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Chairman Klemin and the Members of the Judiciary Committee,

I am writing to voice my opposition to SB 2360.

I have several areas of concern as this bill is currently written. Section One is vague without any determining factor as to who decides what contemporary and reasonable mean. Section Two gives a definition of a public library, which is already defined by North Dakota Century Code and does not need a new definition here. There is also the risk of exposure to potential first amendment lawsuits. Section Three's vagueness opens the potential for any book in a library being labelled as sexually explicit without any context of the book or knowledge of who the book is written for. Anywhere that minors are or may be invited includes a person's own personal library (minors other than their children may be invited).

My library already has a collection development policy as approved by the Ward County Public Library Board of Trustees that lays out the procedures that I must follow when evaluating books for our collection whether it be a book that we are purchasing or one that is donated by a taxpayer to the library. It also includes 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.

Section 5 addressing the safety policies and technology protection measures is unnecessary with the policies already in place. Public Schools and Public Libraries that receive federal funding are already required to under the Children Internet Protection Act (CIPA) to have the filters in place on their school and/or library devices. This act was enacted in 2000 to address concerns with rules issued in 2001 and updates in 2011. The protection measures must block or filter Internet access to pictures that are: (a) obscene; (b) child pornography; or (c) harmful to minors (for computers that are accessed by minors). Schools and libraries subject to CIPA are required to adopt and implement an Internet safety policy addressing:

- Access by minors to inappropriate matter on the Internet;
- The safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications;
- Unauthorized access, including so-called "hacking," and other unlawful activities by minors online;
- Unauthorized disclosure, use, and dissemination of personal information regarding minors; and

- Measures restricting minors' access to materials harmful to them.

Schools and libraries must certify they are in compliance with CIPA before they can receive E-rate funding.

- CIPA does not apply to schools and libraries receiving discounts only for telecommunications service only;
- An authorized person may disable the blocking or filtering measure during use by an adult to enable access for bona fide research or other lawful purposes.
- CIPA does not require the tracking of Internet use by minors or adults.
(<https://www.fcc.gov/consumers/guides/childrens-internet-protection-act>)

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. Likewise, many of the other changes have been addressed at the federal level multiple times.

All sections fail to address the fiscal impact of libraries reviewing every book in their current collection in addition to any new purchase or the impact of who will pay the penalties associated with not paying for online resources on time.

I firmly believe my beliefs and viewpoints should not dictate what another person may or may not want to read. The decision of whether a minor should have access to reading a particular subject is one that is best left up to their parents and/or guardians and is not one that should be left to an outside entity with no knowledge of the minor and their development.

The proposed changes are a violation of the rights of individuals to select for themselves what they would like to read. I am gravely concerned with the legality of this bill and the level of control that it is taking away from the individual and their first amendment right to choose what they and their family read.

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

Respectfully,



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