

HB 1356 — Testimony of Dale Sandstrom

Good morning Mr. Chairman and members of the House Education Committee.

I am Dale Sandstrom, appearing on my own behalf and on behalf of the Northern Lights Council of the Boy Scouts of America. It is always a privilege to return to our State Capitol where I was privileged to serve in public office for more than four decades, more that a third of a century in elective statewide public office—nearly a decade on the Public Service Commission and 24 years on the Supreme Court.

Throughout my career I have sought, in many ways, to promote civic education including understanding of our constitutional system of government. Some of those ways include our program of taking the Courts to the Schools, the Justices Teaching Institute, the state We the People competition testing high school students' knowledge of the Constitution, the Know Your State Competition, and speaking to student groups. One of the most important ways I have sought to promote civic education and patriotic good citizenship is through Scouting, a program in which I have been continuously engaged in for more than 60 years, ever since someone came to our school and told us about the opportunity to be involved.

Scouting has a citizenship, civic education component at every level, and I've served Scouting at virtually every level, from den leader to the National Council. In recent years I've focused on serving as a counselor for the Citizenship merit badges and the Law merit badge, and hosting the annual Boy Scout Report to the State/Governor. When the Boy Scouts celebrated their 100th Anniversary, we held the Scouting Centennial Celebration at the Capitol with more than 3,000 Scouts and leaders from around state camping here on the Capitol grounds. They toured the Capitol, participated in mock legislative sessions debating a texting-and-driving bill, and heard mock arguments before the full Supreme Court on a school-backpack-search case. Two years later, for the Girl Scouts' centennial we did it again, with more than

1,200 Scouts and their leaders. That time when one of our justices could not be present, we invited the Chief Tribal Judge from Standing Rock, himself and an Eagle Scout, to sit with us.

A few weeks ago I heard U.S. Supreme Court Justice Neil Gorsuch on public television. He said that studies show that only one-third of Americans know that there are three branches of government.

There is a huge need for more patriotism, more civic education:

- knowledge of how our system of government works
- the difference between state and federal and local government
- the proper roles of the legislative, executive, and judicial branches
- the rights and the duties of citizenship.

Boy Scouts and Girl Scouts teach all of these things. Young people benefit from Scouting's teaching of patriotism, civics, and the duties and responsibilities of citizenship, as well the rights. Scouting instills in young people morals and values, and skills of self-reliance that equip them to make ethical decisions for a lifetime.

To do these things, Scouting needs to reach out to young people in our schools to tell them briefly about how they can become involved in its programs that do these positive things while having fun and increasing their physical fitness.

Unfortunately, some schools in North Dakota are denying Scouting the opportunity to make these brief presentations to engage our youth. Not all school districts are doing this but those that block this access include many of the largest districts in the state: Fargo, West Fargo, Grand Forks, Bismarck and Minot.

Does this opportunity to make these brief presentations make a difference? North Dakota Chief Justice Jon Jensen, an Eagle Scout, tells me that when was Scouting District Chairman for the district including Grand Forks which denied school access and East Grand Forks which permitted it, the number of Scouts in each city was approximately equal. This was the case even though Grand Forks was five-times larger than East Grand Forks!

House Bill 1356 allows patriotic societies, including Scouting, to have access to

public schools to inform students of opportunities to participate. The proposed bill parallels—but is even narrower than—a bill adopted by the 2018 South Dakota legislature. The South Dakota bill has worked well without problems. The South Dakota law allows all those organizations listed in U.S. Code Title 36 that are in the subgroup “patriotic society” to have the opportunity to make brief talks during the school day to tell about the opportunity for involvement with their programs.

The North Dakota bill draft further limits those eligible to make presentations to “youth patriotic societies.” This is a classification established by Congress in 20 U.S. Code § 7905, an Act prohibiting public schools from discriminating against the “Boy Scouts of America, or any other youth group listed in Title 36 (as a patriotic society).”

Although there are many organizations in U.S. Code Title 36, only the Boy Scouts of America (Scouting BSA), the Girl Scouts, and Future Farmers of America (FFA) appear to fit into this class in North Dakota.

The bill freezes the list as it existed in the federal statute on January 1, 2021. The Boy Scouts and the Girl Scouts are the only organizations known to have used the South Dakota law.

The brief classroom explanation to students would be limited to the first quarter of the school year and be scheduled in coordination with school administrators, who we know already juggle and organize a lot of student opportunities and activities.

For those administrators who have wanted a clear legislative framework before letting Scouting make brief presentations, this bill provides it.

Scouting representatives have met with the Superintendent of Public Instruction, and the organizations representing the school boards, school administrators, and teachers about this legislation.

Finally, I would note that both the Boy Scouts of America and the Girl Scouts of the United State of America have the special characteristic of having been Chartered by Congress.

The HB 1356 will help the Legislature achieve its goals of promoting patriotism and civic education.

Thank you!

TITLE 36—PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS*This title was enacted by Pub. L. 105–225, §1, Aug. 12, 1998, 112 Stat. 1253***Subtitle I—Patriotic and National Observances and Ceremonies****PART A—OBSERVANCES AND CEREMONIES**

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EDITORIAL NOTES

AMENDMENTS

2020—Pub. L. 116–189, §4(b), Oct. 30, 2020, 134 Stat. 946, which directed amendment of analysis for part B of subtitle II of this title by substituting "United States Olympic and Paralympic Committee" for "United States Olympic Committee" in item for chapter 2205, was executed by making the substitution in this analysis to reflect the probable intent of Congress.

2014—Pub. L. 113–237, §3(a)(1), Dec. 18, 2014, 128 Stat. 2833, added complete analysis and struck out former analysis which consisted only of items for subtitles I to III.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 36

<i>Title 36 Former Sections</i>	<i>Title 36 New Sections</i>
1, 1a, 2 (1st sentence words before 2d comma)	300101
2 (1st sentence words between 2d comma and 3d semicolon)	300105
2 (1st sentence words between 3d and 4th semicolons)	300106
2 (1st sentence words after 4th semicolon)	300105
2 (last sentence)	300106
3	300102
4	Prev. Rep.
4a	300103
5 (matter before (a)), (a), (b), (c) (1st–5th pars.)	300104
5(c) (6th par.)	300107

Pub. L. 105–354, §5(b), Nov. 3, 1998, 112 Stat. 3245, repealed specified laws, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Nov. 3, 1998.

Pub. L. 105–225, §6(a), Aug. 12, 1998, 112 Stat. 1499, provided that: "The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal."

Pub. L. 105–225, §6(b), Aug. 12, 1998, 112 Stat. 1499, repealed specified laws, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Aug. 12, 1998.

¹ *So in original. Does not conform to chapter heading.*

² *So in original. Probably should not be capitalized.*

Subtitle I—Patriotic and National Observances and Ceremonies

EDITORIAL NOTES

AMENDMENTS

2014—Pub. L. 113–237, §3(a)(2)(A), Dec. 18, 2014, 128 Stat. 2835, struck out item for part A "Observances and Ceremonies", which consisted of items for chapters 1 to 9, and item for part B "United States Government Organizations Involved With Observances and Ceremonies", which consisted of items for chapters 21 to 25.

2004—Pub. L. 108–447, div. J, title I, §109(b)(1), Dec. 8, 2004, 118 Stat. 3344, substituted "March, and Tree" for ", and March" in item for chapter 3.

PART A—OBSERVANCES AND CEREMONIES

CHAPTER 1—PATRIOTIC AND NATIONAL OBSERVANCES

Sec.	
101.	American Heart Month.
102.	Asian/Pacific American Heritage Month.
103.	Cancer Control Month.
104.	Carl Garner Federal Lands Cleanup Day.
105.	Child Health Day.
106.	Constitution Day and Citizenship Day.
107.	Columbus Day.
108.	Constitution Week.
109.	Father's Day.
110.	Flag Day.
111.	Gold Star Mother's Day.
112.	Honor America Days.
113.	Law Day, U.S.A.
114.	Leif Erikson Day.
115.	Loyalty Day.
116.	Memorial Day.
117.	Mother's Day.
118.	National Aviation Day.
119.	National Day of Prayer.
120.	National Defense Transportation Day.
121.	National Disability Employment Awareness Month.
122.	National Flag Week.
123.	National Forest Products Week.
124.	National Freedom Day.

- 125. National Grandparents Day.
- 126. National Hispanic Heritage Month.
- 127. National Korean War Veterans Armistice Day.
- 128. National Maritime Day.
- 129. National Pearl Harbor Remembrance Day.
- 130. National Poison Prevention Week.
- 131. National Safe Boating Week.
- 132. National School Lunch Week.
- 133. National Transportation Week.
- 134. Pan American Aviation Day.
- 135. Parents' Day.
- 136. Peace Officers Memorial Day.
- 137. Police Week.
- 138. Save Your Vision Week.
- 139. Steelmark Month.
- 140. Stephen Foster Memorial Day.
- 141. Thomas Jefferson's birthday.
- 142. White Cane Safety Day.
- 143. Wright Brothers Day.
- 144. Patriot Day.
- 145. Veterans Day.

EDITORIAL NOTES

AMENDMENTS

2016—Pub. L. 114–240, §2(b), Oct. 7, 2016, 130 Stat. 975, added item 145.

2004—Pub. L. 108–447, div. J, title I, §111(c)(2), Dec. 8, 2004, 118 Stat. 3345, inserted "Constitution Day and" before "Citizenship Day" in item 106.

2001—Pub. L. 107–89, §2, Dec. 18, 2001, 115 Stat. 877, added item 144.

STATUTORY NOTES AND RELATED SUBSIDIARIES

AMERICAN WORLD WAR II HERITAGE CITIES

Pub. L. 116–9, title IX, §9007, Mar. 12, 2019, 133 Stat. 837, provided that:

"(a) DESIGNATION.—In order to recognize and ensure the continued preservation and importance of the history of the United States involvement in World War II, each calendar year the Secretary [of the Interior] may designate 1 or more cities located in 1 of the several States or a territory of the United States as an 'American World War II Heritage City'. Not more than 1 city in each State or territory may be designated under this section.

"(b) APPLICATION FOR DESIGNATION.—The Secretary may—

"(1) establish and publicize the process by which a city may apply for designation as an American World War II Heritage City based on the criteria in subsection (c); and

"(2) encourage cities to apply for designation as an American World War II Heritage City.

"(c) CRITERIA FOR DESIGNATION.—The Secretary, in consultation with the Secretary of the Smithsonian Institution or the President of the National Trust for Historic Preservation, shall make each designation under subsection (a) based on the following criteria:

"(1) Contributions by a city and its environs to the World War II home-front war effort, including contributions related to—

"(A) defense manufacturing, such as ships, aircraft, uniforms, and equipment;

"(B) production of foodstuffs and consumer items for Armed Forces and home consumption;

"(C) war bond drives;

"(D) adaptations to wartime survival;

"(E) volunteer participation;

"(F) civil defense preparedness;

"(G) personnel serving in the Armed Forces, their achievements, and facilities for their rest and recreation; or

In subsection (a), the word "have" is substituted for "maintain at all times", and the word "authorized" is omitted, for consistency in the revised title and to eliminate unnecessary words. The words "is notice to or service on the corporation" are substituted for "shall be deemed sufficient notice or service upon the corporation" for consistency in the revised title.

In subsection (b), the word "precedent" is omitted as unnecessary. The words "with the secretary of state or other designated official" are substituted for "in the office of the Secretary of State, or similar office" for consistency in the revised title. The words "post office" and "authorized" are omitted as unnecessary.

§30711. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority.
(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1324.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30711	36:511.	July 19, 1954, ch. 536, §11, 68 Stat. 491.

§30712. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be used by the board of directors for the purpose stated in section 30702 of this title or be transferred to a recognized educational foundation.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1324.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30712	36:515.	July 19, 1954, ch. 536, §15, 68 Stat. 492.

The word "satisfaction" is omitted as included in "discharge", and the word "obligations" is omitted as included in "liabilities". The word "outstanding" is omitted as unnecessary.

CHAPTER 309—BOY SCOUTS OF AMERICA

Sec.

- 30901. Organization.
- 30902. Purposes.
- 30903. Governing body.
- 30904. Powers.
- 30905. Exclusive right to emblems, badges, marks, and words.
- 30906. Restrictions.
- 30907. Annual and special meetings.
- 30908. Annual report.

§30901. Organization

(a) **FEDERAL CHARTER.**—Boy Scouts of America (in this chapter, the "corporation") is a body corporate and politic of the District of Columbia.

(b) **DOMICILE.**—The domicile of the corporation is the District of Columbia.

(c) **PERPETUAL EXISTENCE.**—Except as otherwise provided, the corporation has perpetual existence.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1325.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30901	36:21. 36:22 (words before 2d comma).	June 15, 1916, ch. 148, §§1, 2 (words before 2d comma), 39 Stat. 227.

This section is substituted for the source provisions for consistency in the revised title and to eliminate executed and unnecessary words.

§30902. Purposes

The purposes of the corporation are to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods that were in common use by boy scouts on June 15, 1916.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1325.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30902	36:23.	June 15, 1916, ch. 148, §3, 39 Stat. 228.

§30903. Governing body

(a) EXECUTIVE BOARD.—An executive board composed of citizens of the United States is the governing body of the corporation. The number, qualifications, and term of office of members of the board are as provided in the bylaws. A vacancy on the board shall be filled by a majority vote of the remaining members of the board.

(b) QUORUM.—The bylaws may prescribe the number of members of the board necessary for a quorum. That number may be less than a majority of the entire board.

(c) COMMITTEES.—(1) The board, by resolution passed by a majority of the entire board, may designate 3 or more members of the board as an executive or governing committee. A majority of the committee is a quorum. The committee, to the extent provided in the resolution or bylaws, may—

- (A) exercise the powers of the executive board in managing the activities of the corporation; and
- (B) authorize the seal of the corporation to be affixed to papers that may require it.

(2) The board, by majority vote of the entire board, may appoint other standing committees. The standing committees may exercise powers as provided in the bylaws.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1325.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30903(a)	36:25 (1st–4th sentences).	June 15, 1916, ch. 148, §5 (1st–5th, 7th, 8th sentences), 39 Stat. 228.
30903(b)	36:25 (5th sentence).	
30903(c)	36:25 (7th, 8th sentences).	

In subsection (a), the text of 36:25 (3d sentence) is omitted as executed and obsolete.

In subsection (c)(1)(A), the words "have and" are omitted as unnecessary. The word "activities" is substituted for "business affairs" for consistency in the revised title.

In subsection (c)(1)(B), the words "have power to" are omitted as unnecessary.

§30904. Powers

(a) GENERAL.—The corporation may—

<i>Section</i>		
80105(a)	36:3503 (last sentence).	Mar. 3, 1901, ch. 860, §3 (last sentence), 31 Stat. 1439.
80105(b)	36:3504.	Mar. 3, 1901, ch. 860, §4, as added Apr. 28, 1904, ch. 1790, 33 Stat. 542; June 7, 1934, ch. 425, 48 Stat. 925.

In subsection (b), the word "may" is substituted for "be, and it is hereby, authorized to", and the words "as it from time to time may deem best" are omitted, to eliminate unnecessary words.

§80106. Distribution of assets on dissolution

On dissolution of the corporation, the board of directors shall liquidate and distribute its assets to organizations qualified as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) with purposes similar to those of the corporation.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1360.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80106	36:3501(c).	Mar. 3, 1901, ch. 860, §1(c), as added Aug. 7, 1986, Pub. L. 99–376, §1(3), 100 Stat. 804.

CHAPTER 803—GIRL SCOUTS OF THE UNITED STATES OF AMERICA

Sec.	
80301.	Organization.
80302.	Purposes.
80303.	Governing body.
80304.	Powers.
80305.	Exclusive right to emblems, badges, marks, and words.
80306.	Restrictions.
80307.	Annual report.

§80301. Organization

(a) **FEDERAL CHARTER.**—Girl Scouts of the United States of America (in this chapter, the "corporation") is a body corporate and politic of the District of Columbia.

(b) **DOMICILE.**—The domicile of the corporation is the District of Columbia.

(c) **PERPETUAL EXISTENCE.**—Except as otherwise provided, the corporation has perpetual existence.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1361.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80301	36:31. 36:32 (words before 2d comma).	Mar. 16, 1950, ch. 62, §§1, 2 (words before 2d comma), 64 Stat. 22.

This section is substituted for the source provisions for consistency in the revised title and to eliminate executed and unnecessary words.

§80302. Purposes

The purposes of the corporation are—

(1) to promote the qualities of truth, loyalty, helpfulness, friendliness, courtesy, purity, kindness, obedience, cheerfulness, thriftiness, and kindred virtues among girls, as a preparation for their responsibilities in the home and for service to the community;

(2) to direct and coordinate the Girl Scout movement in the United States and territories and possessions of the United States; and

(3) to fix and maintain standards for the movement that will inspire the rising generation with the highest ideals of character, patriotism, conduct, and attainment.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1361.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80302	36:33 (words before 19th comma).	Mar. 16, 1950, ch. 62, §3 (words before 19th comma), 64 Stat. 23.

§80303. Governing body

(a) NATIONAL COUNCIL.—(1) There shall be a National Council of Girl Scouts. The number, qualifications, and term of office of members of the Council are as provided in the constitution of the corporation, except that members of the Council must be citizens of the United States.

(2) The Council may adopt and amend a constitution and bylaws and elect a board of directors, officers, and agents.

(3) The constitution may prescribe the number of members of the Council necessary for a quorum. That number may be less than a majority of the entire Council.

(4) Meetings of the Council shall be held as provided in the constitution to hold elections and receive reports of the officers and board of directors. Special meetings may be called as provided in the constitution.

(b) BOARD OF DIRECTORS.—(1) To the extent provided in the constitution and bylaws, the board of directors shall have the powers of the Council and manage the activities of the corporation between meetings of the Council. The number, qualifications, and term of office of directors are as provided in the constitution.

(2) The constitution may prescribe the number of directors necessary for a quorum. That number shall be at least 20 or two-fifths of the entire board.

(c) EXECUTIVE AND OTHER COMMITTEES.—The bylaws may provide for—

(1) an executive committee to carry out the powers of the board of directors between meetings of the board; and

(2) other committees to operate under the general supervision of the board of directors.

(d) LOCATION OF MEETINGS AND RECORDS.—The Council and the board of directors may hold meetings and keep the seal and records of the corporation in or outside the District of Columbia.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1361.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80303(a)(1)	36:34 (1st sentence words before 1st comma, 2d sentence).	Mar. 16, 1950, ch. 62, §§4 (1st–7th sentences), 5, 64 Stat. 23, 24; Aug. 14, 1953, ch. 486, §1, 67 Stat. 582.
80303(a)(2)	36:34 (1st sentence words after 1st comma).	
80303(a)(3)	36:34 (3d sentence).	
80303(a)(4)	36:35 (1st, 2d sentences).	
80303(b)(1)	36:34 (4th sentence words before 1st comma, 5th, 7th sentences).	
80303(b)(2)	36:34 (6th sentence).	
80303(c)	36:34 (4th sentence words after 1st comma).	
80303(d)	36:35 (last sentence).	

In subsection (a)(1), the words "(hereinafter referred to as the 'national council')"