

March 12, 2023

Dear Chairman Klemin and members of the House Judiciary Committee,

We write to you as the Executive Committee of UND United, the local of ND United (AFT Local #6942) which represents faculty and staff at UND, to express our **opposition to SB 2360**. We have many concerns about SB 2360 and ask your committee to give it a “do NOT pass” recommendation and vote NO on this bill.

Supporters of this bill argue it is needed to protect children. While we agree it is important to protect children, we believe this bill is unnecessary, and as written is likely to have impacts beyond its stated purpose. Collection policies already exist that make libraries accountable to the public and provide ways to challenge the holding of particular materials. Our librarians already work very hard to cultivate age appropriate materials for their patrons. It has not been demonstrated that existing policies are inadequate for reviewing or challenging potentially problematic materials. If someone finds a holding concerning, we would encourage them to utilize existing processes for evaluating and challenging library materials.

The language of the bill is also overly broad and problematic for a variety of reasons. For example, the bill includes vague definitions, such as defining “explicit sexual material” to include written depictions of “sex-based classifications.” What are “sex-based classifications” and why are they included in the definition of explicit sexual material? Including language like this would allow this law to be used for purposes beyond the stated intent and would create substantial challenges for librarians who would be expected to identify such material.

We are also concerned about the inclusion of criminal penalties related to this legislation. Doing so would create barriers to recruiting and retaining librarians in our state. Our campus and community librarians are exceptionally responsive to the needs and concerns of the public they serve and more than willing to work with patrons. Threatening librarians with criminal penalties over such matters is very concerning and will lead our librarians to seek employment elsewhere.

Finally, while amendments to the bill appear to create exceptions for certain types of educational materials, these materials are limited to a few specific courses and types of classes and thus could be used to censor the holding of materials used in other courses not listed. For this reason, we are particularly concerned about the impact of this bill on our university libraries. In addition, university libraries are open to members of the general public, including children, and our university libraries often loan materials to other public libraries across the state. This bill would also have implications for database access, which impacts students and general population access to materials. As a result, we believe this legislation may have unanticipated implications and enforcement would be exceptionally difficult.

In short, this bill is likely to have broader impacts on libraries and librarians beyond the bill's intent. As a result, we respectfully ask your committee to give **SB 2360 a “do NOT pass”** recommendation and encourage committee members to vote NO on this legislation.

Sincerely,

UND United Executive Committee
Liz Legerski, UND United President
Daphne Pedersen, Secretary-Treasurer
Kristin Borysewicz, Member-at-Large