

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2177

2001 SENATE EDUCATION

SB 2177


2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2177

Senate Education Committee

Conference Committee

Hearing Date 01-22-01

Tape Number	Side A	Side B	Meter #
1	x		31.3 - end
		x	0 - 30.3
2 (01-30-01)	x		49.0 - end
2 (01-30-01)		x	0 - 9.6
Committee Clerk Signature 			

Minutes:CHAIRMAN FREBORG called the hearing on SB 2177 which relates to the display of the Ten Commandments.

Testimony in support of SB 2177.

SENATOR STAN LYSON, District 1, testified in support of SB 2177. (see attached).

He presented written testimony from ED CRAWFORD, Executive Director of the Eckert Youth Homes, and a *sample* patriotic display. (see attached).

SENATOR FLAKOLL asked if the local school board, the local superintendent, or the individual classroom teacher would decide, or someone else. SENATOR LYSON stated he believes the local school board should have the responsibility, in consultation with their teachers and parents of students in the community. SENATOR CHRISTENSON asked if there are clearly religious connotations associated with the Ten Commandments. He answered he felt it is a religious document in as much as the US Constitution, the Bill of Rights, and the state constitution are religious documents. SENATOR CHRISTENSON acknowledges that the Ten Commandments

have had impact on our culture and our legal system, but the religious connotation of them would be a handicap when talking about a diverse community of people. She feels documents like the US Constitution and Declaration of Independence were specifically designed to remove the church and state affiliation so that we can acknowledge a faith but not endorse one. SENATOR FLAKOLL asked SENATOR LYSON how this might interact with the first and fourteenth amendment. He feels this would give us more rights under our freedom of speech. Discussion continued on separation of church and state. He does feel the majority should rule. SENATOR CHRISTENSON asked if SENATOR LYSON would be willing to post , along with the Ten Commandment, elements of other religions. He would not be opposed and feels it would help develop the youth.

REPRESENTATIVE DAVID DROVDAL, District 39, testified that this is a companion bill to HB 1128. He feels the Ten Commandments and religion are part of the background of this country. This bill does not mandate the Ten Commandments hang in school rooms, but it does allow them to be hung at the discretion of the local school board. The Supreme Court ruling in 1980 states that the document (Ten Commandments) can not be highlighted as a religious document nor can it be hung separately from other documents. He asks for favorable consideration of the bill because it is the right thing to do, as a guide/example for young people today. SENATOR CHRISTENSON asked Rep. Drovdal if he would acknowledge if someone were to oppose the hanging of the Ten Commandments, would they not endorse moral law and are they not Christian. He would have no problem with other people's opinion. The one great thing about this country is the diversity of religions, beliefs and principles. He would hope that the local school district could and would solve any argument for hanging the document in a school room. SENATOR FLAKOLL asked if there is a basis in law from the Ten

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Commandments. REP. DROVDALL feels there are parts of law that are taken from parts of the Ten Commandments. SENATOR KELSH stated there is no clear definition of "god" and that is why the Supreme Court ruled as it did.

SOPHIA PRESZLER testified the Ten Commandments will stand forever.

MRS. GARY ZENTZ feels the Ten Commandments present positive virtues and would suppose other religious documents also have positive virtues.

Neutral Testimony on SB 2177:

CONNIE HILDEBRAND, spoke on other ethnic beliefs. (see attached).

DOUG BAHR, Attorney Generals Office, would offer technical assistance to committee. He has reviewed HB 1128 which requires the Ten Commandments not override other documents. He feels HB 1128 would hold up to a Court decision. SENATOR KELSH asked if this legislation affects non-public schools. Mr. Bahr stated no. Private schools are not prohibited under the first amendment.

Testimony in opposition to SB 2177:

CAROL TWO EAGLES, member Board of Dir. ACLU, a Sundancer (similar to a minister) and is the presiding Bishop of the nonsectarian nondenominational religious and educational institution, would like the Ten Commandments not be posted in an outstanding manner. She wants the essence of traditionalism preserved and all religions provided for.

SENATOR O'CONNELL asked if the Indian culture has a document that could be posted. She answered she thought the traditions could be put on paper.

RICHARD OTT, ND Council of Educational Leaders, spoke on behalf of Bev Nielson, ND School Board Assn, also. He has six points to make:

1. He has no issue with the morality of the Ten Commandments.

2. The enforcement falls on the local district.
 3. There is no help available for the local school district.
 4. This is a very volatile issue. It's permissive. The group who is favorable to displaying the Ten Commandments will be pressuring the local district to make this decision. If they do display them, there almost surely will be litigation. Then, who will be responsible.
 5. He would like to see this legislation amended so there is a provision that the state will protect any of the agencies that follow the law as prescribed. Also, put a fiscal note on it, because it will cost money.
 6. He feels there is nothing that will influence young people more than the example we set forth
- The hearing was closed on SB 2177.**

01-30-01, Tape 2, Side A, 49.0 - end, Side B, 0 - 9.6

The committee discussed SB 2177. SENATOR FLAKOLL presented amendments .0101.(see attached). Committee discussion on the last line of the amendment.

SENATOR FLAKOLL moved to adopt the amendment and delete the last sentence.

Seconded by SENATOR WANZEK.

Roll Call Vote: 6 YES. 1 NO. 0 Absent. Amendment adopted.

SENATOR FLAKOLL moved a DO PASS AS AMENDED. Seconded by SENATOR WANZEK.

SENATOR COOK feels an individual teacher could hang documents and make the school board liable. SENATOR FREBORG stated that we need special legislation to hang the Ten Commandments in the classroom, but any other group can hang anything they want there.

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SENATOR CHRISTENSON feels no matter what we do, we're asking for litigation for the school district. **SENATOR WANZEK** feels this is basically permissive legislation.

Roll Call Vote: 6 YES. 1 NO. 0 Absent. Motion Carried.

Carrier: SENATOR FLAKOLL

Date: 1-30-01
 Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2177

Senate Education Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken moved amend, striking last sentence . 0101

Motion Made By Sen. Flakoll Seconded By Sen. Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell		✓
Senator Wanzek	✓				

Total (Yes) 6 No 1

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: states no amendments can not be prominently hung or displayed apart from other documents

Date: 1-30-01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2177

Senate Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DPA

Motion Made By Sen. Flakoll Seconded By Sen. Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson		✓
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 6 No 1

Absent 0

Floor Assignment Sen. Flakoll

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2177: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2177 was placed on the Sixth order on the calendar.

Page 1, line 10, after the period insert "The display of an object or document containing the words of the Ten Commandments must be in the same manner and appearance generally as other objects and documents displayed and may not be presented or displayed in any fashion that results in calling attention to the object or document apart from the other displayed objects or documents."

Number accordingly

2001 HOUSE EDUCATION

SB 2177

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2177

House Education Committee

Conference Committee

Hearing Date 03/13/01

Tape Number	Side A	Side B	Meter #
#1	X		1851 to 6200
#1		X	1 to 3646
Committee Clerk Signature <i>[Signature]</i>			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunskor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now open the hearing on SB2177.

Sen. Lyson: (District 1) *Please refer to written testimony*

Rep. Hawken: Is it not perfectly legitimate under current law to do this?

Sen. Lyson: Yes, it is.

Rep. Thoreson: Wasn't that taken out last session? Any reference to the Ten Commandments?

Sen. Lyson: No, the Attorney General's opinion tells us it is.

Chairman Kelsch: Where did you come up with this drawing?

Sen. Lyson: Ed Crawford

Chairman Kelseh: On the bottom here, the principles of conscience. Currently, can't you also have the standard of right and wrong posted in your school as well, and don't a lot of schools already have them posted?

Sen. Lyson: I think you're probably right.

Rep. Nelson: I noticed by the handout that the historical documents that have been chosen in this particular piece are from the Judeo-Christian background. Was there any thought to including some of our native historical significant documents, from their perspective as well? Is there any reason why that shouldn't be included in this display?

Sen. Lyson: This is a sketch that was drawn out to give you some ideas what the display would look like. Certainly other things could be added to that.

Rep. Droydal: (District 19) I'd encourage a favorable recommendation on this bill.

Ed Crawford: Regarding the drawing, it's just a concept. I see in this bill the potential that it has to help build conscience in our young people, and I believe there's a direct correlation between the rise in the social ills in our society and the weakening of conscience, and efforts that are designed to help remedy some of the problems that we're seeing amongst our youth must be approached that have conscience building components within it. I'm not asking that schools teach the Ten Commandments, but I am asking that the schools can play a greater supportive role in this effort. In my opinion the Ten Commandments and any teaching of religion primarily should come from the parents, but the schools play a very important role in the life of our society. This particular bill will allow the schools to play a greater supportive role in the larger effort of doing what we can to strengthen the conscience of America.

