



House Judiciary Committee

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Chair Klemin and members of the House Judiciary Committee. My name is Jerry Rostad and I serve as a Vice Chancellor of the North Dakota University System (NDUS). On behalf of the North Dakota University System and its 11 institutions, I am submitting neutral testimony on HB 1145, which proposes the display of the Ten Commandments in classrooms within state educational institutions and public schools in North Dakota.

While we acknowledge and respect the historical significance of the Ten Commandments, the compulsory display in educational settings raises legal, academic, and cost considerations.

From a legal perspective, the bill appears to be unconstitutional as it appears to violate the Establishment Clause and clear precedent set by the US Supreme Court in 1980 and upheld in 2005. The Establishment Clause establishes that laws should have a secular legislative purpose, whereby the principal or primary effect neither advances or inhibits religion, nor fosters excessive government entanglement with religion. The language in HB 1145 may invite lawsuits directed toward NDUS institutions or the State brought forward by students, student groups or other impacted parties.

Academically, stakeholders such as students, faculty, staff, and community members may have divided views. Religious groups might support the bill, while others could see it as infringing on the separation of church and state, particularly within public and secular institutions. Faculty and students may express concerns about academic freedom and institutional neutrality.

Finally, with more than 2,000 classrooms across all state institutions, the financial note for sourcing, purchasing, and maintaining these displays, even if partially funded by donations, remains undefined.

Thank you for considering these points as you discuss the bill.