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10/3/03  
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2003 HOUSE EDUCATION

HB 1325

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2003 HOUSE STANDING COMMITTEE MINUTES  
 BILL/RESOLUTION NO. HB 1325  
 House Education Committee

Conference Committee

Hearing Date January 27, 2003

Tape Number	Side A	Side B	Meter #
2	x		900-6011
Committee Clerk Signature <i>Linda Fiechter</i>			

Minutes: **Chairman Kelsch** opened hearing on HB 1325.

**Rep. William Devlin, District 23, See Attached Testimony**

**Rep Severson, District 23**

Yesterday afternoon, as I was working taking the trees down, turned on the TV, Channel 25 The Gettysburg. Which is a historic moment for me. I many times had to stop what I was doing and look a the TV to watch friends, one colonel in the Union and one fighting for the Confederate Army. He was talking to is general on how great it was to be there, his only dilemma was he was fighting his best friend, whom he knew in CA before he war broke out. We have seen what happened on September 11 recently. Our country, I do believe has one flag, One nation under God. It is our pledge. I believe that we have struggled many times through the legislative process on the separation of church and state. But I do serve a God, and I think this country does, and I will fight for my flag, which is this country. In my request, the motto is what we are after. I would like to See Attached Testimony that schools be allowed to display this at their choice. I don't believe in mandates. At no cost.

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**Rep. Hunsakor** What is the current law say regarding this?

**Severson:** Current law says mottos can be displayed in. Not religious in nature.

**Rep. Herbel** Would this be done at the school boards discretion or could teachers, student do it?

**Severson:** Local control issue, I think that if they really wanted to display it in the classroom, they could but to have the approval of the school board first.

**Tom Tracy, Kensel Public School**

Because we are a God fearing nation, we still are. There are movements all across the country to remove God from our schools, and public places. These efforts have a lot of momentum, but in ND and the upper Midwest it is not moving as fast. From the spiritual view, the upper Midwest doesn't suffer from the religious problems as the rest of the country, You could make the correlation. 'In God we Trust' is on all coins and currency that kids can bring to school. So until we can eliminate them from bringing it to school. People would already say that we have something similar on the book why duplicate it now. Make a statement in favor in something like his they should. Offending people, our heritage has religion, are we going to change our heritage.

**Rep. Jon Nelson** is it your understanding that before this legislation, you could put the motto in the classrooms?

**Tracy:** An type of mandate relating to religion , I wouldn't be in favor of. But this isn't doing that. The laws are on the books that the national motto can be displayed.

**Rep. Jon Nelson** Last session we passed a bill that allow some religious documents to be placed in the classrooms, the criteria has to be school board policy so that it wouldn't be just one but all.

**Tracy:** The best situation would be to go through the board, with everyone on board. Majority at least. I teach 7&8 grade history and we are teaching about the religions of the world. I present all

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the major religions as long as you don't instill in the students that one is superior to the other. But then on the other hand we are a democratic country and by far a Christian society along with that I have never found any problem talking to my students knowing that most of them go to Sunday School and go to Church. Sensitive to the religions of the students.

**Chairman Kelsch** Are you concerned at all about a lawsuit with the separation of church and state?

**Tracy:** I can say at the School board level that that is a consent worry and hangs over our heads when you make a decision. We are going to act as a group- a common group, but there are some things that are worth fighting for and believing in.

**Chairman Kelsch** during the last session, we did enact a bill on the 10 commandments. We prepared wording that would cover all mottos?

**Tracy** If you have opportunity through Legislation to reinforce the fact that we are Christian nation.

**Rep. Mueller** Seems to me, What is a Muslim family moves into Kensel, How would they feel about the motto.

**Tracy:** It is the National motto, they can attempt to change that. They are all US citizens. Prayers said at ceremonies, one family objected and now it is removed. We are a democratic nation and if the majority rules, have we reached the point where minority is over ruling the majority rights.

**Rep. Sitte** God is the Supreme being who made all? Do you agree. In any way are we saying Jesus Christ?

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**Rep. Williams** You eluded to the fact that we used to have prayer at Graduation, however two years ago we cut out prayer, because we received a memo from Gary Thune telling us that we are on thin ice and no school board wants to be on thin ice and have a lawsuit. If it doesn't go through the board it opens it up to legal actions.

**Tracy:** Teachers to teach the moral and concepts of Christianity, without the religion itself.

**Rep. Williams** Teaching Christianity and displaying the motto are two different things, what are we talking about?

**Rep. Hunskor** Would you think to protect they classroom teacher or the student, would it be wise to add to this the approval of the local school board?

OPPOSITION:

**Jean King, Bismarck, See Attached Testimony**

When the US was founded it was not "In God we Trust" it was a pluribus Unum, one from many. That speaks to diversity and wide range of people who have come together to make a great country. The motto was changed during the civil war. read letter See Attached Testimony.

**Bev Nielson, North Dakota School Board Association.**

I find myself in the uncomfortable position of opposing God. But it is my job to protect the school boards. I need to be clear. Our founding fathers left England because of religious persecution. I believe what has made our country great is religious freedom. School policy, public schools are required to provide a safe environment for all children are welcome and respected. If it is a matter of policy a school says, in banner for, that this school "trusts in God", it says to those who do not that they are outsiders. Other bill in this legislative session are asking school boards to have policies assuring recourse or due process for those who feel they are discriminated

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against or harassed. How do we as a matter of policy then profess a Christian penance and even appear to be open and respectful to all. It makes it difficult. Whatever you do with this bill, and from our prospective we would just have so many things mentioned in the state statute because it puts boards in a bind when they have to deal with them. it says may and it is permissive, and the sponsors said to me on their way out, 'it is permissive, leave it alone' I just want to make sure that the intent of the committee is in fact that they do pass this, while it may be permissive to do this, it has to be on board policy. So that there are guidelines as to where, how many, in what way and how they are treated. The second thing is that a board needs to feel, that they also 'may not' So that if our sample policies to boards are that you not do it. If people come and donate these banners and want them in, I find it interesting that it says and not or in the classrooms. Please don't put boards in this situation, pushing up against the wall. If you amend we want it to be only by board policy.

**Chairman Kelsch** we worked really hard on the language last session, to get an okay word age. I know you are not an attorney, but in your opinion, do you believe that the bill we passed that you could display the national motto if you chose to do so?

**Nielson:** I imagine did it in the same way and manner that one was. But to have a banner up in the auditorium saying 'in God we trust' doesn't meets those educational criteria.

**Chairman Kelsch** the point I'm getting at is that you don't need this bill because you can already do it.

**Nielson:** I suppose you could do it if you did it in the context of something educational. And if it was in a display case.

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**Rep. Williams** Would you feel more at ease if we started with an introduction 'at the discretion of local school board, the motto of the United States, may be displayed in each classroom, auditorium and cafeteria.'

**Nielson:** the language worked last session then we don't need this bill.

**Chairman Kelsch** That is the point that I'm getting at, if it falls under here because we did say in here that the school board 'shall' develop a policy for the proper display. to make sure that the school board had control over their own destiny is why we did that. We will ask the Attorney General office.

**Rep. Mueller** Bev, Have you visited with the Attorney Generals office

**Nielson:** casual hallway conversation and was that according to court decision, it may not be unconstitutional.

**Rep. Sitte** Do you think in anyway this will restrict religious freedoms.

**Nielson** Children are required to be in these building by law, this captive audience is impressionable.

**Rep. Meier** Are you aware of any problems w/ the previous legislation over the past two years?

**Nielson:** None that I know of.

**Barb Lennington, Bismarck, See Attached Testimony**

**Carol Two Eagle, Bismarck,**

I'm not entirely in opposition of the bill. Not a Christian state, its an illusion. Thomas Jefferson, Adams and other leaders struggled with this concept and with the Declaration of Independence. Taiked of ways they prayed their old prayers in rooms with heavy quilts so that they would be harmed. Became tearful when talked about her prayers. Traditional prayers and traditionalist.

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**Daniel Christ, Bismarck**

In my youth I was at Catholic school. Render to Caesar what is Caesar's and render to God what is God's. I think our schools and churches should practice this. Story about a guy who prayed in secret and his prayer was heard by God, because he was humble. We should pray in secret.

(6011) Closed hearing on 1325

Questions will be posed to the Attorney General's office before action is taken.

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