

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1120
(Representatives Heinert, Cory, Dockter, Longmuir, Meier, M. Ruby)

AN ACT to amend and reenact sections 11-11-05, 15.1-09-30, 40-06-02, 49-01-07, 54-16-01, and 54-17-02 of the North Dakota Century Code, relating to the recitation of the pledge of allegiance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-11-05 of the North Dakota Century Code is amended and reenacted as follows:

11-11-05. Meetings of board - Time and place - Pledge of allegiance.

The board of county commissioners shall meet and hold regular meetings for the transaction of business at a time and place to be designated by the commission on a date certain established by resolution or ordinance of the commission. The county auditor shall have power to call special meetings when the interests of the county demand it. The chairman of the board, or a majority of the members thereof, may call special meetings that must be noticed in accordance with section 44-04-20. At the beginning of each regularly scheduled meeting, board members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

SECTION 2. AMENDMENT. Section 15.1-09-30 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-30. School boards - Meetings - Pledge of allegiance.

1. Each school board shall hold an initial meeting during the month of July following the annual election. The president of the school board shall select a meeting date that is convenient to the other board members and shall provide board members with written notice of the meeting.
2. Once during each month thereafter, a board shall hold a regular meeting for the transaction of business. The board of any school district having only one-room and two-room schools may meet as often as the board deems necessary, but not less than four times in each year.
3. Special meetings may be called by the president or by any two members of a board. Written notice of a special meeting must be given to each member of a board.
4. At the beginning of each regularly scheduled school board meeting, board members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.
5. The attendance of a board member at any meeting, without objection, constitutes a waiver of the notice requirement for that member.
- ~~5-6.~~ A board of a school district operating under an academic cooperative agreement approved by the superintendent of public instruction may participate in multiboard meetings in addition to, instead of, or in conjunction with the regular board meetings required by this section. Multiboard meetings must be for the purpose of pursuing joint academic or cooperative activities and must be held at the times and locations agreed to by the presidents of the participating boards. In addition to any other requirements set forth in section 44-04-20, the presidents of each school board shall ensure that notice of each multiboard meeting in which the school board will participate is published in the local newspapers of general circulation at least one week before the meeting date.

SECTION 3. AMENDMENT. Section 40-06-02 of the North Dakota Century Code is amended and reenacted as follows:

40-06-02. Meetings to be public - Journal of proceedings to be kept - Pledge of allegiance.

All meetings of the governing body shall be open to the public, and a journal of its proceedings shall be kept. At the beginning of each regularly scheduled meeting of the governing body, members of the governing body must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

SECTION 4. AMENDMENT. Section 49-01-07 of the North Dakota Century Code is amended and reenacted as follows:

49-01-07. Proceedings of public service commission - Pledge of allegiance.

The commission in all cases may conduct its proceedings, when not otherwise particularly prescribed by law, in a manner most conducive to the proper dispatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but a commissioner shall not participate in any hearing or proceeding in which that commissioner has any direct personal pecuniary interest. The commission from time to time may make or amend such general rules or orders as may be requisite for the orderly regulation of proceedings before it, including forms of notice and the service thereof, which shall conform as nearly as possible to those in use in the courts of this state. Any party may appear before the commission and may be heard in person or by attorney. Every vote and official action of the commission shall be entered of record and its proceedings shall be public upon the request of any person interested. The commission shall have an official seal, which shall be judicially noticed, and every commissioner shall have the right to administer oaths and affirmations in any proceeding pending before the commission. At the beginning of each regularly scheduled meeting of the commission, members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

SECTION 5. AMENDMENT. Section 54-16-01 of the North Dakota Century Code is amended and reenacted as follows:

54-16-01. Emergency commission - Members - Organization - Quorum - Meetings - Pledge of allegiance.

The emergency commission consists of the governor, the majority leaders of the senate and house of representatives of the legislative assembly, the secretary of state, and the chairmen of the senate and house of representatives appropriations committees. If the chairman of an appropriations committee ceases to be a member of the legislative assembly, the vice chairman of that committee succeeds to that position on the commission. An appropriations committee vice chairman may serve in the place of the appropriations committee chairman as a member of the commission at the request of the appropriate appropriations committee chairman, if the appropriations committee chairman is unable to attend a commission meeting. If a majority leader ceases to be a member of the legislative assembly, the respective house's assistant majority leader succeeds to that position on the commission. A majority leader's assistant majority leader may serve as a member of the commission in the place of the majority leader at the request of the majority leader if that majority leader is serving on the commission in another capacity or is unable to attend a commission meeting. Four members of the commission constitute a quorum. The governor is the chairman and the secretary of state is the secretary of the commission. The commission shall meet at the call of the chairman. At the beginning of each regularly scheduled meeting of the emergency commission, members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

SECTION 6. AMENDMENT. Section 54-17-02 of the North Dakota Century Code is amended and reenacted as follows:

54-17-02. Industrial commission - Members - Quorum - Meetings - Pledge of allegiance.

The industrial commission of North Dakota shall consist of the governor, the attorney general, and the agriculture commissioner. The governor and one member constitute a quorum for the transaction of business. The meetings of the commission must be held at such times and places as the governor or a majority of the commission may determine. It must be provided by the proper authorities with suitably furnished offices at the seat of government. At the beginning of each regularly scheduled meeting of the industrial commission, members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.

Dennis Johnson
Speaker of the House

Tammy Miller
President of the Senate

Bull J. Reich
Chief Clerk of the House

David Meyer
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1120.

House Vote: Yeas 90 Nays 0 Absent 4

Senate Vote: Yeas 43 Nays 4 Absent 0

Bull J. Reich
Chief Clerk of the House

Received by the Governor at 10:56 AM. on April 13, 2023.

Approved at 10:38 AM. on April 20, 2023.

Doug Burgum
Governor

Filed in this office this 21 day of April, 2023,

at 4:56 o'clock P M.

Michael Howe
Secretary of State