

**FISCAL NOTE**  
**HOUSE BILL NO. 1145**  
**LC# 25.0359.05000**  
**02/11/2025**

**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	
	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
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 25.0359.05000 requires the State Board of Higher Education to post the ten commandments in a cafeteria on each campus and the board of a school district to display the ten commandments in a cafeteria at each school district.

**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 25.0359.05000 requires the posting of the ten commandments in a cafeteria at each campus of the North Dakota University System(NDUS) and North Dakota school districts. 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.

The Attorney General's office is indicating 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.

## 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.*

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

The Attorney General's office is indicating 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.

## 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

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