comes from somewhere and whatever. According to the law now unless those little 10,000 flags don't adhere, he couldn't sell it. Is that correct?

Karen Scanson: With regard to the small flags on the stick that wasn't included on our bid. Our bid was meant for the flags that fly on the poles obviously. The smallest size we offered was a 3 x 5. I am not certain if the small flags no matter what the likeness. I would have to get more information on that.

Sherry Neas, Central Services Division Director, OMB, appeared. We have been listening attentively but brainstorming back here about some of the issues—in particular, implementation and compliance. There was a concern raised about how this would be implemented and enforced. Rep. Amerman talked about the US flag, the requirement that flags be made in the US. That bill last year was amended because we couldn't control what stores sell but we can control what the state and political subs buy. That bill was changed so that government entities buy flags that are made in the US and that then did not violate the international trade laws. We could do something similar with this, because it is hard for us to regulate what stores sell, but we can regulate what we buy. If we were to say that to ensure historical accuracy, flags must adhere to the corresponding industry color charts and design as set forth by the State Historical Society in order to be an official reproduction of the flag of the North Dakota—something like that. We are not yet talking about buying and selling. We are just saying if you want to manufacture a flag and you want that to be considered an official representation of the North Dakota flag, then it needs to meet those specifications that we would set forth and then make publicly available. On the regulatory piece one could require that all government entities in North Dakota and schools must purchase flags that meet those requirements. Within procurement then we have all the procedures and processes are in place to have a preapproval process where manufacturers, where the State Historical Society, OMB, Secretary of State work with the manufacturers, tell them what the requirements are, have a preapproval process where they submit samples, those that are determined to be official representations, go out for bid, and establish state term contracts. Those state term contracts, under cooperative purchasing laws, can be made available to all government entities, higher ed., political subs, and schools. Anyone really would know that of all the flag manufacturers, these are the manufacturers that have been approved as having official flags. Then set up a

contractual instrument to make it easy for government entities. All those state contracts are publicly available so that any store that wanted to make sure that they were selling official flags would know that these flags are official. I don't have anything in writing but would be very glad to offer our services to work collectively on an amendment to this bill. With regard to the small flag, that wasn't contemplated here. We were really just talking about the standard types and sizes of flags that are used as official flags to fly.

Chairman Bette Grande: Do you recall when we were having the discussion on the US flags down to lapel pins and whether we were regulating into that? Do we put language in here that we are dealing with flag standard size?

Sherry Neas: I think we could work on that. I do remember it came up and then the final bill it was clear on the US flags that we were just talking about flags.

Chairman Bette Grande: I would like to make a request of you in that you would work with Rep. Boehning and Rep. Amerman and put together a set of amendments for our committee to review.

Rep. Bill Amerman: I apologize. I like the idea and love what you are trying to do. I didn't want to try to raise the hornet's nest, but I know what we ran into last time when it came to the selling of it. Hopefully, we can come up with some amendments to get to where you are trying to go with this.

Al Jaeger: I think we can get the language worked out. You talked about lapel pins. Under state law with the great seal, I am allowed to approve things for sale by the Historical Society Museum store. You can buy them over there, but they are lapel pins. When I have traveled to Taiwan or have had visitors, actually the lapel pin is made in Taiwan. At the end of the session when you get your gifts for your committee, we go on record with the vendor and we allow those kinds of things to be used. We don't consider that a commercial venture type thing. I don't think you want to get into any of that with this.

Rep. Gary Paur: It would appear to me the vendors or anyone could download a vector graphic image of the flag. Rep. Froseth, can you also download the pantone connections?

Rep. Glen Froseth: I am not familiar working with cloth, strictly paper. You can download a color print and transfer it to paper with identical colors. Maybe some of these ink colors that come out the way they are suppose to on paper don't come out the same way on nylon, rayon, and different types of fabrics. There might be a problem there with using a pantone 305C probably doesn't look like the same color as it would on reprints on paper. As far as downloading the image here, with today's technology through computers, there is no reason why you shouldn't have the different colors. You shouldn't have totally orange wings. You should have some kind of different color combination shade of colors. To me all those are pretty poor imitations. It seems like they should have been able to do a lot better job on any of those.

Chairman Bette Grande: It bothers me to no end to see North Dakota written in white.

Rep. Gary Paur: My point is if the State Historical Society or Secretary of State had the image in some __ graphics probably with the pantone, the vendors could download it. It would be easier for them to just download the image and start printing than to try to make one themselves which is couldn't match.

Al Jaeger: I could offer some things. We at the State Historical Society can make that very accessible. If you go to our website, there are symbols and you can connect to the flag and there is an image there. When I was doing my research, when I offer the state flag as an alternative, I have a pdf of the exact colors I have forwarded. These are printers, not flag companies. It has been done, but a lot of people, as you can see, are ignoring it.

Merl Paaverud: I would like to invite you all over to see the original flag. It is right in our lobby displayed with the other state symbols. It is a little faded.

There was no one neutral or in opposition of this bill.

The hearing was closed.

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1097
January 13, 2011
12898

☐ Conference Committee

Committee Clerk Signature

Carmen Hunt

Explanation or reason for introduction of bill/resolution:

Relating to the state flag

Minutes:

Chairman Bette Grande called the committee work session open on HB 1097.

Vice Chairman Randy Boehning passed out amendment 11.8112.01001. **Attachment 1.** We are going to take and replace the language on Line 23 after accuracy, and remove the rest of the language on Page 2 and replace it with the language in the amendment. Basically, something will be written up through the State Historical Society of what we have received in our testimony. That will make it accurate, and all the printers will be able to follow to that degree.

Chairman Bette Grande: Is it normal in Code to do the for example?

Vice Chairman Randy Boehning: I guess I don't really know on that. Remember, last session we had the flag bill, the US flag, and a lot of those lapel pins aren't accurate because they don't have the right number of stripes. It is really hard to control that. I think it just gives an example of that so we don't end up in a _.

Rep. Bill Amerman: I talked a little bit with the young lady from procurement. She told me where it starts this section does not apply to the purchase, they took that right out of the United States flag—the thing that passed last session.

Rep. Mark Sanford: This would be the handout (referring to the color handout given at the hearing) the manufacturers would get?

Vice Chairman Randy Boehning: Correct.

Rep. Lisa Meier: As I read this, now on state property if the state has a production of the flag that is not current to what this diagram shows, are we going to have to replace the flags on current state property?

Vice Chairman Randy Boehning: I don't think there was anything in language that would make them take down the old flag and replace it, because the flags do, from

my understanding with testimony, only last for six months when flown on a daily basis. You would be replacing them on a regular basis anyway.

Chairman Bette Grande: My concern runs with the fact that the one that is standing in our chamber is not correct and that is not blown in the wind. I think we will probably have an expense to some replacement, but I have a feeling they will replace them on a rotation basis and get it all taken care of.

Rep. Bill Amerman: This is going to take some time to get up and going and have everybody known. I think eventually when the flags become available, I believe they will have to fly the correct version of the flag.

Chairman Bette Grande: Until they get it out and we have the bids and the companies start making the right ones.

Rep. Mark Sanford: Refresh my memory, members of the committee. My understanding is that by putting this in place, procurement, for example, could say if there is only one bidder that is okay. It would also give them the opportunity to reject anything that has been substantially close before. In my view that was a real stretch of the definition for substantially close, but it was the only thing on the market. This would add a little teeth to the procurement process as well.

Rep. Karen Rohr: How does all these changes and law get communicated to people that need to be in the know of this?

Chairman Bette Grande: This is strictly for state agencies—any state entity or political subdivisions. There will be memos that go out through OMB to all the agencies. I believe the procurement office under OMB is who purchases for the agencies so they can do it in bulk. I have a feeling they are going to control that anyway. Then there will be notification out to the political subdivisions in some form.

Rep. Karen Rohr: I wasn't aware, as a lawmaker, if we need to make sure to address that when we are going over these bills.

Chairman Bette Grande: No, we don't. Not our responsibility. We tell them what to do. They do what we tell them to do. We write the laws. They enforce them.

Rep. Vicky Steiner: She said there was a misdemeanor if you don't follow what they want. The flag must consist of and they are not doing it. It makes me a little nervous to think that people would think well, now there is an official flag and an official way to do it and I am in violation of law. I wouldn't want people to think that they would have to run out and immediately try and find that flag and it would cost the state money.

Chairman Bette Grande: I am not seeing the penalty in here, but even if it was, this is for state agencies. This isn't for people. If we start procuring the right people to

do the right way to do the flag, those are the flags that will become available to us as citizens.

Rep. Karen Karls: If any of you went to the National Guard event the other night, did you notice the humongous North Dakota flag that was wrong? I can see where that might get expensive to replace that. It is so large. Is that a budget thing? Is it going to end up with a fiscal note?

Chairman Bette Grande: That is a good question. I think we can ask OMB to address that at some point, but I am not thinking, as Rep. Winrich said, this is going to have to go through a process of development of putting it altogether, getting the RFP, getting all that done. OMB is the one who helped write this amendment so obviously they are aware of that. They would have to be aware of the budget concerns.

Rep. Glen Froseth: I think going forward is what they are looking at here so the procurement office has some recourse to say these are the specifications we want the flag made and applied. This gives them some legal authority.

Chairman Bette Grande: That really was my take, too.

Rep. Mark Sanford: I think we can take comfort in the fact that one company has the goods right now. If we only get one bid, this permits that to be the deal. If we didn't have anybody out there, this would be a little edgier. Whoever that vendor was in Bismarck that did this, did us a big favor.

Vice Chairman Randy Boehning moved to adopt amendment 11.8112.01001.

Rep. Glen Froseth seconded the motion.

A voice vote was taken to adopt the amendment. Motion carried.

Vice Chairman Randy Boehning moved for a **Do Pass** as amended.

Rep. Mark Sanford seconded the motion.

DO PASS AS AMENDED, 13 YEAS, 0 NAYS. Rep. Vicky Steiner is the carrier of this bill.

VR
1/14/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1097

Page 1, line 23, replace "a person may not sell or represent a flag to be a reproduction of the flag of North" with "reproductions of the flag of North Dakota must adhere to the official design and industry color chart codes provided by the state historical society. A description in writing of the flag must be made available to the public by the state historical society. Flags purchased by a state entity or a political subdivision must substantially meet the requirements of this section. This section does not apply to the purchase of an item that is not a flag but which portrays a likeness of the flag of North Dakota, for example, a miniature flag, food, clothing, a lapel pin, a paper product, or other nonflag item."

Page 2, remove lines 1 and 2

Renumber accordingly

Date: 1-13-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1097

House GOVERNMENT AND VETERAN AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11.8/12.0/001

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Boehning Seconded By Rep. Froseth

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande			Bill Amerman		
Vice Chairman Randy Boehning			Ron Guggisberg		
Glen Froseth			Lonny Winrich		
Karen Karls					
Lisa Meier					
Gary Paur					
Karen Rohr					
Mark Sanford					
Vicky Steiner					
Roscoe Streyle					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Voice vote
to accept
amendment
motion
carried*

Date: 1-13-11
Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1097

House GOVERNMENT AND VETERAN AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11. 8112.01001

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep Boehning Seconded By Rep. Sanford

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman	✓	
Vice Chairman Randy Boehning	✓		Ron Guggisberg	✓	
Glen Froseth	✓		Lonny Winrich	✓	
Karen Karls	✓				
Lisa Meier	✓				
Gary Paur	✓				
Karen Rohr	✓				
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep Steiner

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

REPORT OF STANDING COMMITTEE

HB 1097: Government and Veterans Affairs Committee (Rep. Grande, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed
on the Sixth order on the calendar.

Page 1, line 23, replace "a person may not sell or represent a flag to be a reproduction of the flag of North" with "reproductions of the flag of North Dakota must adhere to the official design and industry color chart codes provided by the state historical society. A description in writing of the flag must be made available to the public by the state historical society. Flags purchased by a state entity or a political subdivision must substantially meet the requirements of this section. This section does not apply to the purchase of an item that is not a flag but which portrays a likeness of the flag of North Dakota, for example, a miniature flag, food, clothing, a lapel pin, a paper product, or other nonflag item."

Page 2, remove lines 1 and 2

Renumber accordingly

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1097

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee Missouri River Room, State Capitol

HB 1097
March 11, 2011
15295

☐ Conference Committee

Committee Clerk Signature

Katie Oliver

Explanation or reason for introduction of bill/resolution:

Relating to the state flag.

Minutes:

Testimony Attached

Merl Paaverud: Director of the State Historical Society of North Dakota. See attached testimony #1.

Chairman Dever: Do manufacturers have to have a license from the state to make flags?

Merl Paaverud: I am not sure but we do have someone from procurement that can answer that.

Senator Cook: I have a North Dakota flag that I hang proudly and is it a conforming flag?

Merl Paaverud: I am sorry about that but that was the best that we could do at the time. It is a bit embarrassing that some of the flags that we get in. We are between a rock and a hard place because they conform, generally speaking, to what we ask for but this will be much more specific.

Vice Chairman Sorvaag: If you want to get more specific why are you not putting the company standards?

Merl Paaverud: That is right; we will provide a detailed formula for each color.

Chairman Dever: Do you establish them by rule

Merl Paaverud: We have the original state flag and we have analyzed that to determine what those colors are and specifically identified them.

Vice Chairman Sorvaag: You are going to have to register that and everyone who would replicate it would have to have those colors?

Al Jager: Secretary of State. See attached testimony #2.

Vice Chairman Sorvaag: So this bill basically isn't going to control who produces a flag but if a subdivision is to buy them they must purchase the correct one.

Al Jager: If I am a flag vendor and I can say that I have the official flag of the state of North Dakota. They have some vendors who are snubbing their nose at this. If the state of North Dakota is going to put out and RFP this is what you are going to do.

Chairman Dever: Is the only difference if color?

Al Jager: If you look the concept flag and the non conforming flag you can see.

Senator Nelson: Do we have a similar problem with the governor's flag?

Al Jager: I don't know. With that one it is a lot less widely used. I suspect it is more controlled.

Chairman Dever: This section only applies to political subdivisions.

Al Jager: We had a vendor that wanted to be accurate and it's our flag to be out there as historically accurate as possible.

Karen Scanson: Procurement Officer, Office management and Budget. See attached testimony #3.

Chairman Dever: With the bill all of the manufacturers would be able to do it and the bid would be based on the cost of it.

Karen Scanson: Yes. We also have a process once this law is in place. We would actually send out a requirements document. We would pre approve the product and only accept flags from distributors who meet the requirements.

Chairman Dever: How often do you offer a new contract?

Karen Scanson: Yearly, we are just entering into the 2nd year of an agreement. As soon as we have meatier law would re bid those.

Vice Chairman Sorvaag: Do you provide color separated artwork to vendors?

Karen Scanson: I was told they were looked towards our century code.

Vice Chairman Sorvaag: That would be a suggestion to provide that.

Karen Scanson: We have directed them to our website.

Vice Chairman Sorvaag: By the color separation the artwork would be there. With most licensing it would be something I would urge you to consider.

Senator Cook: Are non conforming flags are flying right now?

Karen Scanson: I have not found a flag that conforms.

Chairman Dever: 4 different colors for the arrowheads. Does that make it more expensive?

Karen Scanson: We have not explored the cost with the vendor, I don't know.

There was no one else present to testify in support, opposition or a neutral position. Chairman Dever then closed the public hearing on HB 1097.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

HB 1097
March 17, 2011
15590

☐ Conference Committee

Committee Clerk Signature

Kate O'Neil

Explanation or reason for introduction of bill/resolution:

Relating to the state flag.

Minutes:

No testimony attached

A motion for a do pass was made by Vice Chairman Sorvaag for a do pass with a second by Senator Schaible. There was no further discussion, roll was taken, the motion passed 7-0 and Vice Chairman Sorvaag carried the bill to the floor.

Date: 3/17/11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1097

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sorvaag Seconded By Schaible

Senators	Yes	No	Senators	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Sorvaag

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

REPORT OF STANDING COMMITTEE

HB 1097, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1097 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

HB 1097

Attachment 1
HB 1097

House Government and Veterans Affairs Committee
January 6, 2011

Testimony by Merl Paaverud
State Historical Society of North Dakota

Introduction

Madame Chair and members of the Committee, my name is Merl Paaverud and I am director of the State Historical Society of North Dakota. I am here today to present my testimony on House Bill 1097 that would add information to the North Dakota Century Code.

Overview

Section 54-02-02 describes the standards used for the North Dakota State Flag. As it is written, there are general references to colors in the description which are not specific to the colors identified by through examination of the original state flag. In the past, State Procurement has had difficulty getting manufacturers to reproduce the correct colors,

Additional information will be added to the section to read as follows:

To ensure historical accuracy, a person may not sell or represent a flag to be a reproduction of the flag of North Dakota unless it adheres to corresponding industry color chart codes according to matching specifications determined by the State Historical Society of North Dakota.

Budget Overview

No state funding would be required for this change.

Conclusion

The North Dakota State Flag is an important symbol that represents citizens on the local, state and international level. It is important to maintain the highest standards of design, color and quality for the flag. The State Historical Society will keep this information for future reference. This I would also point out that the US Flag is required by law to be manufactured in the US.

ALVIN A. JAEGER
SECRETARY OF STATE
PAGE www.nd.gov/sos



SECRETARY OF STATE
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January 6, 2011

Attachment 2
HB 1097
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TO: Rep Grande, Chairman,
and Members of the House Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: HB 1097 – Colors of State Flag

As the Secretary of State, I am the custodian of the state's Great Seal. The law is very specific in stating that the Great Seal cannot be used for commercial or politically purposes. Therefore, I often suggest the image in the state flag, which isn't protected as an alternative. In addition, because of my position, I am also often asked about other state symbols such as the state flag.

Therefore, according to my files, it was in August 2001 when I became involved with the State Historical Society regarding the official colors of the state flag. This collaboration was prompted by a request from a state based flag vendor who wanted to know the official colors of the flag. The firm wanted to produce the North Dakota state flag with colors that were historically accurate.

The research by the staff at the State Historical Society identified the historically correct colors and they were able to match them to an industry color chart (see latest guide attached). Later in 2002 and early 2003, color electronic versions were created.

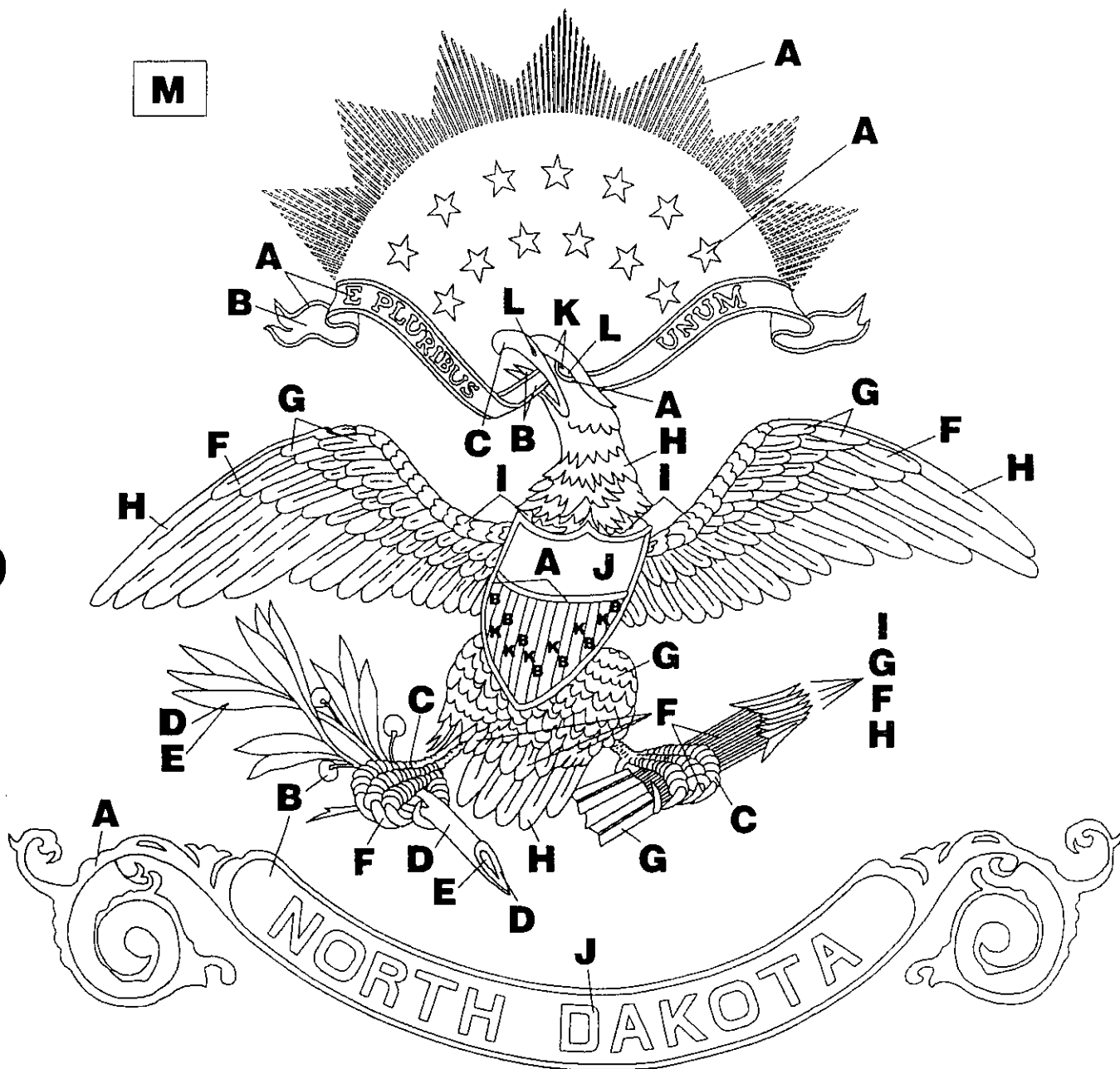
The Secretary of State's office also printed reproductions that are given to school children who request information about North Dakota for school projects.

My testimony also includes a brief history of the state's flag that I had in my files.



North Dakota State Flag Color Recommendations

In cooperation with the Secretary of State, this guide provides accurate colors for the North Dakota state flag. The Pantone international color matching system is built around eight basic colors plus black and white. Printers who keep the basic colors in stock can mix ink to match the 1,000+ colors shown in guides and and swatch books published by Pantone, Inc. To see the recommended colors listed below, visit a local printer to request viewing their Pantone color selector guide.



Pantone colors from the 1998 formula guide, 12th printing

- | | | |
|--|---|--|
| A - Pantone 131C (gold) | E - Pantone 384C (yellow-green) | J - Pantone 301C (medium blue) |
| B - Pantone 187C (red) | F - Pantone 409C (silver) | K - White |
| C - Pantone 1225C (yellow) with shadows of 139C (brown) | G - Pantone 469C (dark brown) | L - Black |
| D - Pantone 356C (green) | H - Pantone 468C (light tan) | M - Pantone 654C (dark blue) flag field |
| | I - Pantone 1535C (medium brown) | |

Grouped colors (D, E for the leaves and I, G, F, H for the arrowheads) indicates that each color is used independently for separate elements, and should not be considered mixtures of the shown colors.

History of the State Flag

On January 21, 1911, Representative Colonel John H. Fraine introduced H.B. No. 152 designating an official flag for the state of North Dakota (1911 S.L., ch. 283). The legislation specifically required that the flag conform to the color, form, and size of the regimental flag carried by the North Dakota Infantry in the Spanish-American War in 1898 and Philippine Island Insurrection in 1899; the only exception was the name *North Dakota* placed on the scroll below the eagle. On March 3, 1911, the Legislative Assembly adopted the North Dakota state flag. North Dakota Century Code Section 54-02-02 describes the state flag in detail.

In 1951, S.B. No. 156 established the North Dakota State Flag Commission to consider changes to the flag (1951 S.L., ch. 303). The commission concluded the flag "too closely resembled the coat of arms of the United States and that the flag was not symbolic of North Dakota." The commission's conclusions were widely challenged and its suggested changes rejected. S.B. No. 265 was introduced during the 1953 session and contained the recommendation of the flag commission. That legislation was defeated.

North Dakota's dark blue field displays a bald eagle holding an olive branch and a bundle of arrows in its claws. In its beak, the eagle carries a ribbon with the words "One nation made up of many states." The shield on its breast has thirteen stars, representing the original thirteen states. The fan shaped design above the eagle represents the birth of a new nation, the United States. The name "North Dakota" appears on a red scroll below the eagle.

From State Law

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 pole 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 words "North Dakota." Over the scroll carried through the eagle's beak must be shown thirteen five-pointed stars, the whole device being surmounted by a sunburst. The flag must conform in all respects as to color, form, size, and device with the regimental flag carried by the First North Dakota Infantry in the Spanish American War and Philippine Insurrection, except in the words shown on the scroll below the eagle.

THE STATE FLAG OF NORTH DAKOTA

By RUSSELL REID

The origin and specifications of the state flag of North Dakota has been a topic of great interest to patriotic organizations and individuals for many years. A question as to its desirability as a state emblem prompted the thirty-second session of the legislative assembly to authorize the creation of a North Dakota State Flag Commission to be appointed by the Governor.¹

Section four of this legislation reads as follows: "POWERS: DUTIES: OBJECTS AND PURPOSES.) It shall be the duty of the commission to make a thorough and searching study of the North Dakota state flag, its origin, meaning, and its suitability as an emblem, symbolic of the state of North Dakota. The commission is further charged with the preparation of suitable drawings, designs, or pictorials of any suggested changes for the consideration of the thirty-third legislative assembly."

Colonel John H. Fraine, who had served North Dakota with distinction in both civil and military affairs, was the sponsor of legislation authorizing a state flag. On January 21, 1911, Colonel Fraine, while serving as a member of the twelfth legislative assembly of North Dakota, introduced House Bill No. 152 which proposed the adoption of an official flag for the State of North Dakota. This legislation was approved and recorded as Chapter 283 of the Session Laws of North Dakota for 1911.²

The above statute describes the official North Dakota flag in some detail and specifically states that the flag shall conform in all respects as to color, form, size and device with the regimental flag carried by the First North Dakota Infantry in the Spanish-American war and the Philippine Insurrection except for the substitution of the name *North Dakota* on the scroll below the eagle. In view of the fact that the statute does not specifically prescribe the shape, colors or the form of the eagle nor the exact color to be used in the blue background, the original flag carried by the First North Dakota Infantry must be examined to provide these

¹Chapter 283, Laws passed by the Thirty-third Session of the Legislative Assembly, State of North Dakota, S. B. No. 184, page 416.
²Laws passed by the Twelfth Session of the Legislative Assembly of the State of North Dakota, page 511.

essential details. Fortunately the original state flag has been preserved and displayed with a collection of war trophies brought to North Dakota by the First North Dakota Infantry after the Spanish-American war. In 1924 the flag and its staff were presented to the State Historical Society for preservation by Adjutant General G. A. Fraser. That it is the original flag referred to in the North Dakota session laws of 1911, there can be no doubt but it may be of interest to note that the words *North Dakota*, embroidered on silk have been appliqued over the original scroll below the eagle and that the original scroll bears the inscription *First North Dakota Infantry*. The flag staff has 37 silver bands citing the engagements in which the First North Dakota Infantry participated.

Official sources reveal the fact that the origin of our state flag was in doubt when adopted. However, it is quite evident that Colonel Fraine was intimately acquainted with the flag and its use by North Dakota Infantry. He had definite evidence that it was carried by the First North Dakota Infantry while in Federal service and that it had been used by territorial militia. Although the source is not given it is believed that the following excerpt from the North Dakota Blue Book for 1911 was prepared by Colonel Fraine.³

STATE FLAG

(Adopted by Twelfth Legislative Assembly, Chapter 283, 1911 Session Laws).

The official state flag of North Dakota is not the pennon of a carpet knight. It has seen service. It has floated on fields where North Dakotans gave up their lives for their country. It has fluttered in winds laden with the smoke of battle, the noise of conflict and the cry of dying men. Second to the Stars and Stripes, it is a banner to venerate, and it is worthy of patriotic veneration.

For the state flag of North Dakota is none other than the flag that the men of the First North Dakota Volunteers marched under for two years in the Philippines. It is the flag that was with the regiment in thirty-seven engagements.

Its origin is almost unknown. It was the flag of the territorial militia, and it is first remembered at Huron, S. D., when

³North Dakota Blue Book, 1911, Legislative Manual, Bismarck, N. D. 1912, page 128.

it was unfurled at the annual encampment. Who designed it, when it was adopted, is not discoverable now. But it led men to conquer this that was a wilderness then as it led men to conquer the wilds of the Philippines. It is doubly a pioneer. Perhaps this publication will lead to the discovery of its early history. It should be so.

With but one change in the wording of the flag, which is the insertion of the words "North Dakota", in place of the words "First North Dakota Infantry," this is the flag that was carried at the following engagements:

Blockhouse 14, August 13, 1898
 Manila, August 13, 1898
 Manila, February 4 and 5, 1899
 Paranaque, Feb. 6, 1899, Co. C, I and K
 Malibay, February 10, 1899
 Insurgent Outpost, April 1, 1899, Co. A and D
 Santa Cruz, April 9 and 10, 1899
 Pagsanjan, April 11, 1899
 Paete, April 12, 1899
 San Bartolome, April 22, 1899
 Novaliches, April 22, 1899
 Tabac, April 29, 1899
 San Rafael, April 29, 1899
 Titaban, May 1, 1899
 San Rafael, May 1, 1899
 Bustos, May 2, 1899
 Baliuag, May 2, 1899 (Scouts)
 Sampaoc, May 3, 1899 (Scouts)
 San Ildefonso, May 12, 1899 (Scouts)
 San Miguel, May 13, 1899 (Scouts)
 Salacot, May 15, 1899 (Scouts)
 Tarbon Bridge, May 16, 1899 (Scouts)
 San Isidro, May 17, 1899 (Scouts)
 San Fernando, May 18, 1899
 Cabiao, May 19, 1899
 San Antonio, May 20, 1899 (Scouts)
 Cainta, June 3, 1899
 Taytay, June 3 and 4, 1899
 Angono, June 4, 1899
 Baras, June 8, 1899 (Scouts)
 Baras, June 9, 1899 (Scouts)
 Morong, June 23, 1899, Co's A and H
 San Pedro Road, July 8, 1899, Co's B, D, G and H
 English Cemetery, July 16 and 17, 1899, Co's C and H
 Culicuti, March 13, 1899

King's Bluff, April 5, 1899 Expedition to Foot Hills, May, 1899 (Scouts)

There is a discrepancy between the specifications as given in the session laws of 1911 and the actual flag itself which may be explained by an error in proper interpretation. The law states that the "right foot of the eagle shall grasp a sheaf of arrows, the left foot shall grasp an olive branch showing three red berries." The sheaf of arrows is grasped in the claw of the eagle which would be on the right hand of the observer, and in all probability this was the thought of the individual who prepared the law. As a matter of fact, however, the sheaf of arrows is grasped in the left claw of the eagle while the right holds the olive branch. The original flag and all reproductions which have been made of it, do, of course, clearly substantiate this fact. This discrepancy in the North Dakota flag specification was recognized and corrected in Chapter 54-02 of the North Dakota Revised Code of 1943.

The revised statute reads as follows: 54-0202. State Flag. "The flag of North Dakota shall consist of a field of blue silk four feet four inches on the pike and five feet six inches on the fly, with a border of knotted yellow fringe two and one-half inches wide. On each side of said flag in the center thereof, shall be embroidered an eagle with outspread wings and with opened beak. The eagle shall be three feet, four inches from tip to tip of wing, and one foot, ten inches 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 shall be displayed a shield, the lower part showing seven red and white strips placed alternately. Through the open beak of the eagle there shall be a scroll bearing the words "E Pluribus Unum." Beneath the eagle there shall be a scroll on which shall be borne the words "North Dakota." Over the scroll carried through the eagle's beak shall be shown thirteen five-pointed stars, the whole device being surmounted by a sunburst. The flag shall conform in all respects as to color, form, size, and device with the regimental flag carried by the First North Dakota Infantry in the Spanish-American War and Philippine insurrection, except in the words shown on the scroll below the eagle." (Source: S. L. 1911, c. 283, s. 1; C. L. 1913, s. 1915.)

¹North Dakota Revised Code of 1943, Volume 6, page 3603.

The device used on the North Dakota state flag is quite different from the Seal of the United States although the artist who prepared the designs may have been influenced by the form and character of the official United States Seal.

The figure of the bald eagle used on the official North Dakota flag differs materially from the eagle used on any of the official seals used by the United States. The shape of the shields on the breast of the eagles is quite different. The 13 stars instead of being circular in form and surrounded by clouds as in the United States Seal, is in two curved parallel rows and surmounted by a gold sunburst. The eagle on the North Dakota flag grasps 7 arrows while the eagle on the United States Seal grasps 13. The eagle on the North Dakota flag grasps an olive branch with 3 red berries in its right claw whereas in the Seal of the United States the eagle grasps an olive branch with 13 green olives. Detailed information on the Seal of the United States may be obtained in a publication entitled "The History of the Seal of the United States."¹

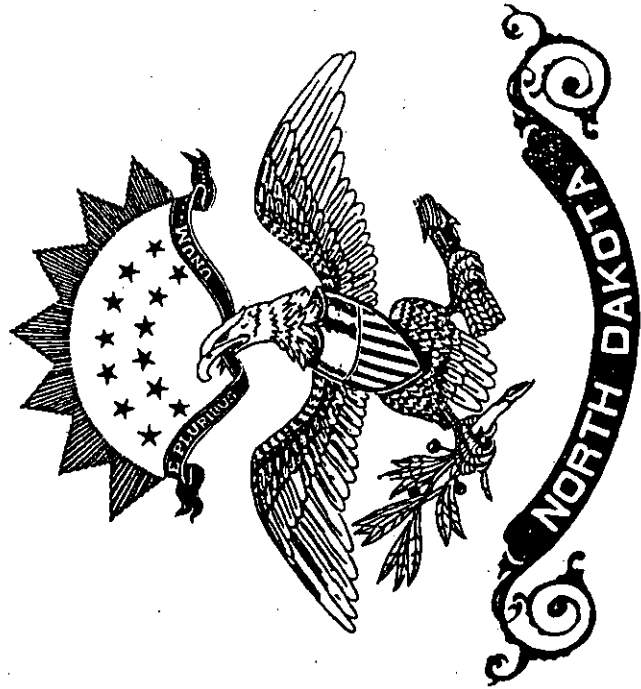
Although it is quite evident that the North Dakota state flag is not a replica or a copy of the United States seal, it is quite evident that it is an exact copy of the device used on flags at one time carried by United States Infantry regiments. This fact was verified by a letter from the Quartermaster General's office of the War Department to Milton R. Young, United States Senator from North Dakota.* The essential information given in this letter is as follows:

1. The emblem on the North Dakota flag is essentially the same as the emblem on the United States Army regimental flags in use during the Spanish-American War.
2. This emblem was adopted for use on Infantry Regimental Colors, 19 March 1890.
3. This design of the coat of arms remained in use until 24 October 1904, when it was cancelled and a new design was adopted.

¹Hunt, Galliard, Chief, Division of Manuscripts, Library of Congress. "History of the Seal of the United States." Washington, D. C., 1909.
*Letter received by Milton R. Young, United States Senator from North Dakota, from William J. Mitchell, Captain, U. S. Army, Executive Officer, War Department of the United States, dated October 24, 1904, in answer to a request for information from the State Historical Society of North Dakota.



UNITED STATES OF AMERICA
Seal of the United States



Emblem used on the North Dakota flag

From the information received from the War Department, it appears that Infantry regimental flags used a device which was the same or similar to the device used on the state flag of North Dakota from March 19, 1890 to October 24, 1904. After this date the insignia on regimental flags was radically changed and closely followed the design of the United States Seal.

Unfortunately the official flag of North Dakota is not well known to the people of the State and it is displayed on comparative few occasions. Only a small number of North Dakota flags are available in the State and unfortunately few of them meet the rigid specifications of the flag adopted by our legislative assembly. Printed color reproductions of the North Dakota flag are not always reliable as far as correct colors are concerned. The original color reproduction which appeared in the 1911 Blue Book opposite page 128, appears to be the most accurate reproduction made. It is stated on the plates that the illustration is from an autochrom by F. A. Hechouek. It should be remembered, however, that in all probability the original flag had faded somewhat at the time the autochrom was made. The flags produced by manufacturers vary considerably as to form, character of the device, color and texture of materials used.

On the premise that the original flag itself as designated by the session laws of 1911 is the only detailed and accurate source of information concerning the official North Dakota flag, the case containing this flag in the museum of the State Historical Society was opened and the flag minutely examined as to size, form, color and details of the device used. With the exception of the discrepancy due to the misinterpretation of the right and left claws of the eagle which has already been mentioned, the original flag does correspond to the description given in chapter 283 of the 1911 session laws of North Dakota.

A full-sized tracing was made of the flag showing the eagle, the sunburst and the scroll. Kodachrome color prints were made which accurately show the colors used in the eagle, the shield, the olive branch and other portions of the flag. It should be borne

War Department, QMG Office Specifications for Regimental Colors—Infantry, March 19, 1890; November 18, 1895; October 24, 1904.

in mind that the North Dakota official flag is now over 50 years old and during the intervening years the silk has deteriorated and the color noticeably faded. To determine the proper color for the field of the North Dakota flag a small piece of the original cloth was salvaged from the inside of the pole hem. This piece of cloth has been protected from the sun and the elements and clearly showed the original blue color. In order to establish the color of the original North Dakota flag a standard authority on color was consulted. It is believed that a book entitled "Color Standards and Color Nomenclature" by Robert Ridgway may be considered our best authority. According to Ridgway the original color of the field of the North Dakota flag is a deep blue violet blue and officially designated as Cyanine Blue. This fact was determined by carefully placing the sample from the original North Dakota flag over a portion of all of the blue color charts given in Ridgway's manual.

Although there is a possibility that the specifications of the official state flag may be changed, it is believed that the specifications of the present flag should be made a matter of record. When North Dakota flags are ordered for use by state departments or patriotic organizations, it is suggested that the design be correct and the proper blue for the field and the designated colors for the device and design be insisted upon. The State Historical Society of North Dakota will be glad to allow individuals or organizations to make use of the data which it now has available. This data consists of the original flag, an accurate full-sized tracing of the emblem and device used, and kodachrome colored prints. If this material is used and materials are selected carefully North Dakota flags will be uniform in character and will comply with the North Dakota statutes.

"Ridgway, Robert, "Color Standards and Color Nomenclature," with 83 colored plates and 1118 named colors. Published by the author, Washington, D. C. 1912.

Presented by: Karen Scanson, Procurement Officer
OMB, Central Services Division
State Procurement Office

Before: Government and Veterans Affairs Committee
Representative Bette Grande, Chairman

Date: January 6, 2011

Good morning, Chairman Grande and members of the committee. My name is Karen Scanson and I am a procurement officer with the State Procurement Office within the Office of Management and Budget.

The State Procurement Office supports this bill.

The most recent competitive bid process, from February 2010, for the purchase of the North Dakota State Flag brought to light the need for changes to the current law concerning the specification of the flag, direction to manufacturers on how it should be made and who governs the design.

To evaluate the North Dakota flag samples submitted, we used the description of the flag as it was printed in the bid document. This excerpt is in line with current Century Code, but gives additional detail as originally published in North Dakota History, Volume 18, No. 4, October 1951, "The State Flag of North Dakota", by Russell Reid. This particular article was extracted and published into a separate booklet entitled The State Flag of North Dakota, Russell Reid, October, 1951. Both publications are housed at the State Historical Society.

The solicitation resulted in an initial pool of 15 responding vendors. All were distributors of the four (4) known major manufacturers of flags in the United States; Eder Flag, Valley Forge Flag, Annin & Company and CF Flag. Nine (9) vendors met the requirements to be considered for award. Our analysis of the samples showed that none of the manufacturers is currently producing a North Dakota State Flag, complete in form and design, according to printed specification. Annin & Company was not represented in that final group, but investigation of their design showed that it also did not conform to all specifications. Historically, State Procurement has had problems finding flags that meet specification. Because of this issue, a clause has been placed in the bid language which states, "The flag shall conform as closely as possible to the original flag as adopted in 1911." Therefore, the flag that most closely met specifications was accepted. The awarded vendor was CVS Flags, from Marion, IN. They are providing a Valley Forge flag to fulfill contract requirements. I have a representative sample of that flag in both nylon and polyester with me today.

To further illustrate the need for more stringent direction on the manufacture of the North Dakota State Flag, I have also brought representative samples of a CF Flag, a print of the current Annin & Company

design and a concept flag from Annin & Company, based on a document entitled, "The North Dakota State Flag Color Recommendations". This document was created in cooperation with the Secretary of State and gives a "color-by-number" representation of the design of the original flag, as adopted in 1911, based on a thread analysis done by the State Historical Society of that original flag.

The State Procurement Office fully supports the State Historical Society in this initiative. We strongly urge the committee to recommend a "do pass" for this legislation.

This concludes my testimony. I would now like to show you the samples I brought and answer any questions you may have.

[Show flag samples and describe deviation(s) from specification]

[Show CF Flag (very much like the Eder design) and the concept flag from Annin]



North Dakota State Flag Color Recommendations

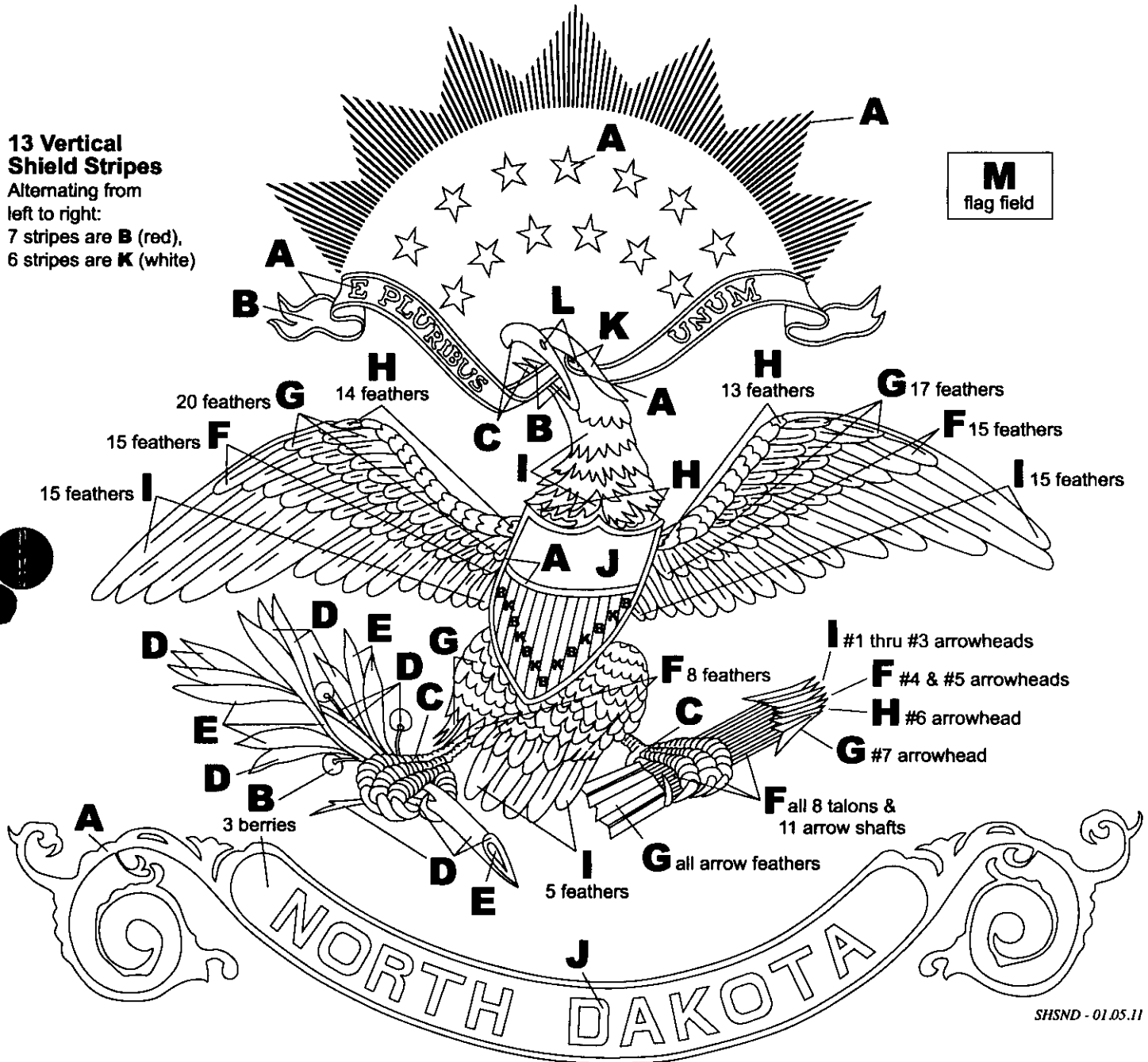
HB 109.7
Handout

In cooperation with the Secretary of State, this guide provides accurate colors for the North Dakota state flag. The Pantone international color matching system is built around eight basic colors plus black and white. Printers who keep the basic colors in stock can mix ink to match the 1,300+ colors shown in guides and swatch books published by Pantone, Inc. To see the recommended colors listed below, visit a local printer to request viewing their Pantone color selector guides.

13 Vertical Shield Stripes

Alternating from left to right:

7 stripes are **B** (red),
6 stripes are **K** (white)



Pantone colors from the 2010 formula guide

A - Pantone 131C (gold)

B - Pantone 187C (red)

C - Pantone 1225C (yellow)

D - Pantone 356C (green)

E - Pantone 384C (yellow-green)

F - Pantone 409C (silver)

G - Pantone 469C (dark brown)

H - Pantone 1535C (medium brown)

I - Pantone 468C (light tan)

J - Pantone 301C (medium blue)

K - White

L - Black (lines of flag elements may be black on large flags)

M - Pantone 654C (dark blue)
flag field

SHSND - 01.05.11

HB 1097
Senate Government and Veterans Affairs Committee
March 11, 2011

Testimony by Merl Paaverud
State Historical Society of North Dakota

Introduction

Mr. Chairman and members of the Committee, my name is Merl Paaverud and I am director of the State Historical Society of North Dakota. I am here today to present my testimony on House Bill 1097 that would add information to the North Dakota Century Code.

Overview

Section 54-02-02 describes the standards used for the North Dakota State Flag. As it has been written in the past, there are general references to colors in the description which are not specific to the colors identified by through thorough examination of the original state flag. State Procurement has found it difficult to get an accurate result as contractors reproduce the colors. I support the amended version of the bill as presented by the House Government and Veterans Affairs Committee.

Budget Overview

No state funding would be required for this change.

Conclusion

The North Dakota State Flag is an important symbol that represents citizens on the local, state and international level. It is important to maintain the highest standards of design, color and quality for the flag. The State Historical Society will gladly keep and provide this information for future reference.

ALVIN A. JAEGER
SECRETARY OF STATE

1st PAGE www.nd.gov/sos



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

March 11, 2011

TO: Senator Dever, Chairman, and Members of the Senate Government & Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: HB 1097 – Colors of State Flag

In my role as the Secretary of State, I enthusiastically support the passage of this bill because it finally sets standards in state law for a historically correct reproduction of the state's flag.

Under state law, the Secretary of State is the custodian of the state's Great Seal. The law is very specific in stating that the Great Seal cannot be used for commercial or political purposes. Therefore, as an alternative when requests are made of the Secretary of State to use the Great Seal, I often suggest that the image of the state flag be used, which isn't protected under state law.

Related to my Great Seal duties, I became involved in August 2001 with the State Historical Society regarding the official colors of the state flag. This collaboration was prompted by a request from an in-state based flag vendor who wanted to know the official colors of the flag. The vendor wanted to produce the North Dakota state flag with colors that were historically accurate.

The research completed by the staff at the State Historical Society identified the historically correct colors and they were able to match them to an industry color chart (see guide attached). Later in 2002 and early 2003, accurate color electronic versions were created that are posted on the state's website (see attached) and which are given to those persons that request or need a historically correct version for publications and other uses.

At the same time, the Secretary of State's office printed reproductions of the state flag, which were given to you today as part of this testimony. These reproductions are given, for example, to school children who request information about North Dakota for school projects.

Attached to my testimony is a brief history of the state's flag, as taken from my flag files.

**Testimony
HB 1097**

Presented by: Karen Scanson, Procurement Officer
OMB, Central Services Division
State Procurement Office

Before: Government and Veterans Affairs Committee
Senator Dick Dever, Chairman

Date: March 11, 2011

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The State Procurement Office supports this bill.

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