

Good morning Chairman Heinert and members of the House Education Committee. For the record, my name is Bob Paulson and I am a State Senator from District 3 in Minot.

SB 2247 is a bill that addresses specified concepts in higher education.

According to an ABC News article from March of 2022, "Since 2020, legislation on race education has popped up across the country. A total of 35 states so far have signed into law or proposed legislation banning or restricting the teaching of critical race theory, the academic discipline at the center of the debate." That number is likely higher today as many state's legislatures are in session.

In doing research prior to introducing this bill, I read bills and laws from many states concerning this topic, looking for language that I thought would be best for North Dakota. The bill that I felt was most effective was passed into law in Tennessee. If you have the time and inclination, I highly recommend watching the floor debate in the Tennessee Senate when this bill was passed. The clerk alone is highly entertaining, and the debate was substantive.

I would like to talk a little bit about what the bill does not do. This bill does not restrict the right of a professor or a student to discuss these topics in class. I am a strong proponent of our First Amendment right to freedom of speech. Several of the bills and laws that I reviewed from across the country I rejected based upon my view that they had First Amendment concerns. I felt that the Tennessee law was the best possible from a First Amendment perspective. You may have seen headlines when this bill was being considered in the Senate, stating Senate Bill bans specified instruction. That is exactly the opposite of what the bill does. When I challenged them on the headline, they did print a retraction...it's right down here... So I would simply ask the committee to read the language of the bill rather than listening to what others may say about it.

Referring to the bill, I struggled with whether or not to read through every definition, as there are a lot of them. However, being confident that everyone on the Education Committee would be able to read, I chose to just highlight a few of them.

The specified concepts include things like:

- a. One race or sex is inherently superior or inferior to another race or sex;
- b. An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously
- e. An individual, by virtue of the individual's race or sex, bears responsibility for an action committed in the past by other members of the same race or sex;
- h. This state or the United States is fundamentally or irredeemably racist or sexist;
- m. All Americans are not created equal and are not endowed by their creator with certain unalienable rights, including life, liberty, and the pursuit of happiness;

This is a sampling of the definitions.

The meat of the bill begins on page 2 line 25, where it states:

15 - 10.6 - 02. Specified concept - Prohibition on discrimination. 1. A student or employee of an institution under the control of the state board of higher education may not be: a. Penalized, discriminated against, or receive adverse treatment due to the individual's refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to or oppose a specified concept. b. Required to endorse or oppose a specific ideology or political viewpoint to be eligible for hiring, tenure, promotion, or graduation.

It goes on to say that 2. An institution under the control of the state board of higher education may not ask the ideological or political viewpoint of a student, job applicant, job candidate, or candidate for promotion or tenure. And 3. An individual who believes a violation of this section has occurred may pursue all equitable or legal remedies that may be available to the individual in a state or federal court of competent jurisdiction.

In the following section, there is a Prohibition on specified concept training. An institution under the control of the state board of higher education may not: a. Conduct mandatory noncredit earning training of a student or employee if the

training includes a specified concept. b. Use a noncredit earning training program or training materials in a noncredit earning training for a student or employee if the program or material includes a specified concept. c. Use funds appropriated by the state to incentivize, beyond payment of regular salary or other regular compensation, a faculty member to incorporate a specified concept into academic curriculum. 2. If an institution under the control of the state board of higher education employs an individual whose primary duties include diversity, the duties of that employee also must include efforts to strengthen and increase intellectual diversity among students and faculty of the institution at which the individual is employed.

Next there is a requirement for a survey and a report to an interim committee.

The Construction and Purpose section was heavily amended by the Senate Education Committee with input from Dr. Lisa Johnson, the Vice-Chancellor for Academic and Student Affairs for the North Dakota University System and I think it really strengthens the First Amendment protections in the bill.

Section 2 is an expiration date that has caused some confusion among cosponsors and those interested in the bill. The expiration date only applies to the requirement for the survey and report, which sunsets on July 1, 2028.

If you have questions regarding whether or not a bill like this is necessary, I'd like to draw your attention to testimony in favor by Amber Vibeto which is well-researched and provides solid resources and concrete examples of the negative impact of these concepts being pushed on our college campuses. There are a couple of embedded videos on this topic that are very enlightening. I read that testimony and watched the videos in preparation for this hearing, and I highly recommend watching them. They were eye opening!

Chairman Heinert and members of the committee, that is the bill and I would respectfully ask for a Do Pass recommendation, and would be happy to stand for any questions.