

HOUSE BILL NO. 1120

Introduced by

Representatives Heinert, Cory, Dockter, Longmuir, Meier, M. Ruby

1 A BILL for an Act to amend and reenact sections 11-11-05 and 15.1-09-30, subsection 5 of
2 section 15.1-19-03.1, and sections 40-06-02, 49-01-07, 54-16-01, and 54-17-02 of the North
3 Dakota Century Code, relating to the recitation of the pledge of allegiance.

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

5 **SECTION 1. AMENDMENT.** Section 11-11-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-11-05. Meetings of board - Time and place - Pledge of allegiance.**

8 The board of county commissioners shall meet and hold regular meetings for the
9 transaction of business at a time and place to be designated by the commission on a date
10 certain established by resolution or ordinance of the commission. The county auditor shall have
11 power to call special meetings when the interests of the county demand it. The chairman of the
12 board, or a majority of the members thereof, may call special meetings that must be noticed in
13 accordance with section 44-04-20. At the beginning of each meeting, board members must be
14 given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

15 **SECTION 2. AMENDMENT.** Section 15.1-09-30 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-09-30. School boards - Meetings - Pledge of allegiance.**

- 18 1. Each school board shall hold an initial meeting during the month of July following the
19 annual election. The president of the school board shall select a meeting date that is
20 convenient to the other board members and shall provide board members with written
21 notice of the meeting.
- 22 2. Once during each month thereafter, a board shall hold a regular meeting for the
23 transaction of business. The board of any school district having only one-room and

1 two-room schools may meet as often as the board deems necessary, but not less than
2 four times in each year.

3 3. Special meetings may be called by the president or by any two members of a board.
4 Written notice of a special meeting must be given to each member of a board.

5 4. At the beginning of each school board meeting, board members must be given the
6 opportunity to participate in a voluntary recitation of the pledge of allegiance.

7 5. The attendance of a board member at any meeting, without objection, constitutes a
8 waiver of the notice requirement for that member.

9 5.6. A board of a school district operating under an academic cooperative agreement
10 approved by the superintendent of public instruction may participate in multiboard
11 meetings in addition to, instead of, or in conjunction with the regular board meetings
12 required by this section. Multiboard meetings must be for the purpose of pursuing joint
13 academic or cooperative activities and must be held at the times and locations agreed
14 to by the presidents of the participating boards. In addition to any other requirements
15 set forth in section 44-04-20, the presidents of each school board shall ensure that
16 notice of each multiboard meeting in which the school board will participate is
17 published in the local newspapers of general circulation at least one week before the
18 meeting date.

19 **SECTION 3. AMENDMENT.** Subsection 5 of section 15.1-19-03.1 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 5. A school board ~~may~~shall authorize the voluntary recitation of the pledge of allegiance
22 by a teacher or one or more students at the beginning of each schoolday. A student
23 may not be required to recite the pledge of allegiance, stand during the recitation of
24 the pledge of allegiance, or salute the American flag.

25 **SECTION 4. AMENDMENT.** Section 40-06-02 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **40-06-02. Meetings to be public - Journal of proceedings to be kept - Pledge of**
28 **allegiance.**

29 All meetings of the governing body shall be open to the public, and a journal of its
30 proceedings shall be kept. At the beginning of each meeting of the governing body, members of

1 the governing body must be given the opportunity to participate in a voluntary recitation of the
2 pledge of allegiance.

3 **SECTION 5. AMENDMENT.** Section 49-01-07 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **49-01-07. Proceedings of public service commission - Pledge of allegiance.**

6 The commission in all cases may conduct its proceedings, when not otherwise particularly
7 prescribed by law, in a manner most conducive to the proper dispatch of business and to the
8 ends of justice. A majority of the commission shall constitute a quorum for the transaction of
9 business, but a commissioner shall not participate in any hearing or proceeding in which that
10 commissioner has any direct personal pecuniary interest. The commission from time to time
11 may make or amend such general rules or orders as may be requisite for the orderly regulation
12 of proceedings before it, including forms of notice and the service thereof, which shall conform
13 as nearly as possible to those in use in the courts of this state. Any party may appear before the
14 commission and may be heard in person or by attorney. Every vote and official action of the
15 commission shall be entered of record and its proceedings shall be public upon the request of
16 any person interested. The commission shall have an official seal, which shall be judicially
17 noticed, and every commissioner shall have the right to administer oaths and affirmations in any
18 proceeding pending before the commission. At the beginning of each meeting of the
19 commission, members must be given the opportunity to participate in a voluntary recitation of
20 the pledge of allegiance.

21 **SECTION 6. AMENDMENT.** Section 54-16-01 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **54-16-01. Emergency commission - Members - Organization - Quorum - Meetings -**
24 **Pledge of allegiance.**

25 The emergency commission consists of the governor, the majority leaders of the senate and
26 house of representatives of the legislative assembly, the secretary of state, and the chairmen of
27 the senate and house of representatives appropriations committees. If the chairman of an
28 appropriations committee ceases to be a member of the legislative assembly, the vice chairman
29 of that committee succeeds to that position on the commission. An appropriations committee
30 vice chairman may serve in the place of the appropriations committee chairman as a member of
31 the commission at the request of the appropriate appropriations committee chairman, if the

1 appropriations committee chairman is unable to attend a commission meeting. If a majority
2 leader ceases to be a member of the legislative assembly, the respective house's assistant
3 majority leader succeeds to that position on the commission. A majority leader's assistant
4 majority leader may serve as a member of the commission in the place of the majority leader at
5 the request of the majority leader if that majority leader is serving on the commission in another
6 capacity or is unable to attend a commission meeting. Four members of the commission
7 constitute a quorum. The governor is the chairman and the secretary of state is the secretary of
8 the commission. The commission shall meet at the call of the chairman. At the beginning of
9 each meeting of the emergency commission, members must be given the opportunity to
10 participate in a voluntary recitation of the pledge of allegiance.

11 **SECTION 7. AMENDMENT.** Section 54-17-02 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **54-17-02. Industrial commission - Members - Quorum - Meetings - Pledge of**
14 **allegiance.**

15 The industrial commission of North Dakota shall consist of the governor, the attorney
16 general, and the agriculture commissioner. The governor and one member constitute a quorum
17 for the transaction of business. The meetings of the commission must be held at such times and
18 places as the governor or a majority of the commission may determine. It must be provided by
19 the proper authorities with suitably furnished offices at the seat of government. At the beginning
20 of each meeting of the industrial commission, members must be given the opportunity to
21 participate in a voluntary recitation of the pledge of allegiance.