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Chairwoman Larson and members of the Senate Judiciary Committee,

My name is Faith Wahl, and I serve as the Student Body President at the University of North Dakota (UND). I am providing testimony opposing HB 1205, relating to prohibiting public libraries from maintaining explicit sexual material.

HB 1205 could have a significant impact on higher education students and their learning opportunities if it were to be enacted. In Section 1, subsection B, “public library” is defined as “a library containing collections of books or periodicals for the general population to read, borrow, or refer to which is supported by funds derived from taxation.” This definition is somewhat unclear and may include libraries at institutions of higher education. This inclusion has potentially devastating consequences for higher education students, as HB 1205 would limit the access to information and critical material necessary to learn. While Section 1, Section A attempts to create exceptions for material that must not be removed, the list does not include all disciplines that may need access to literature and other related materials in order to have a comprehensive education. HB 1205 has the potential to not only limit access to materials, but to deter students from across the country who may be considering North Dakota institutions for their post-secondary career.

Beyond the negative implications around recruitment and retention in North Dakota, HB 1205 has strong implications of censorship and infringements on the constitutional right to free speech. If citizens are not able to access certain materials at public libraries, they are being deprived of the right to see all sides of an issue, ask questions, and make evidence-based conclusions on an issue. Passing HB 1205 would also set a dangerous precedent for the future of North Dakota. While the bill is intended to protect children from material that is not appropriate for their age level, it has unintended consequences that would prohibit adults from accessing materials outlined in Section 1, subsection A of HB 1205. Removing these materials from shelves would be detrimental to higher education students and their rights to free speech. The

66th Assembly of the North Dakota Legislature has already affirmed their commitment to free speech on college campuses by the passage of HB 1503 in 2021. Passing HB 1205 contradicts this action and places higher education students in a confusing and contradictory position.

Chairwoman Larson and members of the Senate Judiciary committee, I respectfully request a **DO NOT PASS on HB 1205**. Thank you for your time, and I am available to answer any questions that you might have.

Respectfully submitted,

Faith Wahl

UND Student Body President