

CHAPTER 54-02

STATE EMBLEMS, SYMBOLS, AND AWARDS

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 or except as provided in subsection 1, to utilize or place a copy or reproduction of the great seal on any stationery or business calling card of any person.

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.

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 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.

54-02-03. State flower. The floral emblem of the state of North Dakota shall be the wild prairie rose, *rosa blanda* or *arkansana*.

54-02-04. State song. The song known as "North Dakota Hymn", with words written by James W. Foley and music composed by Doctor C. S. Putnam is the official song for the state of North Dakota.

54-02-05. State tree. The American elm, *ulmus americana*, is the official tree of the state of North Dakota.

54-02-06. State bird. The meadowlark, *sturnella neglecta*, is the official bird of the state of North Dakota.

54-02-07. Theodore Roosevelt rough rider award. There shall be awarded by the state of North Dakota, in the name of the legislative assembly and the citizens of this state, an award to be known as the Theodore Roosevelt rough rider award. The award is the highest recognition by the state of present or former North Dakotans who have been influenced by this state in achieving national recognition in their fields of endeavor, thereby reflecting credit and honor upon this state and its citizens. The award is not for momentary success, but only for genuine achievements of lasting significance. It is the intent of this section to guard the dignity of the rough rider award for recipients of the past as well as the future. The award, of a type and design approved by the governor, must be awarded by the governor upon the concurrence of the secretary of state and the director of the state historical society. A record of all such awards and pertinent information in regard to each recipient must be retained by the state archivist.

54-02-08. State fossil - Teredo petrified wood. The teredo petrified wood is the official fossil of the state of North Dakota.

54-02-09. Adoption of North Dakota state march. "Flickertail March" as composed by Mr. James D. Ployhar is the North Dakota state march. The North Dakota state march must be played in a manner consistent with the respect and dignity due a state march and may be played at appropriate state functions.

54-02-10. State grass. Western wheatgrass, *agropyron smithii*, is the official grass of the state of North Dakota.

54-02-11. State art museum. The North Dakota museum of art, formerly the university of North Dakota art galleries, established in 1972 on the university campus in Grand Forks, is designated the North Dakota art museum. Unless clear title is otherwise demonstrable, any work of art, artifact, or artistic property located in the state art museum is deemed to be the property of the North Dakota art museum and is subject to disposition by the North Dakota art museum.

54-02-12. State beverage. Milk is the official beverage of the state of North Dakota.

54-02-13. English as official language. The English language is the official language of the state of North Dakota.

54-02-14. State railroad museum. The Mandan railroad museum, established in 1972 in Mandan, is hereby designated the North Dakota state railroad museum. No state agency or

institution may provide appropriated funds to the state railroad museum nor is the state responsible for any obligations of the museum.

54-02-15. Honorary equine. The Nokota horse, in recognition of the significant role the breed has played in the history of this state, is designated an honorary equine of North Dakota.

54-02-16. State dance. The square dance, in consideration of its contribution to the art and culture of North Dakota, is designated the official American folk dance of North Dakota.

54-02-17. State fruit. The chokecherry, *prunus virginiana*, is the official fruit of the state of North Dakota.