

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2320
(Senators Holmberg, Davison)
(Representatives Becker, K. Koppelman, Mock, Schreiber-Beck)

AN ACT to create and enact chapter 15-10.4 of the North Dakota Century Code, relating to free speech at institutions under the control of the state board of higher education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 15-10.4 of the North Dakota Century Code is created and enacted as follows:

15-10.4-01. Definitions.

As used in this chapter:

1. "Constitutional time, place, and manner restrictions" means restrictions on the time, place, and manner of free speech which do not violate the First Amendment to the United States Constitution or section 4 of article I of the Constitution of North Dakota and which are reasonable, content- and viewpoint-neutral, and narrowly tailored to satisfy a significant institutional interest, and leave open alternative channels for the communication of the information or message.
2. "Faculty" means an individual, regardless of whether the individual is compensated by an institution, and regardless of political affiliation, who is tasked with providing scholarship, academic research, or teaching, including tenured and nontenured professors, adjunct professors, visiting professors, lecturers, graduate student instructors, and those in comparable positions. "Faculty" does not mean an individual whose primary responsibilities are administrative or managerial, unless the individual also teaches at least one credit-hour.
3. "Free speech" means speech, expression, and assemblies protected by the First Amendment to the United States Constitution or section 4 of article I of the Constitution of North Dakota, including all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, or circulating petitions. "Free speech" does not include the promotion, sale, or distribution of a product or service, unless the promotion, sale, or distribution of the product or service is incidental to the exercise of free speech.
4. "Institution" means an institution under the control of the state board of higher education.
5. "Student" means an individual enrolled in at least one course offered by an institution.
6. "Student organization" means an officially recognized organization at an institution, or an organization seeking official recognition, comprised of admitted students receiving or are seeking to receive benefits through the institution.

15-10.4-02. Adoption of campus free speech policy.

By August 27, 2019, the state board of higher education and each institution shall adopt a policy that:

1. Protects students' rights to free speech, assembly, and expression;
2. Permits institutions to establish and enforce reasonable and constitutional time, place, and manner restrictions on free speech, assembly, and expression;

3. Permits students, faculty, or student organizations to invite guest speakers or groups to present regardless of the viewpoint or content of the anticipated speech of the guest speaker or group; and
4. Protects the academic freedom and free speech rights of faculty while adhering to guidelines established by the American association of university professors.

Upon adoption of the policies under this section, the state board of higher education shall provide a copy of the policies to the legislative management.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2320.

Senate Vote: Yeas 40 Nays 7 Absent 0

House Vote: Yeas 87 Nays 3 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State