

Committee Chair and members of the Committee, my name is Jean Nudell, I am the president of Bowman Regional Public Library Board of Directors, and I am writing today in opposition to Senate Bill 2307. I oppose this bill for several reasons.

The state has already addressed “explicit sexual materials” in children’s collections. House Bill 1205 from the 2023 legislative session passed, which created a clear definition of obscenity in state law. SB 2307’s vague terms open the door for removing access to books based on one viewpoint throughout the whole library, causing censorship in the adult sections of the library. If someone doesn’t want their child to view certain materials in the adult sections of the library, it is their responsibility as a parent to limit the child’s access.

As both the board president and patron of my library in rural southwest North Dakota, I am especially concerned about the impact to rural communities like mine. While some larger public libraries in the state are able to have different sections physically, many other libraries are much smaller and don’t have the facilities or the budget to separate the sections and would be in danger of violating the law if this bill is passed. Language such as “not easily accessible” is difficult to interpret. Vague terms can become expensive problems, especially if libraries find themselves in court. SB 2307 would amount to an unfunded mandate for city and county government offices to litigate these complaints.

Speaking of litigation, librarians can face criminal charges based on the amendments made to this bill. Under the bill’s language if a patron files a complaint about book display or a book they dislike, librarians could ultimately face charges by ND State’s Attorneys. Our librarians are part of our communities and bills like this drive good people to leave public sector jobs in communities where they’re most needed.

Also of particular concern to rural libraries like mine is the potential loss of access to popular eBook/audiobook services like Libby and Hoopla. Access to Libby and Hoopla could be suspended for all public libraries. Many of our patrons access resources like eBooks, audiobooks, and magazines through Libby, and our circulation of digital materials grows every month. The statewide consortium for Libby and Hoopla gives our patrons access to many more materials than we could afford to provide ourselves.

Along with all of that, this bill is simply government overreach. Our library, like every other library in the state, has a process not only for collection development (what materials our librarians purchase) but for patron challenges. Our library board reviews our policies frequently to make sure that the policies reflect the needs of our community. There is no need for the second guessing of these processes this bill calls for by requiring our State’s Attorney to review complaints from individuals about materials. That is the job of the library staff with oversight from us on the library board, and this bill removes that local control.

And finally, this bill was not crafted with the partnership of North Dakota librarians, which leads to uncertainty, confusion, and unnecessary financial burdens on local resources already stretched thin. Instead of passing this vague language into law, North Dakota should work in cooperation with the state's libraries. They can slow down and work together, so there's no added chaos and expense for our local communities.

Thank you for your time and the opportunity to share my story with you.