

FISCAL NOTE

HOUSE BILL NO. 1145

02/06/2025

1 - State Fiscal Effect

Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

2023-2025 Biennium 2025-2027 Biennium 2027-2029 Biennium (Unable to determine)

General Fund Other Funds General Fund Other Funds General Fund Other Funds

Revenues

Expenditures

Appropriations

2 - County, City, School District, and Township Fiscal Effect

Identify the fiscal effect on the appropriate political subdivision.

2023-2025 Biennium 2025-2027 Biennium 2027-2029 Biennium (Unable to determine)

Counties

Cities

School Districts

Townships

3 - Bill and Fiscal Impact Summary

Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).

HB1145 version 25.0359.02000 as introduced requires the posting of the ten commandments in every classroom of the North Dakota University System (NDUS) and North Dakota school districts. Proposed amendment 25.0359.02001 limits the required posting of the ten commandments to "a cafeteria" on each campus and school district. The department of Public Instruction is estimating 406 cafeterias and the NDUS 11 cafeterias.

The cost of the posters and posting them would have a minimal fiscal impact.

We have reached out to the Attorney General's office and the potential fiscal impacts are as follows:

In the event that HB 1145 is enacted and then challenged in court, the costs to the state to defend the constitutionality of the statute are difficult to predict. The case may be brought in federal or state district court. Then, either side could appeal the

trial court's decision. In the state system, the appeal would go to the N.D. Supreme Court. In the federal system, the first appeal would go to the 8th Circuit Court of Appeals. So there are multiple steps before a case could be appealed to the U.S. Supreme Court, and there's no guarantee that the court decision at each step would be appealed by one of the parties. Additionally, the law and facts at issue in each case affect the litigation costs, so predicting costs based on previous cases is difficult. That said, in another case where the state is defending the constitutionality of a statute, the legal costs in N.D. District Court seem to be roughly \$300,000 before trial. Final figures including the trial costs are not yet available. If the trial court's decision is appealed, total costs for the trial and appeal likely will be several hundred thousand dollars. In a matter where another layer of appeal might be added, the costs probably would exceed \$1,000,000, maybe by a significant margin. If a case reaches the U.S. Supreme Court, the cost to prepare a brief for the U.S. Supreme Court can easily exceed \$200,000.

4 - Fiscal Impact Sections Detail

Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.

HB1145 version 25.0359.02000 as introduced requires the posting of the ten commandments in every classroom of the North Dakota University System(NDUS) and North Dakota school districts. Proposed amendment 25.0359.02001 limits the required posting of the ten commandments to "a cafeteria" on each campus and school district. The department of Public Instruction is estimating 406 cafeterias and the NDUS 11 cafeterias.

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of a statute, the legal costs in N.D. District Court seem to be roughly \$300,000 before trial. Final figures including the trial costs are not yet available. If the trial court's decision is appealed, total costs for the trial and appeal likely will be several hundred thousand dollars. In a matter where another layer of appeal might be added, the costs probably would exceed \$1,000,000, maybe by a significant margin. If a case reaches the U.S. Supreme Court, the cost to prepare a brief for the U.S. Supreme Court can easily exceed \$200,000.

5 - Revenues Detail

For information shown under state fiscal effect in 1 or 2, please explain the revenue amounts. Provide detail, when

appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

N/A

6 - Expenditures Detail

For information shown under state fiscal effect in 1 or 2, please explain the expenditure amounts. Provide detail, when

appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

N/A

7 - Appropriations Detail

For information shown under state fiscal effect in 1 or 2, please explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.

N/A

Contact Information

Name: David Krebsbach; **Agency:** NDUS; **Telephone:** 7012207197; **Date Prepared:** 02/06/2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1145

Introduced by

Representatives Hoverson, Heilman, Nehring, Osowski, Schatz, VanWinkle, K. Anderson
Senators Paulson, Weston, Enget, Castaneda, Schaible

1 A BILL for an Act to create and enact ~~a two~~ new ~~section~~sections to chapter 15-10 ~~and~~, a new
2 section to chapter 15.1-09, and a new section to chapter 15.1-21 of the North Dakota Century
3 Code, relating to displays of the ten commandments in state educational institutions and public
4 schools.

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

6 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Ten commandments - Displays.**

- 9 1. The state board of higher education shall display the ten commandments in each
10 classroom on the campus of each state educational institution under its control and
11 administration.
- 12 2. The display must be:
- 13 a. On a poster or framed document that is at least eleven inches [27.94
14 centimeters] in width and fourteen inches [35.56 centimeters] in length.
- 15 b. The central focus of the poster or framed document.
- 16 c. Printed in a large, easily readable font.
- 17 3. The text must read as follows:
- 18 The Ten Commandments
- 19 I AM the LORD thy God.
- 20 Thou shalt have no other gods before me.

- 1 Thou shalt not make to thyself any graven images.
- 2 Thou shalt not take the Name of the Lord thy God in vain.
- 3 Remember the Sabbath day, to keep it holy.
- 4 Honor thy father and thy mother, that thy days may be long upon the land which the
- 5 Lord thy God giveth thee.
- 6 Thou shalt not kill.
- 7 Thou shalt not commit adultery.
- 8 Thou shalt not steal.
- 9 Thou shalt not bear false witness against thy neighbor.
- 10 Thou shalt not covet thy neighbor's house.
- 11 Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor
- 12 his cattle, nor anything that is thy neighbor's.

- 13 4. The state board of higher education shall adopt rules to implement this section.
- 14 5. The state board of higher education and any state educational institution under its
- 15 control and administration may spend its funds or donated funds to purchase the
- 16 displays and may accept donated displays.

17 **SECTION 2.** A new section to chapter 15-10 of the North Dakota Century Code is created
18 and enacted as follows:

19 **Ten commandments.**

20 A professor, instructor, or teacher at an institution of higher education may display the ten
21 commandments in the classroom in which the professor, instructor, or teacher provides
22 instruction, without first seeking approval from any supervisory authority, including the president
23 of the institution or the state board of higher education.

24 **SECTION 3.** A new section to chapter 15.1-09 of the North Dakota Century Code is created
25 and enacted as follows:

26 **Ten commandments - Displays.**

- 27 1. A board of a school district shall display the ten commandments in each classroom
28 and building on school grounds in the school district.
- 29 2. The display must be:
 - 30 a. On a poster or framed document that is at least eleven inches [27.94
31 centimeters] in width and fourteen inches [35.56 centimeters] in length.

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- 1 b. The central focus of the poster or framed document.
- 2 c. Printed in a large, easily readable font.
- 3 3. The text must read as follows:
- 4 The Ten Commandments
- 5 I AM the LORD thy God.
- 6 Thou shalt have no other gods before me.
- 7 Thou shalt not make to thyself any graven images.
- 8 Thou shalt not take the Name of the Lord thy God in vain.
- 9 Remember the Sabbath day, to keep it holy.
- 10 Honor thy father and thy mother, that thy days may be long upon the land which the
- 11 Lord thy God giveth thee.
- 12 Thou shalt not kill.
- 13 Thou shalt not commit adultery.
- 14 Thou shalt not steal.
- 15 Thou shalt not bear false witness against thy neighbor.
- 16 Thou shalt not covet thy neighbor's house.
- 17 Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor
- 18 his cattle, nor anything that is thy neighbor's.
- 19 4. The state board of public school education shall adopt rules to implement this section.
- 20 5. A board of a school district may spend its funds or donated funds to purchase the
- 21 displays and may accept donated displays.

22 **SECTION 4.** A new section to chapter 15.1-21 of the North Dakota Century Code is created
23 and enacted as follows:

24 **Ten commandments.**

25 A teacher may display the ten commandments in the classroom assigned to the teacher,
26 without first seeking approval from a school administrator or the board of the school district.

Sixty-ninth
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PROPOSED AMENDMENTS TO

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Introduced by

Representatives Hoverson, Heilman, Nehring, Osowski, Schatz, VanWinkle, K. Anderson
Senators Paulson, Weston, Enget, Castaneda, Schaible

1 A BILL for an Act to create and enact a new section to chapter 15-10 and a new section to
2 chapter 15.1-09 of the North Dakota Century Code, relating to displays of the ten
3 commandments in state educational institutions and public schools.

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

5 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Ten commandments - Displays.**

- 8 1. The state board of higher education shall display the ten commandments in each
9 classroom on the campus of each state educational institution under its control and
10 administration.
- 11 2. The display must be:
- 12 a. On a poster or framed document that is at least eleven inches [27.94
13 centimeters] in width and fourteen inches [35.56 centimeters] in length.
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- 20 Thou shalt not make to thyself any graven images.

- 1 Thou shalt not take the Name of the Lord thy God in vain.
- 2 Remember the Sabbath day, to keep it holy.
- 3 Honor thy father and thy mother, that thy days may be long upon the land which the
- 4 Lord thy God giveth thee.
- 5 Thou shalt not kill.
- 6 Thou shalt not commit adultery.
- 7 Thou shalt not steal.
- 8 Thou shalt not bear false witness against thy neighbor.
- 9 Thou shalt not covet thy neighbor's house.
- 10 Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor
- 11 his cattle, nor anything that is thy neighbor's.
- 12 4. The state board of higher education shall adopt rules to implement this section.
- 13 5. The state board of higher education and any state educational institution under its
- 14 control and administration may spend its funds or donated funds to purchase the
- 15 displays and may accept donated displays.
- 16 6. A private law firm may provide legal services to defend a constitutional challenge to
- 17 this section at no cost, including representing the state board of higher education or
- 18 any institution under the board's control in court.

19 **SECTION 2.** A new section to chapter 15.1-09 of the North Dakota Century Code is created
20 and enacted as follows:

21 **Ten commandments - Displays.**

- 22 1. A board of a school district shall display the ten commandments in each classroom
- 23 and building on school grounds in the school district.
- 24 2. The display must be:
 - 25 a. On a poster or framed document that is at least eleven inches [27.94
 - 26 centimeters] in width and fourteen inches [35.56 centimeters] in length.
 - 27 b. The central focus of the poster or framed document.
 - 28 c. Printed in a large, easily readable font.
- 29 3. The text must read as follows:
 - 30 The Ten Commandments
 - 31 I AM the LORD thy God.

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- 1 Thou shalt have no other gods before me.
- 2 Thou shalt not make to thyself any graven images.
- 3 Thou shalt not take the Name of the Lord thy God in vain.
- 4 Remember the Sabbath day, to keep it holy.
- 5 Honor thy father and thy mother, that thy days may be long upon the land which the
- 6 Lord thy God giveth thee.
- 7 Thou shalt not kill.
- 8 Thou shalt not commit adultery.
- 9 Thou shalt not steal.
- 10 Thou shalt not bear false witness against thy neighbor.
- 11 Thou shalt not covet thy neighbor's house.
- 12 Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor
- 13 his cattle, nor anything that is thy neighbor's.
- 14 4. The state board of public school education shall adopt rules to implement this section.
- 15 5. A board of a school district may spend its funds or donated funds to purchase the
- 16 displays and may accept donated displays.
- 17 6. A private law firm may provide legal services to defend a constitutional challenge to
- 18 this section at no cost, including representing the state board of public school
- 19 education, a board of a school district, or a public school in court.