



March 12, 2023

Senate Judiciary Committee
Senator Diane Larson, Chair
HB 1205

RE: Testimony of the City of Fargo in OPPOSITION to HB 1205

Dear Chair Larson & Members of the Senate Judiciary Committee:

The Mayor for the City of Fargo and the Fargo Public Library Board urge the Senate Judiciary Committee to give a DO NOT PASS recommendation to HB 1205 relating to censoring various materials in public libraries. We believe there are significant issues with this potential legislation.

The current language of HB 1205 is broad and would affect the entire library service model, well beyond the intention of the bill. Significant portions of the collection – both classic and modern – would potentially be in question and subject to removal. The language of the bill disregards the rights of library users to make decisions for themselves and presupposes the appropriateness of individual titles. The first amendment needs to be considered as part of your deliberations.

We firmly believe that library collections and services must be allowed to reflect the communities that they serve. The curation of library collections are the responsibility of professional library staff within the established policies of the duly appointed library board. Sections 3 and 4 of HB 1205 usurp the long-established authority of local library boards and imposes state authority in regards to library collection decisions. We believe the state in the long run has neither the interest nor understanding to make decisions regarding local library collection curation.

The implementation of HB 1205 would be onerous, as it would require the vetting of the collection of over 316,000 items to ensure they conform to the broad language of the bill. Given the number of items affected in the collection, it would require the library to close for the vetting process to meet the timeline identified in the bill. This is an unacceptable unfunded mandate. The impact to library patrons is equally unacceptable.

Thank you for your diligent consideration in this regard. While the impacts of HB 1205 are significant to the Fargo Public Library and the Fargo Community at large, their impacts on the State of North Dakota need to be considered as well. We urge the Senate Judiciary Committee to be cognizant of the long-lasting and damaging impacts of HB 1205.

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Sincerely,

Dr. Timothy J. Mahoney, Mayor, City of Fargo
Dr. Carlos Hawley, President, Fargo Public Library Board
Ms. Amy Ouren, Vice President, Fargo Public Library Board
Ms. Kristen Schipper, Library Board Member, Fargo Public Library
Ms. Wanda Mengelkoch, Library Board Member, Fargo Public Library
Ms. Jenna Reno, Library Board Member, Fargo Public Library
Dr. Carrie Peterson, Library Board Member, Fargo Public Library
Ms. Hannah James, Library Board Member, Fargo Public Library
Timothy S. Dirks, MLIS, MPA, Director, Fargo Public Library