

2025 HOUSE POLITICAL SUBDIVISIONS

HB 1273

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1273
1/30/2025

A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to the prohibition of a policy, order, or ordinance that limits free speech.

3:58 p.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Members Absent: Representative Davis

Discussion Topics:

- Fargo hate-crime ordinance
- Local control concepts and limitations
- Definition of a hate crime

3:58 p.m. Representative Matt Heilman, North Dakota Representative for District 7, introduced the bill.

4:16 p.m. Sargianna Wutzke, Bismarck Citizen, testified in opposition and provided testimony #32754.

4:21 p.m. Carter Gill, Vice President of Government Affairs for the North Dakota Student Association, testified in opposition and provided testimony #32990.

4:25 p.m. Molly Herrington, Chief People Officer and Director of Human Resource Management Services Division for the Office of Management and Budget, testified in opposition and provided testimony #32947.

4:28 p.m. Stephanie Engebretson, North Dakota League of Cities, testified in opposition.

4:34 p.m. Representative Toman moved a Do Not Pass.

4:34 p.m. Representative Jonas seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y

Representative Jayme Davis	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	A
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

4:36 p.m. Motion passed 11-0-2

4:37 p.m. Unanimous decision to be placed on the Consent Calendar.

4:37 p.m. Representative Fegley will carry the bill.

Additional written testimony:

Jacob Thompson, Policy Analyst for the North Dakota Alliance Legislative Action, submitted testimony in favor #32992

Gordon Greenstein, Bismarck, North Dakota, submitted testimony in favor #32778

Anastassiya Adrianova, Fargo, North Dakota, submitted testimony in opposition #31969

Janet Anderson, Burlington, North Dakota, submitted testimony in opposition #32011

Kalyn Dewitt, Minot, North Dakota, submitted testimony in opposition #32605

Dalton Erickson, Executive Director for the North Dakota Human Rights Coalition, submitted testimony in opposition #32656

Amy De Kok, Executive Director for the North Dakota School Board Association, submitted testimony in opposition #32750

Shannon Kreuger, Minot, North Dakota, submitted testimony in opposition #32811

Kristin Nelson, Fargo, North Dakota, submitted testimony in opposition #32908

Connor Ferguson, Student Body President at the University of North Dakota, submitted testimony in opposition #33048

Faye Seidler, Moorehead, Minnesota, submitted neutral testimony #32821

4:37 p.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1273 ([25.0223.03000](#))

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1273 was placed on the Tenth order on the calendar.

North Dakota House Political Subdivisions Committee
North Dakota Legislative Assembly
600 E Boulevard
Bismarck, ND 58505

January 27, 2025

Re: VOTE NO on HB 1273

Dear Chair Longmuir and Members of the Political Subdivisions Committee:

My name is Anastassiya Andrianova, and I am a naturalized US citizen born in Ukraine, who has resided in the state of North Dakota since January 2014 and was sworn in as a citizen at the Fargo Sanctuary Events Center on June 6, 2017.

As someone who has lived, gone to school, and/or worked in different countries and different parts of the nation, I am extremely aware of the importance of free speech; however, I am also aware of the necessary limitations on free speech that ensure the operation of civil society. Therefore, I urge you to **oppose HB 1273** – a bill relating to the prohibition of a policy, order, or ordinance that limits free speech.

According to the proposed House Bill No. 1273, “Notwithstanding any other provision of law, the state or a political subdivision may not adopt or implement a policy, order, or ordinance that limits or prohibits speech of an individual, **including hate crime ordinances.**”

I specifically urge you to **strike out “hate crime ordinances”** that disguise this discriminatory bill as one meaning to protect free speech.

The First Amendment protects the freedom of speech, but it is not absolute. Hate ordinances are in place for a reason. Just as you can’t shout “Fire!” in a crowded theater, you should not be permitted to use hateful language or commit crimes against any person due to their actual or perceived race, national origin, or ancestry, gender, sexual orientation, or disability. In June 2021, the Fargo City Commission enacted hate crime ordinances. These serve to protect the diverse community of our city and also to deter any future hateful behavior.

Taking “hate crimes” out of the constitution will *not* end hate crimes in the community. It will, however, fester hostility, anger, and resentment and empower public, vocal displays of bigotry. These are not North Dakota values.

Vote DO NOT PASS on HB 1273.

Thank you for your time and consideration.

Sincerely,

Anastassiya Andrianova, immigrant and concerned naturalized citizen
District 11 - Fargo, ND

January 27, 2025

Chairman Longmuir and members of the Political Subdivision Committee:

I am writing as a North Dakota citizen to ask that you vote to oppose HB 1273 as written.

I am a strong supporter of our right to free speech and am happy to see the ND Legislature is too, but I am extremely concerned that this bill specifically says that hate crime ordinances cannot be enacted or upheld. I believe that North Dakotans would (and should) do all that they can to discourage hate crimes including hate speech.

Freedom of speech is an integral part of our country but was never intended to include speech which could cause harm. The freedom of speech does not include that which may “incite imminent violence against a group, or might be reasonably interpreted as an immediate threat to do harm” according to a 2017 article in the *Los Angeles Times*..

I understand that hate speech is included in our right to free speech, but to intentionally include hate crime is a dangerous path and a disgraceful precedent to set for our state. I urge you to recommend removing the words “including hate crime ordinances” on line 9.

Finally, I ask that you consider some other bills which you may be hearing in the near future which aim to remove content from library shelves and consider what passing this bill along with those bills could say about our state. In my mind, it says that we are more comfortable allowing hate crimes than we are allowing books with sex scenes to be in our rural libraries.

Please, do not approve HB 1273 as it is.

Respectfully submitted,

Janet Anderson

Burlington, ND

HB 1273

This bill essentially allows a person who preforms a hate to be protected by law. A hate crime is defined as a crime, typically involving violence, that is motivated by prejudice on a basis of ethnicity, religion, sexual orientation, or similar grounds. Let's consider that this would include hate crimes against christians and white people. It's a disgrace that it was even introduced.



Dear Chair of Political Subdivisions and Committee Members,

I urge a 'Do Not Pass' on HB 1273 for the following reasons:

1. This is government overreach on local government efforts to protect their community. Whereas these local governments are acting in the best interest of their community by adding further penalties to criminals who break the law because of the victim's protected class, including actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or ancestry of the victim. Removing this ability for local governments to act on what they believe is the right thing to do to protect their communities makes everyone less safe.
2. Passing HB 1273 will embolden hate groups who have had an increased presence in our state in recent years. As an example, the spread of Patriot Front ([a neo-fascist and white supremacist hate group](#)) crimes in our communities including vandalism and the destruction of property at the [International Market in Fargo](#). Furthermore, this can result in an increase in criminal activity as hate groups will feel their hateful acts are protected.
3. Finally, it must be acknowledged that freedom of speech is not absolute. You cannot shout 'I have a bomb' on an airplane. Speech is action, and when those actions harm people, there should be an appropriate response. By enforcing these ordinances we are not restricting freedom of speech, instead they allow consequences for hateful actions.

Therefore; The North Dakota Human Rights Coalition stands against this bill and urges you to vote 'Do Not Pass'. We cannot rescind these ordinances during a time when [hate crime is on the rise](#). We cannot restrict local governments from doing what they feel is best for their communities, and we cannot allow this law to make our communities less safe.

As Human Rights include freedom of speech and expression, we understand the importance of protecting those freedoms. However, this bill does not make the kind hearted citizens of this state more free. Instead it makes our marginalized communities less free as their security of person is threatened. In closing, I will leave you with this quote from UN Secretary-General António Guterres.

"Addressing hate speech does not mean limiting or prohibiting freedom of speech. It means keeping hate speech from escalating into something more dangerous, particularly incitement to discrimination, hostility and violence, which is prohibited under international law."

— United Nations Secretary-General António Guterres, June 2019.

Sincerely,
Dalton Erickson
Executive Director
North Dakota Human Rights Coalition

**NDSBA****NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**

1224 West Owens Avenue

Bismarck ND 58501

1-800-932-8791 • (701)255-4127

www.ndsba.org**HB 1273****Testimony of Amy De Kok****House Political Subdivisions Committee****January 30, 2025**

Chairman Longmuir and members of the House Political Subdivisions Committee, thank you for the opportunity to provide testimony in connection with HB 1273. My name is Amy De Kok, and I serve as the executive director for the North Dakota School Boards Association. NDSBA represents all 168 public school districts and their governing boards. I am here today to express deep concerns about the unintended consequences of this legislation which, if enacted, would significantly limit a public school district employer's ability to regulate speech in the workplace. While freedom of speech is a fundamental right, it must be balanced against the operational needs and legal obligations of public schools to maintain a professional, non-disruptive, and inclusive educational environment.

Public school districts, as government employers, have a vested interest in ensuring that workplace speech does not interfere with the efficient delivery of education. This bill threatens that balance by prohibiting policies that regulate speech, including those necessary to:

- **Prevent Disruptions to Educational Operations** – Unregulated speech in the workplace can lead to conflicts that disrupt the learning environment. School leaders must have the ability to set reasonable limitations to ensure a focus on education.
- **Uphold Employee Professionalism and Conduct Standards** – Without the ability to regulate certain speech, school districts may struggle to enforce policies that promote respectful and appropriate discourse among staff, which could erode professional working relationships and undermine authority.
- **Mitigate Legal and Financial Liabilities** – The bill's prohibition on limiting speech, including hate speech, could expose school districts to legal risks associated with harassment, discrimination, and hostile work environments, leading to costly litigation and reputational damage.

- Protect Student and Staff Well-Being – Schools have a duty to create a safe and supportive environment for students and employees. The inability to regulate harmful or inflammatory speech could negatively impact mental health, safety, and overall school climate.

When considering this bill, I ask this Committee to think about the captive, impressionable audience of students available to school staff daily. Unlike other workplaces, schools serve a unique role in society by educating young, impressionable students who are required to attend. If speech were left entirely unfettered and unregulated, students could be subjected to harmful, inappropriate, or biased discourse that could influence their development and well-being. Educators and staff serve as role models, and their words carry significant weight in shaping students' understanding of the world. Without appropriate regulations, the potential for negative impacts on students' educational experiences and personal growth is substantial.

Many public school districts have adopted employee speech policies that distinguish between speech made as an employee versus as a private citizen. These policies ensure that speech made in an official capacity aligns with the district's mission and does not disrupt the educational environment. HB 1273 would prohibit school districts from adopting or enforcing such policies, thereby stripping districts of the ability to hold employees accountable for speech that could negatively impact school operations, student well-being, and professional conduct standards.

The First Amendment already protects public employees' speech on matters of public concern; however, it also allows public employers to regulate speech that interferes with their mission. The U.S. Supreme Court has recognized that public employers must balance free speech rights with their obligation to ensure efficient operations (*Garcetti v. Ceballos*, 547 U.S. 410 (2006)). HB 1273 disrupts this balance and could create unnecessary conflicts that hinder school district governance.

For the reasons outlined above, I strongly urge the committee to issue a DO NOT PASS recommendation on HB 1273. Public school districts must retain the authority to regulate speech in the workplace to uphold professionalism, protect students and staff, and ensure that schools remain focused on their core mission of education. HB 1273 would eliminate the ability of school districts to implement reasonable and necessary speech policies, such as those currently in place, that maintain a professional educational environment. I respectfully request that this committee reject this bill to preserve the ability of public school employers to create and enforce policies that benefit the entire school community.

Thank you for your time and consideration.

HB 1273 Testimony

Chairmen Longmuir and members of the House Political Subdivisions Committee,

My name is Sargianna Wutzke and I am asking for a Do Not Pass on HB 1273. I am a member of the Bismarck Human Relations Committee and in 2022 our committee testified in support of the Hate Crime Ordinance in the city of Bismarck.

Hate Crime Ordinances are how two cities in North Dakota have shown they prioritize the safety of all people and that all people deserve to be treated with respect regardless of a person's differences. Bias/Hate crimes are committed against a person based on actual or perceived race, color, gender, disability, sexual orientation, gender identity, national origins or ancestry of the victim. Too often people think that bias/hate related crimes do not occur in North Dakota. This is not the case. In fact, North Dakota has ranked as high as second in the nation for the highest number of hate crimes per capita according to FBI statistics.

One example of a hate crime happened in Grand Forks. A Somali restaurant in Grand Forks was firebombed by a man who targeted that restaurant because the owners were Somali. Three days prior to the firebombing there was a Nazi Style symbol painted on the restaurant with the words "go home". This crime was one of hate that targeted the people who owned the restaurant due to them being from Somalia.

I work at an agency that provides services to people with developmental disabilities. Hate Crimes for people with developmental disabilities is the invisible hate crime. Many times, people with developmental disabilities are not always thought of being a protected category. According to the ARC between 2017 and 2019, there was a 35% increase in hate crimes based on disability.

According to the proposed HB 1273," Notwithstanding any other provision of law, the state or a political subdivision may not adopt or implement a policy, order, or ordinance that limits or prohibits speech of an individual, including hate crime ordinances." I urge you to strike out the words including hate crime ordinances. Hate crime ordinances are in place in our cities to protect people and should remain in place.

Sargianna Wutzke

Bismarck, ND

HB 1273

House Political Subdivisions

I am in support of HB 1273

Chairman Longmuir and Committee Members, Please consider a Do Pass on HB 1273. This legislation is designed to prevent local government (political subdivisions) from creating policies, orders, or ordinances that limit an individual's speech, specifically including a prohibition on hate crime speech ordinances. No city or county home rule charter or ordinance can override this provision. This bill aims to protect what it views as free speech rights.

The First Amendment prevents Congress from making laws respecting an establishment of religion; prohibiting the free exercise of religion; or abridging the freedom of speech, the freedom of the press, the freedom of assembly, or the right to petition the government for redress of grievances. It was adopted on December 15, 1791, as one of the ten amendments that constitute the Bill of Rights.

I urge a Do Pass on HB 1273

Thank You, Gordon Greenstein

US Navy (Veteran)

US Army-NDNG (Retired)

**House Political Subdivisions Committee
January 29, 2025
HB 1273 - Testimony in Opposition**

Chairman Longmuir and members of the Committee,

My name is Shannon Krueger and I am writing in opposition of HB 1273.

I am a lifelong resident of North Dakota. I was raised with North Dakota values and the ideals of “North Dakota nice.” Hate speech has no place here—or anywhere. Attempts to brush it off as anything less is irresponsible, to say the least. Words matter. Speech leads to action. There is enough free-flowing hate in the world—there is no good reason to condone it in any form. I urge you to please vote NO on HB 1273.

Thank you.

House Political Subdivisions Committee
Jan 30th, 2025 HB 1273
Neutral Testimony

Dear Chair Longmuir and the members of the House Political Subdivisions Committee,

I would urge some considerations with HB 1273, for unintended consequences.

1. **State Employee Disciplinary Actions** - I am not sure what could be punished from a state worker, regardless of how they conduct themselves, if it relates to their speech. They could call their bosses nasty things each morning, but would not firing them constitute an order that limited their speech?
2. **Conflicts with Anti-Trans Laws** - While I should take the win here, compelled speech is still compelled speech. Any law or order that compels someone to misgender a trans person would be violated by this law. I do, however, hope we can reflect on how bills like [HB 1181](#) enforce compelled speech in the same way many in our law making body complained that pro-trans inclusive efforts did. And we can return to a live and let live policy rather than over correcting in the other direction.
3. **Is Our Speech Limited?** - Last year around this time Representative Rios was arrested, with that [arrest making public news](#), segment for the story below:
 - a. "Rios, [arrested on Dec. 15 for DUI and test refusal](#), made a series of homophobic and racist comments toward the arresting officer during the more than hour-long traffic stop and booking process, which was captured on an officer-worn body camera."

Representative Rios continues to serve our law making body. There doesn't seem to be much of any consequence for individuals to use language some may find disagreeable, even in regard to sexual orientation or race. I would oppose this bill, but there seems nothing of particular substance to even oppose and something on consideration would be dismissed.

I provide neutral testimony only in hopes these points are considered within the discussion, but I also encourage reading other testimony to see the impact this bill has on impacted community members and human rights agencies.

Thank you for your time, consideration, and service to our state.
Faye Seidler - fayeseidler@gmail.com

Kristin Nelson

1/30/25

5409 20th Street South

Fargo, District 46

DO NOT PASS HB 1273

Representative Longmuir and members of the Political Subdivisions committee:

I am writing you today to urge a **DO NOT PASS** recommendation on **HB 1273**. This bill constitutes government overreach into a political subdivision's ability to create their own laws protecting their citizens. I am curious why the sponsors of this bill believe that hate speech is something that does not have to be limited in the state? With the rise of hate groups all around the country, this bill will embolden those that seek to do intentional harm to North Dakota residents and allow hate groups no limits to what they do. This bill seeks to do more harm than good by allowing hate speech to flourish in our state. You must not allow this to happen.

Again, vote **DO NOT PASS** on **HB 1273**.

Respectfully submitted:

Kristin Nelson (she/her)



Management
and Budget

Testimony in Opposition of
House Bill No. 1273
House Political Subdivisions Committee
January 30, 2025

TESTIMONY OF

Molly Herrington, Chief People Officer, Human Resource Management Services

Good afternoon, Chairman Longmuir and committee members. My name is Molly Herrington, Chief People Officer and Director of Human Resource Management Services (HRMS) Division of the Office of Management and Budget (OMB). OMB opposes HB 1273.

This bill would have a negative impact on workplace culture, legal compliance, and organizational effectiveness.

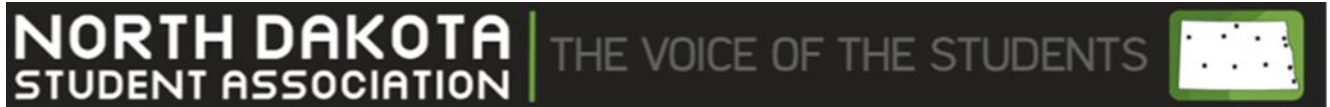
This bill prohibits public sector policies limiting speech. While free speech is essential, workplaces must ensure a safe and respectful environment. Without clear policies, harmful speech could undermine morale, retention, and productivity.

Existing laws require employers to prevent harassment and discrimination. As this bill is written it would render void our policies related to speech. Some of these policies include sexual harassment, workplace conduct, and discrimination. Restricting policies against harmful speech could increase complaints and lawsuits, exposing public employers to legal and financial risks from hostile work environment lawsuits.

As public sector leaders, we must maintain the ability to set workplace standards that foster professionalism and collaboration. This bill weakens those efforts, creating challenges in workforce management.

I urge you to oppose HB 1273 to protect workplace integrity and employee well-being. Thank you for your time and consideration.

Chairman Longmuir and committee members, this concludes my testimony. I would be happy to answer any questions.

**HB 1273**

January 30th

Carter Gill, North Dakota Student Association

(701) 388-7589 | carter.gill@ndus.edu

Chair Longmuir and Members of the Committee: My name is Carter Gill and I am Vice President of Governmental Affairs for the North Dakota Student Association. I am here today in opposition of HB 1273.

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 student bodies of the North Dakota public universities, and to provide a student perspective on higher education policy.

In October of last year, the NDSA passed [NDSA-01-2425](#) which lays out the organization's legislative priorities for this biennium. One of our priorities this year is to protect the rights and safety of NDUS students. The implementation of HB 1273 would void any current and future policies, orders, and ordinances that target hate crime ordinances. Last week, our organization approved [NDSA-22-2425](#), which states our opposition to HB 1273. One of our organization's reasons for opposing this bill is that in the same rationale this legislature voted down the expansion of sports gambling in the state: a removal of a law prohibiting an action or behavior is permission from the state to do engage in that behavior.

A priority of the NDSA is to ensure the safety of our students, especially our most vulnerable student populations, which hate crime ordinances protect the most. One of the concerns brought up by one of our delegates was that hate crime ordinances aren't a limitation on free speech but function rather as an addition to crimes as a motive, in a similar respect that we assign the

severity of motive to crimes; the level of premeditation and planning to murder the same way attacking someone verbally or physically based on characteristics outside of the victim's control.

Multiple NDUS institutions have implemented student codes of conduct and institutional policies which include dissuasions of creations of hostile environments, encompassing harassment towards specific racial identities, religions, and other marginalized groups.¹ A concern of the NDSA is that this bill would void these policies, which would weather away protections for NDUS students by their institution and the NDUS. However, regardless of whether this bill would affect the SBHE or NDUS or not, the fact that the state would rescind these laws, policies, and ordinances can be seen by vulnerable populations as a sign that they may not be welcome in the state.

All these points considered, on behalf of the NDSA I ask that this committee gives HB 1273 a DO NOT PASS recommendation.

¹ The institutions that I found to have these, that is not a comprehensive list, are VCSU, UND, DSU, and NDSU.



Testimony in Support of House Bill 1273

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
January 30, 2025

Chairman Longmuir and honorable members of the House Political Subdivisions Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1273 and respectfully request that you would render a “DO PASS” on this bill.

The right to free speech is fundamental to our nation’s founding. There is a reason why it is the very first amendment in the Bill of Rights. There are, of course limits to free speech like the fact that you can’t yell “fire!” in a crowded theater.

However, portions of hate crime ordinances can infringe on the right to free speech as highlighted in the Supreme Court decision in *Snyder v. Phelps* in 2011. As the American Library Association eloquently puts it, “the First Amendment requires the government to strictly protect robust debate on matters of public concern even when such debate devolves into distasteful, offensive, or hateful speech that causes others to feel grief, anger, or fear. Under current First Amendment jurisprudence, hate speech can only be criminalized when it directly incites imminent criminal activity or consists of specific threats of violence targeted against a person or group.”¹

The problem with some hate crime ordinances is that they are broad and open to a wide range of interpretations. As an example, section A, subsection 3 of 10-0322.1 of the Fargo City Municipal Code says, “A person is guilty of an offense if, with intent to frighten or harass another, he: (3.) communicates a falsehood in writing or by electronic communication and causes mental anguish.”² Who determines a falsehood in a debate? What exactly is mental anguish?

¹ American Library Association. (n.d.). *Hate Speech and Hate Crime*. American Library Association. [https://www.ala.org/advocacy/intfreedom/hate#:~:text=\(The%20Supreme%20Court's%20decision%20i,n,against%20a%20person%20or%20group.](https://www.ala.org/advocacy/intfreedom/hate#:~:text=(The%20Supreme%20Court's%20decision%20i,n,against%20a%20person%20or%20group.)

² Fargo Municipal Code. (n.d.). *Hate crime penalties*. In *Fargo Municipal Code*, Section 10-0322.1. https://library.municode.com/nd/fargo/codes/code_of_ordinances?nodeId=FARGO_MUNICIPAL_CODE_CIFANODA_CH10PUSAMOWE_ART10-03BRPEOR_10-0322.1HAATCR

Our organization believes that free speech, whether determined offensive by certain groups or not, is a fundamental right given to all citizens of the United States. This bill prohibits government infringement upon this right. Because of these reasons, North Dakota Family Alliance Legislative Action respectfully requests a “DO PASS” on this bill.

Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Sincerely,

Jacob Thomsen
Policy Analyst
North Dakota Family Alliance Legislative Action



Connor Ferguson | UND Student Body President
connor.ferguson@und.edu | 612.454.8288

House Bill 1273
House Political Subdivisions Committee
January 29, 2025

Chairman Longmuir and Members of the House Political Subdivisions Committee,

My name is Connor Ferguson, and I serve as the Student Body President at the University of North Dakota (UND). I am submitting testimony in opposition to HB 1273, relating to the prohibition of limitation on free speech, specifically including hate crime ordinances.

This year, UND Student Senate approved a series of legislative priorities for the 69th legislative session to clarify the beliefs of UND students on various issues related to higher education. One of these legislative priorities was support for student belonging initiatives as these allow for a positive learning environment and a welcoming space in our state. It is our belief that the prohibition of hate crime ordinances can prevent the University of North Dakota and the City of Grand Forks from being able to adequately ensure the safety and security of marginalized groups in our community, thus harming their ability to feel that they belong.

The UND Student Government strongly supports the right to free speech everywhere, especially on our campus. With that in mind, it is our understanding that this piece of legislation is not focused on protecting free speech but instead prohibiting hate crime ordinances. If this piece of legislation were concerned with the preservation of free speech for North Dakotans, it would have provided more clarity on the types of ordinances which prohibited free speech under this new law. The hate crime ordinances which would be banned with the passage of HB 1273 do not concern the function of free speech for our community members. For example, Grand Forks municipal code 9-0102.1 reads, "It is unlawful for any person to willfully causes bodily injury to another human being in whole, or in part, because of the actual or perceived race, color, religion,

gender, disability, veteran status, sexual orientation, gender identity, national origin, or ancestry of the victim.”¹ This ordinance and others like it are focused on the motive of a crime and are designed to make it easier to prosecute people for violent crimes. These serve to protect these targeted groups of people and are in no way designed to inhibit people’s free speech.

Hate crime ordinances are a set of laws which the United States has maintained since after the Civil War but have been conflated with hate speech ordinances which do primarily focus on the speech of an individual. Hate crime ordinances in contrast are concerned with the motive of a crime already committed and are not concerned with an individual’s speech. If this law were to be passed, it would remove important tools used by North Dakota cities to combat and control hate violence². These laws exist to guarantee the wellbeing of our citizens and add additional penalties to laws already passed by the state government. Hate crime ordinances have nothing to do with speech but instead serve to protect marginalized groups from violence in their communities. UND, as a part of the Grand Forks community, strives to continue to be a welcoming and safe environment for all students, staff, and faculty. The prohibition of hate crime ordinances signals to students that the State of North Dakota does not stand for the protection of individuals from marginalized and targeted groups.

Chairman Longmuir and members of the House Political Subdivisions Committee, I respectfully request a Do Not Pass recommendation on HB 1273. Thank you for your time, and I am available to answer any questions.

Respectfully submitted,

Connor Ferguson

UND Student Body President

¹ https://library.municode.com/nd/grand_forks/codes/code_of_ordinances?nodeId=PTICICO_CHIXOFMIPR_ART1CROF_9-0102_1SAATCR

² https://www.ojp.gov/ncjrs/virtual-library/abstracts/bashers-beware-continuing-constitutionality-hate-crimes-statutes?fbclid=IwZXh0bgNhZW0CMTEAAAR0TBqKTX1NfjjYw3d6g3mZl0lTp1EdUf2fDlIfXnHULTs78vnrfsAhBy1c_aem_N59RbXCEPH1PWGfj3YCjsw