

Chairman Klemin, Vice Chair Karls, and members of the Committee

SB2307 – I urge a Do Not Pass.

The present Century Code contained in § 12.1-27.1-03.5 already contains language protecting minors from adult materials and serves its purpose well. Secondly, you see many claims of adult materials from proponents of this bill, but you aren't presented with any such materials from the children's section. This is because the libraries are already complying with current regulations.

SB2307 aims to create an environment of government censorship on library materials. It prevents public libraries from fulfilling their mission. Libraries play a key role in enhancing literacy and promoting a love for reading. They host programs and resources for children, adults, and families to improve literacy and promote lifelong reading and learning.

The vague phrase 'a reasonable person would find lacking in serious literary, artistic, political, or scientific value' allows for subjective interpretations, leading to arbitrary enforcement. This bill enables subjective censorship by government officials. The language also lists "reasonable adults", once again, leading to each government official deciding who they regard as reasonable or not.

If passed, this bill could lead to public libraries closing or restricting access to adults (18+) only, as there would be no foolproof way to prevent minors from encountering materials intended for adults. Even with something as extreme as having a walled off section, with no windows, a security guard, checking IDs, and someone uses a fake ID to gain access it could result in librarians being charged with a crime. Similar laws in Idaho led to libraries becoming for adults only.

Digital materials and databases would be cut as well. With vague language people and companies are not going to put their careers, companies, and livelihoods on the line for a poorly constructed North Dakota bill. In turn, North Dakotans will lose access in their communities for educational, informational, career and entertainment opportunities.

Our local libraries have policies in place providing for the needs of their local communities. The local communities of ND should not have their libraries censored by the legislature. Parents are free to choose when and how their children utilize their public libraries, once again, the legislature should not be controlling access to educational opportunities. Lastly, the attorney general has no place being the judge and jury of the public's access to materials in libraries. In *Board of Education v. Pico* (1982), the Supreme Court ruled that government officials cannot remove books from libraries simply because they disagree with their content. SB2307 could result in such unconstitutional removals and following court cases.

I urge lawmakers to vote against SB2307 to protect intellectual freedom, local decision-making, and educational opportunities in our state's libraries.

Brian Kopp
Dickinson Area Public Library Board Secretary