

Chairman Klemin, Vice Chair Karls, and members of the Committee

Request DNP on SB2307

My name is Mike Fladeland. I'm a Bismarck resident, District 35, and a member of the Board of Directors of the Bismarck Veterans Memorial Public Library (BVMPL). The Board of Directors unanimously opposes SB 2307 for several reasons, including wording and provisions, but more importantly societal implications.

The opening paragraph states the Bill's intent, in part, is "compliance with statutes protecting minors from explicit sexual material." However, nowhere in the newly proposed or amended language is there any differentiation provided insofar as materials appropriate for kindergarten-aged minors and high school-aged minors. Certainly, there are differences in what is appropriate for a broad range of ages. Corresponding age groups should have access to different information.

Section 1 includes the following elements for determining what constitutes "obscene material."

- The average person
- contemporary North Dakota standards
- sexual conduct, whether normal or perverted

These terms are ambiguous and wholly devoid of widely accepted definitions. For example, what constitutes "contemporary"? Who is the "average" person? Why are the legislators attempting to categorize some undefined "normal" sexual conduct as "patently offensive"? Further, what constitutes "normal" or "perverted" sexual conduct?

The Section goes further:

- One of the three factors for determining "obscene material" and "objectionable material" is "Taken as a whole, the reasonable person would find lacking in serious literary, artistic, political, or scientific value." Consider the following books that have been banned, censored, or challenged: The Bluest Eye, The Grapes of Wrath, Alice's Adventures in Wonderland, The Absolutely True Story of a Part-Time Indian, and the Holy

Bible. These books, as well as many others, are considered by the general public and scholars to be significant works of literature regardless of efforts by those who wish to impose their values on others.

Section 4 Stipulates:

By January 1, 2026, each public library and school district shall develop a policy that includes a procedure “For the relocation of explicit sexual material in the library to an area in the library inaccessible to minors.” The design, implementation, and administration of that policy imposes unreasonable demands on our public libraries, especially with respect to those in smaller communities.

For the above reasons and others, speaking on behalf of the BVMPL Board of Directors, we oppose this Bill and recommend Do Not Pass.

However, our overall objections go further and pertain to the societal implication of the Bill. Surely, the Legislature’s intent is not to shift the responsibility of guiding our children’s reading habits, learning, access to information, and interests from their parents and caregivers to the State. Does the Legislature really believe that SB 2307’s policies apply uniformly to 5- and 6-year-old children, as well as 16- and 18-year-olds, all by your definition, minors? Are we to believe that County and City elected officials, school boards, and the professional staff of public libraries will accept and appreciate wresting local judgment and control from them? We suspect that parents, civic-minded people, and local government officials will respond with an emphatic NO.

BVMPL, along with other ND public libraries, are already in compliance with HB 1205, which passed during the 68th Legislative Assembly, to address your concerns. BVMPL welcomes over 200,000 visits each year with 570,000 check-outs of material in our collections. In 2024 we received only 2 requests for reconsideration. This represents .00011% of our collection and .004% of BVMPL cardholders. Our community doesn’t have an issue with our library’s collection, nor the policies already in place to handle feedback about specific titles, nor should the State Legislature. SB 2307 is an unnecessary attempt at censorship

with the express purpose of State government imposing the views and opinions of a few on the many. To summarize, it is a solution in search of a problem.

That concludes our testimony. Thank you for your consideration.

Library Board of Directors-Bismarck Veterans Memorial Public Library

President, Dianna Kindseth, retired CPA

Vice President, Mike Fladeland, retired Manager, Energy Business Development

Nancy Guy, retired non-profit Operations Director, former City Commissioner

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