



HB 1333

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Chairman Larson and Members of the Committee: My name is Celeste McCash, and I am the Head Delegate for Lake Region State College with the North Dakota Student Association. I am here today in opposition to HB 1333.

The North Dakota Student Association is dedicated to ensuring that students have a voice at the table in policy that affects higher education. We consist of delegates from each of the 11 public North Dakota University System (NDUS) institutions, meeting monthly to engage students in discussions about North Dakota higher education policy. Since 1969, our mission has been to empower students, create collaboration between the North Dakota public universities' student bodies, and provide a student perspective on higher education policy.

The NDSA has historically supported protecting LGBTQIA2S+ students across the NDUS, and this bill erodes the culture of acceptance within the state. In 2022, the NDSA passed resolution [NDSA-09-2223](#), which looked at the NDSA's legislative priorities going into the 23-25 biennium. One of the six legislative priorities that were passed with this resolution was that of protecting the rights of NDUS LGBTQIA2S+ students, which is the reason the NDSA is seeking a **Do Not Pass** on HB 1333 **OR** the exemption of college campuses under the reasonable assumption or requirement that minors are not present at college events hosted for college students.

The vagueness of this bill is of significant concern. The question of who would determine what is and is not considered to be prurient and how that would affect the entire theater system of the state. Many artistic venues, such as The Kennedy Center American College Theater Festival, currently hold shows that would be condemned and fall under the jurisdiction of this bill. North Dakota is part of region 5 in KCACTF alongside Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota. Each year, a week-long theater festival is hosted in one of the states in region 5. With the outcome of HB 1333, KCACTF would refuse to consider North Dakota as an option for hosting. Adopting the bill would harm artistic freedom and the state's overall economic welfare, and it would be detrimental for North Dakota to pass HB 1333.

There is also an overarching idea presented within this bill that, whether it is or is not intended, drag shows appeal to a prurient interest. As with every type of art, drag shows can be planned for a mature audience, but those are advertised as 18 and up shows, much like how a movie can be rated R if it is not content suitable for minors. The origins of drag shows have their source as far back as Ancient Greek, if not to the 18th and 19th centuries. Drag was done to fill the roles of women not being allowed to perform in Ancient Greece and to provide comedy and entertainment in the 18th and 19th centuries. Drag shows only came to be seen as sexual when it was oppressed under anti-LGBTs in the 20th century. Drag shows were welcomed by the LGBTQIA2S+ community and allowed to perform in their nightclubs. To include drag shows along the same lines of intentionally sexual content is a fundamental misunderstanding of the performance art of drag and a disastrous repeat of regressive 20th-century policy.

HB 1333 only has one outcome for North Dakota: economic losses. Individuals that are a part of the LGBTQIA2S+ community and their families will not consider moving to or continuing to live in our state. The bill will exacerbate the issue of retaining students after completing their higher education, with many seeking a welcoming environment elsewhere. This bill, if passed, will dissuade many potential students from attending an NDUS institution. HB 1333 will damage retention rates of students in the state and prevent entirely out-of-state potential from filling the growing gap.

Freedom of speech includes freedom of expression, something that would be withered with the passing of HB 1333. The 11 institutions included in the NDUS may see a decline in artistic expression and, as a result, in students wishing to come to any North Dakota institution for their

education. This bill is oppressive, deliberately harms the LGBTQIA2S+ community of North Dakota, and denies potential venues and economic opportunities from participating in the state.