



North Dakota Library Association  
*Established 1906*

March 12, 2023

Chair Larson and the Members of the Judiciary Committee,

My name is Kerrienne Boetcher and I am writing as the President of the North Dakota Library Association (NDLA) to voice my opposition to HB 1205.

There are several areas of concern that NDLA has with the bill. Section One as it is currently written is incredibly vague without any determining factor on who decides what these terms mean. Also, the definition of public library has already been determined by the 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 C states that libraries are to "receive, evaluate, and respond to a request from an individual", but nowhere are libraries given the option to keep and move the material.

Section Two states that any book inventory or library collection maintained by a public library after March 31, 2024. The fiscal impact of our libraries trying to review every book in their current collection as well as any new purchases would be tremendous. For example, two of our medium to large sized libraries would need to add 162 and 182 staff members respectively to meet the deadline.

Most of our public libraries have a collection development or collection management policy as approved by their Library Board of Trustees. These policies lay out the procedures that a library follows when evaluating materials for their collection. These policies include examining reviews from multiple peer journals, the analysis of the current collection, and a work as a whole. Many of them also include 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.

Libraries exist to level the playing field and provide equitable and authentic access for everyone. We provide no cost access to technology and more to help alleviate information poverty.

The North Dakota Library Association is asking the committee for a do not pass recommendation on this bill.

Sincerely,

A handwritten signature in black ink that reads "Kerrienne Boetcher". The signature is fluid and cursive, written over a light blue horizontal line.

Kerrienne Boetcher  
President of the North Dakota Library Association  
[president@ndla.info](mailto:president@ndla.info)