



**TESTIMONY ON SB 2050**  
**SENATE STATE & LOCAL GOVERNMENT COMMITTEE**

**January 5, 2023**

**By: Mary J. Soucie, State Librarian**

**701-328-4654**

---

---

Dear Chairman Roehrs and Members of the Committee,

For the record, I am State Librarian Mary Soucie, and I am testifying in favor of SB 2050. The changes requested are to clarify processes for local libraries, for the State Library, and for the North Dakota Library Coordinating Council.

Section 40-38-09 requires public libraries to submit an annual report to the city and/or county on July 1<sup>st</sup>. The proposed change to the language would change *on July 1<sup>st</sup>* to *by July 1<sup>st</sup>* to make certain the public libraries can comply with Century Code and that they are not dependent on a meeting being scheduled on a very specific day. The other changes in that section are to reflect that libraries have additional types of materials in their collections beyond books and magazines.

Section 54-24-09 governs the depositing of state publications that are created by state agencies and intended for the public. Currently there is a list of

types of documents that fall under this section of law. The proposed changes would simplify the language so that agencies will better understand that all publications that are intended for the public are subject to the requirement. Further in that section, there is a request to repeal language that would require the State Library to allow libraries other than the depository libraries to request state documents. All libraries, as well as any North Dakota resident with a State Library card, can access and check out any state document in our collection. No library outside of the depository libraries has requested to partake in an optional selection program. The final change in that section updates the conversion of documents to digital format without specifying any specific format that may become obsolete. I have discussed the changes in the list of documents as well as the change to digital format with the state records administrator, and she supports them.

Section 54-24.2 governs the State Aid to Public Libraries. The first change requested is the addition of a new section which would allow the State Librarian to adjust the grant formula based on a successful appeal by a public library determined to be ineligible. This recalculation would be done the next time the formula payment is computed. The formula is computed based on the number of eligible libraries. There is language to clarify that the taxable valuation is certified

by the county auditor to the tax commissioner and that the State Library computes the mill levy equivalent.

Section 54-24.4-05 relates to the North Dakota Library Coordinating Council which is the State Library Advisory Board with members appointed by the Governor. Subsection 2 is being removed to update it with the current Public Law 115-410. The text in the older reference PL101-254 used to require an advisory council; the new language in PL 115-410 does not.

There are two sections being repealed. Section 40-38-10 allows for the establishment of a library without an election for a city with a population of less than two thousand five hundred. There are currently no libraries that were created utilizing that method. The law allows a city to contract with an established library if the city does not want to create their own library. Contracting with an established library would meet the informational and recreational reading needs of a community in a more robust and efficient manner.

Section 54-24.2-02.2 is the other section being repealed. This requires a public library to meet a local maintenance of effort requirement to be eligible for

State Aid. This is a barrier for public libraries, especially the small, rural libraries. There were 17 libraries out of 84 total that were ineligible in 2022 due to not meeting maintenance of effort. One library missed the requirement by less than ten dollars. The public libraries either meet the requirement or they do not meet it; there is no mechanism to waive the requirement regardless of how close a library is. Public libraries use State Aid to expand materials, programming, technology and more. Divide County Public Library Director Traci Lund says that State Aid allows their library to keep the doors open. The intent of the maintenance of effort was to ensure local funding. Section 54-24.2-02 would maintain the local effort. The amount of funds allocated to each library are based on the level of funding provided at the local level. Removing the maintenance of effort requirement would increase the number of libraries that are eligible to receive State Aid. While there would be an increase in eligible libraries if the maintenance of effort is removed, the amount of State Aid available for distribution is capped per SB 2013 so there would not be a fiscal impact unless the Legislature increased the amount available.

Thank you for your time today. I am happy to answer any questions the committee has.