

Chair Larson, Vice Chair Paulson, and members of the Committee,

**Request: Vote “No” for SB 2307**

My name is Mike Fladeland. I’m a Bismarck resident, District 35, and a member of the Bismarck Veterans Memorial Public Library (BVMPL) Board of Directors. The BVMPL Board of Directors unanimously opposes SB 2307 for several reasons, including wording and provisions, but more importantly overall 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 language nor in the 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 and both 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 elements are ambiguous and wholly devoid of widely accepted definition. For example, what constitutes “contemporary”? Who is the “average” person? Why are these 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: To Kill a Mockingbird, 1984, The Giving Tree, The Grapes of Wrath, Alice’s Adventures in Wonderland, 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. This requirement makes public libraries and school districts subject to the whims of a diverse community, which will undoubtedly force librarians into lose-lose scenarios where complying with one request to relocate some particular material will be directly adverse to another request to provide the same material.

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 social 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 and municipalities who operate libraries? Does the Legislature really believe that SB 2307's policies apply uniformly to 5 and 6-year old children, as well as 16- and 17-year-olds, all by definition, minors? Are we to believe that County and City elected officials, local 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, after serious consideration would respond with an emphatic no.

BVMPL, along with all ND public libraries, are already in compliance with HB1205, which passed during the 68<sup>th</sup> 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 two 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, and neither should the State of ND. SB 2307 is a gross attempt at censorship with the express purpose of the government imposing the views and opinions of a few on the many. Summarily, 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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