To the honorable members of the Senate Judiciary Committee,

First, please note that although I am a librarian in the employ of the University of North Dakota, the following testimony does not necessarily reflect the opinion of UND or the North Dakota University System. I submit it as a private individual, on my own time.

Senate Bill 2360 seeks to impose "safety policy and technology protection measures" against sexual material in library databases. These "protection measures" are to be implemented by the vendors who license the databases to the library, and the library is required to withhold payment from any vendor that does not comply.

I have worked with library database vendors professionally for nearly thirteen years now. If this measure goes into effect, I believe it will have a variety of unintended consequences.

First, the costs to the vendors of implementing such a system would significantly exceed the income that they could expect derive from licenses to North Dakota libraries. As such, I imagine many of them will simply terminate their contracts and walk away, leaving the libraries bereft of the resources those vendors formerly supplied.

Second, if I understand the bill correctly, public universities are likewise subject to these requirements, as long as they offer digital or online resources to "students in kindergarten through twelfth grade." Thus, just like public libraries, academic libraries stand to lose access to any vendor that doesn't wish to comply with the requirements of this bill.

The most obvious response by an academic library would be to ensure that they do not offer digital or online library resources to children. Doing so, however, would be complicated. They would need to terminate any partnerships with K-12 schools, thus losing the benefits of those programs for North Dakota students. Since members of the public can walk into the library and access its resources on in-house computers, children would need to be banned from academic libraries. A fair number of university students are themselves parents; banning children would mean they could not come to the library with their children.

In addition, most library databases perform authentication based on the user's IP address. That is, the library sends the vendor a list of all the IP addresses within their range, and those addresses are whitelisted for access. This is convenient for students, faculty and staff at the institution, as they do not need to log in to each database they visit. But it also means that anyone who connects to a university-administered wifi access point effectively has full access to the library's digital holdings. At UND, obtaining a guest pass to use the wifi is trivially easy. They can be self-issued. Anyone with a phone or laptop who walks on campus can get on the campus network in a matter of minutes. No age verification takes place. And so, if this bill takes effect, we would likely have to implement required authentication of all users, both on and off campus, to ensure that we are providing access only to enrolled students, faculty and staff of the institution.

Although none of these measures would be technically difficult, together they would be a significant barrier to access for any member of the public who is not affiliated with the institution -- including adults who would otherwise be welcome to use our licensed resources.

Which is, it appears to me, the point. The ostensible purpose of this bill is to protect children from exposure to disturbing sexual material. But the actual effect is to reduce access for library patrons of all ages by imposing additional burdens on libraries and the database vendors who work with them, with the implicit threat of criminal charges for librarians who fail to comply. I am gravely disappointed to find my legislature so willing to consider censoring libraries in this way.

Honorable members of the Senate Judiciary committee, this bill stands to do significant harm to the libraries and schools of North Dakota. Please vote against it.

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