



North Dakota Library Association  
*Established 1906*

March 12, 2023

Chairman Klemin and the Members of the Senate Judiciary Committee,

My name is Kerrienne Boetcher and I am writing as the President of the North Dakota Library Association (NDLA) to voice opposition to SB 2360.

There are several areas of concern that NDLA has with these changes. The first four sections leave public servants open to criminal prosecution for the selection of reading materials that they as a professional deem appropriate for a library collection, pursuant to board policies and in compliance with state and federal laws. There is also the risk of exposure to potential first amendment lawsuits on the censoring of Constitutionally-protected materials. The change of “is principally made up of” to “contains” opens up a realm where even educational materials could be considered as immoral.

This bill will prohibit all librarians from fulfilling their mission to serve information needs of their local communities. It violates the rights of readers to access materials that they would like to read at their libraries.

Most of our public and school libraries have a collection development or collection management policy as approved by their Library Board of Trustees or School Board. These policies lay out the procedures that a library follows when evaluating materials for their collection. These policies include examining reviews from multiple peer journals, the analysis of the current collection, and a work as a whole. Many of them also include a process for the reconsideration of materials should a patron have concerns over a particular material while still remembering that a work must be evaluated as a whole and not a single scene or comic panel.

Libraries have a responsibility to allow patrons to access information on whole variety of topics including race/ethnicity, gender/sexuality, ability/disability, religion, socioeconomic status, and family situation. Libraries exist to level the playing field and provide equitable and authentic access for everyone. We provide no cost access to technology and more to help alleviate information poverty.

In regards to Section Five, we do not believe that this bill accurately reflects safeguards that are already in place. Public schools and libraries in North Dakota that receive federal funding are required under the Children Internet Protection Act (CIPA) to have filters in place in the school

or library. These filters may be lifted for an adult who needs access for bona fide research or other lawful purposes.

With this Act, many schools and libraries have internet policies already in place including acceptable use policies. I firmly believe that children need to learn to navigate online databases and evaluate resources to prepare for success later in life. Options are available for home devices and phones for parents to decide if they would like to filter for their child.

There have been claims from out-of-state organizations such as MassResistance.org, The Heritage Defenders, The Freedom Press Group, and Moms for Liberty, that individuals have found unsuitable materials in databases. However, database staff and librarians have been unable to recreate these searches or find the materials within the database itself.

This bill allows for the prosecution of school district, state agency, public library, or public school employees and changes the definition of obscenity. This definition has been addressed on the federal level multiple times before now.

I urge you to consider voting against SB 2360 and I thank you for your time and consideration.

Sincerely,



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