

Good morning, chair Larson and members of the Senate Judiciary Committee, for the record, my name is Mike Lefor and I represent District 37 – Dickinson in the House. Today, I bring HB 1205 for your consideration. Over the past few weeks, I have heard concerns regarding HB 1205 and some unintended consequences of the bill in front of you. As a result of those conversations, I had legislative council prepare an amendment to address these concerns and provide clarity to what was the original intent of my bringing this legislation forward.

If the committee would indulge me on this, I would like to provide testimony on version 3002 and I have brought many copies for everyone. When I was growing up we had three channels on our television, we got a color television when I was in sixth grade. We had our newspaper come to us every morning. We sat down every night at supper as a family and discussing the issues of the day. We had prayer sessions as a family.

We grew together. Less anxious and less stressful times. Fast forward many years later, we live in a world where social media has grown, Facebook, Instagram, Twitter and many other outlets which create a lot more stress and anxiety in our young people today.

Generation Z are currently the most stressed demographic group of people. The American Psychological association reports that 90% of General Z experienced psychological or physical symptoms of as a result of stress last year. 90%! This generation is also significantly more likely to seek professional help for mental health issues.

The suicide rate for people aged 10 to 24 increased by 56% between 2007 and 2017 according to data from the CDC. For children aged 10 to 14, the suicide rate tripled between the same time frame after years of decline. Suicide also increased for the millennial generation but the data suggests Gen Z might be more at risk for mental illness.

Why do I cite these statistics? Because we need to change the way we approach important issues facing our young people today. I cannot imagine growing up in this world with 24-hour media, social media and changing morals.

House 1205 was brought forward on behalf of constituents who alerted me to what has been going on in some of our libraries across the state. This bill attempts to discontinue having public libraries maintain or promoting certain books which contains explicit sexual material. If you look at version 3002, I will go through the sections of the bill. First, on page 1, line 9, it simply takes the wording down to “explicit sexual material” which on line 16, taken as a whole, the average person applying contemporary community standards would find appeals to a prurient interest.

On line 19, it states “depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law and taken as a whole, lacks serious literary, artistic, political or scientific value.”

The definition of public library is not changed in this amendment and it provides existing code for the definition. For me, one of the most important components of this version is on page 2, lines 7 and 8. "A public library may not maintain in its children's collection inventory books that contain explicit sexual material."

The rest of the bill gives guidance to public libraries as to the duties needed to address this issue. By January 1, 2024 each public library shall develop a policy and a process for reviewing their library collections to ensure conformance. The policy must include procedures for:

1. Removal or relocation of this material.
2. The development of a book collection that is appropriate for the age and maturity levels of the individuals who may access the materials.
3. For the library to receive, evaluate, and respond to a request from an individual regarding the removal or relocation of books.
4. To periodically review the library collection to ensure does not contain explicit sexual material in the children's collection.

To provide a compliance report to legislative management before May 1, 2024.

What inspired this legislation was a book titled "Lets talk about it." This book and others like it, contain drawings of explicit sexual material that for decorum purposes I will not describe. The exposure to explicit sexual material has been associated with addiction, poor self-esteem, devalued intimacy, it affects their well-being, sexual practices, attitudes and social relationships.

According to topic matter expert names Christopher Rufo, he states and I quote, the books we are talking about today are sexually explicit and pornographic books, often with very graphic depictions of sexual activity. This is just not appropriate, and it certainly not a book ban to say we don't want pornography targeting our young children in elementary schools. End quote.

We have movie ratings for a reason to make sure movies are age appropriate. There is a reason pornographic magazines, are not available for purchase by young children why shouldn't books in our public libraries be held to the same standard? If we don't stand up for your children, who will? That concludes my testimony, I would request a do pass recommendation from the committee and I would be happy to answer any questions.

Sixty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1205

Introduced by

Representatives Lefor, Steiner

1 A BILL for an Act to create and enact a new section to chapter 12.1-27.1 of the North Dakota  
2 Century Code, relating to prohibiting public libraries from maintaining explicit sexual material; to  
3 provide for a legislative management report; and to provide for application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 12.1-27.1 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Public libraries prohibited from maintaining explicit sexual material - Report.**

8 1. As used in this section:

9 a. ~~"Explicit sexual material" does not include works of art that, when taken as a~~  
10 ~~whole, have serious artistic significance, or works of anthropological significance,~~  
11 ~~or materials used in science courses, including materials used in biology,~~  
12 ~~anatomy, physiology, or sexual education classes. The term means any pictorial,~~  
13 ~~three-dimensional, or visual depiction, including any photography, picture,~~  
14 ~~computer video, or computer-generated image, showing means any material~~  
15 ~~which:~~

16 (1) ~~Human masturbation~~ Taken as a whole, the average person applying  
17 ~~contemporary community standards would find appeals to a prurient~~  
18 ~~interest;~~

19 (2) ~~Deviant sexual intercourse~~ Depicts or describes, in a patently offensive way,  
20 ~~sexual conduct specifically defined by the applicable state law; and~~

21 (3) ~~Sexual intercourse;~~

22 ~~(4) Direct physical stimulation of genitals;~~

23 ~~(5) Sadomasochistic abuse;~~

24 ~~(6) Postpubertal human genitals;~~



1 ~~(7) Sexual activity; or~~  
2 ~~(8) Sexual perversion~~ Taken as a whole, lacks serious literary, artistic, political,  
3 or scientific value.

4 b. ~~"Public library" means a library containing collections of books or periodicals for~~  
5 ~~the general population to read, borrow, or refer to which is supported with funds~~  
6 ~~derived from taxation established under chapter 40-38.~~

7 2. ~~A public library may not maintain in its children's collection inventory books that~~  
8 ~~contain explicit sexual material.~~

9 3. ~~By January 1, 2024, each public library shall develop a policy and process for~~  
10 ~~reviewing library collections to ensure conformance with the requirements of this~~  
11 ~~section. The policy must include a procedure:~~

12 a. ~~For the removal and disposal or relocation of explicit sexual material from the~~  
13 ~~public library;~~

14 b. ~~For the development of a book collection that is appropriate for the age and~~  
15 ~~maturity levels of the individuals who may access the materials, and which is~~  
16 ~~suitable for, and consistent with, the purpose of the library;~~

17 c. ~~For the public library to receive, evaluate, and respond to a request from an~~  
18 ~~individual regarding the removal or relocation of one or more of the books or~~  
19 ~~other materials in the library collection containing explicit sexual material; and~~

20 d. ~~To periodically review the library collection to ensure the library collection does~~  
21 ~~not contain explicit sexual material in the children's collection.~~

22 4. ~~Each public library shall provide a compliance report to the legislative management~~  
23 ~~before May 1, 2024, on the implementation of a policy and process for reviewing~~  
24 ~~library collections~~ collection development and relocation of materials policies as  
25 required by this section and to ensure sufficient compliance with this section.

26 **SECTION 2. APPLICATION.** This Act applies to any ~~children's book inventory or library-~~  
27 ~~collection~~ maintained by a public library after March 31, 2024.