

**2023 SENATE STATE AND LOCAL GOVERNMENT**

**SB 2050**

# 2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

SB 2050  
1/5/2023

Relating to the ability of the state librarian to recalculate grant payments to public libraries; relating to the public annual report, distribution of state publications to libraries, the computation of mill levies, and the duties of the library coordinating council; relating to a political subdivision's ability to establish a library without an election and local maintenance efforts of public libraries; and to provide an effective date.

10:04 am Chairman Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, Sen Braunberger

### Discussion Topics:

- Language
- Advisory council
- Eligible libraries

10:03 am Mary Soucie, ND State Librarian, testified in support #12381.

10:20 am Linda Svihovec, Association of Counties, testified in support. No written testimony

Sen Lee moved a DO PASS. Sen Estenson seconded.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

Motion passed. 6-0-0

Sen Braunberger will carry the bill.

### Additional written testimony:

Janet Anderson, Library Director, Minot Public Library in support #12304

Kerrainne Boetcher, Library Director, Ward County Public Library in support #12375

10:24 am Chairman Roers closed the hearing

*Pam Dever, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2050: State and Local Government Committee (Sen. K. Roers, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB  
2050 was placed on the Eleventh order on the calendar. This bill does not affect  
workforce development.

**2023 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2050**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2050  
3/2/2023

Relating to the ability of the state librarian to recalculate grant payments to public libraries, to the public annual report, distribution of state publications to libraries, the computation of mill levies, and the duties of the library coordinating council, and to a political subdivision's ability to establish a library without an election and local maintenance efforts of public libraries; and to provide an effective date.

Chairman Schauer called the meeting to order at 2:31 PM.

Chairman Austen Schauer, Vice Chairman Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, and Mary Schneider present. Rep. Scott Louser virtually present.

### **Discussion Topics:**

- State Library
- State publication requests
- Public library state aid
- Rural libraries

Mary Soucie, North Dakota State Librarian, introduced SB 2050 with supportive testimony (#21367).

### **Additional written testimony:**

Cindy Aaser, Director of the Hazen Public Library, supportive testimony (#21573).

Beth Reitan, North Dakota citizen, supportive testimony (#21577).

Maddie Cummings, Director of the Lake Region Public Library, supportive testimony (#21587).

Melissa Bakken, Library Director of Leach Public Library, supportive testimony (#21611).

Christine Kujawa, Library Director at Bismarck Veterans Memorial Public Library, supportive testimony (#21624).

Kerrienne Boetcher, Library Director at Ward County Public Library, supportive testimony (#21761).

Chairman Schauer adjourned the meeting at 2:50 PM

*Phillip Jacobs, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2050  
3/10/2023

Relating to the ability of the state librarian to recalculate grant payments to public libraries, to the public annual report, distribution of state publications to libraries, the computation of mill levies, and the duties of the library coordinating council, and to a political subdivision's ability to establish a library without an election and local maintenance efforts of public libraries; and to provide an effective date.

Chairman Schauer called the meeting to order at 11:01 AM.

Chairman Austen Schauer, Vice Chairman Bernie Satrom, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Steve Vetter, and Mary Schneider. Reps. Landon Bahl and Vicky Steiner not present.

### Discussion Topics:

- Reductions in library funds
- Small library benefits
- Committee action

Chairman Schauer called for a discussion on SB 2050.

Mary Soucie, North Dakota State Librarian, answered questions from the committee.

Rep. Rohr moved a do pass on SB 2050.

Seconded by Vice Chairman Satrom.

### Roll Call Vote:

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	AB
Representative Claire Cory	Y
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	AB
Representative Steve Vetter	Y

House Government and Veterans Affairs Committee

SB 2050

3/2/2023

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Motion carries 11-0-2.

Carried by Rep. Hoverson.

Chairman Schauer adjourned the meeting at 11:08 AM.

*Phillip Jacobs, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2050: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)**  
recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB  
2050 was placed on the Fourteenth order on the calendar.



**TESTIMONY**

**SB 2050**



www.minotlibrary.org ♦ (701) 852-1045  
516 2nd Ave SW Minot, ND 58701

January 3, 2023

Chairwoman Roers  
and Members of the State & Local Government Committee,

I am writing to express my support of the proposed changes being presented in SB2050.

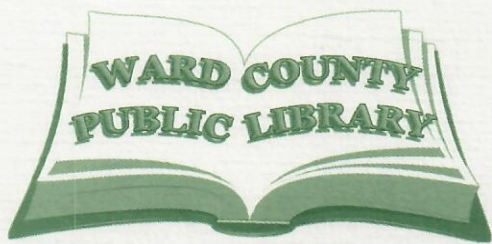
As the Library Director of a public library that is greatly impacted by State Aid, which is determined based on my Annual Report, this change is a positive step for North Dakota Libraries. The local maintenance of effort currently required can serve as an obstacle for libraries to receive much-needed funding.

The Minot Public Library faced this obstacle several years ago when a County miscalculation almost resulted in the loss of eligibility for State Aid. The proposed changes will mean libraries will receive funding based primarily on services offered rather than services and past revenue/expenses.

I hope you will vote in favor of this proposed change. Thank you for your time and consideration.

Respectfully,

Janet Anderson  
Library Director  
Minot Public Library  
[janet.anderson@minotnd.org](mailto:janet.anderson@minotnd.org)  
[701-852-1045](tel:701-852-1045)



Phone 701-852-5388  
Toll Free 1-800-932-8932  
PO Box 5005  
Minot, ND 58702  
225 3rd St. SE  
Minot, ND 58701

January 4, 2023

Chairwoman Roers  
And Members of the State & Local Government Committee,

I am writing in support of the proposed changes presented in SB2050.

Having served as a Library Director of a public library in our state since 2012, I have seen my library and many others be profoundly impacted by State Aid. Local maintenance of effort as currently required is a barrier that is hard for many of the smaller libraries in our state to overcome.

Our branch library in Kenmare has been impacted by this in the past few years due to a misunderstanding of the process worked by governing entities. The change in being based on services offered as opposed to services and past revenue/expenses may be the difference needed for our small libraries.

I urge you to consider voting in favor of this proposed change and I thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink that reads "Kerrienne Boetcher". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Kerrienne Boetcher  
Library Director  
Ward County Public Library  
[kerrienne.boetcher@co.ward.nd.us](mailto:kerrienne.boetcher@co.ward.nd.us)  
701-857-6471



**TESTIMONY ON SB 2050**  
**SENATE STATE & LOCAL GOVERNMENT COMMITTEE**  
**January 5, 2023**  
**By: Mary J. Soucie, State Librarian**  
**701-328-4654**

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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.



**TESTIMONY ON SB2050**  
**HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE**  
**March 2, 2023**  
**By: Mary J. Soucie, State Librarian**  
**North Dakota State Library**

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Dear Chairman Schauer and Members of the Committee,

For the record, I am State Librarian Mary Soucie, and I am testifying in favor of SB2050. The changes requested are to clarify processes for local libraries, for the State Library, and for the Library Coordinating Council. I will highlight each section of the bill and the changes for that section.

Section 1:

Section 40-38-09 requires 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 2:

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, Aimee Bader, and she supports them.

Section 3 (new) and Section 4 (amendment):

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 5:

Section 54-24.4-05 relates to the 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. Whereas the text in the older reference PL101-254 used to require an advisory council, the new language in PL 115-410 does not.

## Section 6:

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 in this manner. 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 7:

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 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 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 SB2013 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.

Dear Representatives,

Please vote do pass on SB 2050. This bill will provide more funding for smaller libraries that have not qualified for state funding in the past. Not having state funding puts small libraries at risk of having to close because of a lack of funding. Please vote to pass SB 2050.

Respectfully Submitted,

Cindy Aaser

Director Hazen Public Library

The bill increases the number of eligible libraries; it does not increase the amount of funding. Repealing the maintenance of effort requirement allows all already allocated funds to be utilized. This allows the small libraries in ND to expand materials, programming, technology and more! Please support this bill so that our smaller libraries are also eligible for state aid. Thank you.



LAKE REGION PUBLIC LIBRARY  
423 7TH STREET NE  
DEVILS LAKE, ND 58301-2529

March 1, 2023

Chairwoman Roers and Members of the State & Local Government Committee,

I am writing to voice my support to the proposed changes presented in SB 2050.

As the Library Director of a public library that is significantly impacted by State Aid, which is determined based on the data presented in my Annual Report, this change is a positive step for all North Dakota libraries. The local maintenance of effort currently required can present a large obstacle for libraries, particularly smaller, rural libraries such as mine, to receive much-needed funding.

The Lake Region Public Library lost eligibility for State Aid a few years ago, and it significantly impacted the entire following year as a result. The proposed changes will mean libraries will receive funding based primarily on services offered, rather than services as well as past revenues/expenses.

I hope you will vote in favor of this proposed change to SB 2050.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in cursive script that reads "Maddie Cummings".

Maddie Cummings  
Library Director  
Lake Region Public Library  
[lakeregionpl@gmail.com](mailto:lakeregionpl@gmail.com)  
701-662-2220



417 2<sup>nd</sup> Ave N.  
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[www.leachlibrarywahpeton.org](http://www.leachlibrarywahpeton.org)

Your window to the world.

March 1, 2023

Chairwoman Roers and Members of the State & Local Government Committee,

I am writing to encourage your support of the proposed changes being presented in SB2050.

As the Library Director of the public library in Wahpeton, ND, we witnessed first-hand the importance of being eligible for State Aid and the impact it makes on our services to our patrons and citizens. We lost eligibility a few years ago under the maintenance of effort requirement and it significantly impacted services for the entire following year. The proposed changes will mean libraries will receive funding based on services offered, rather than services and past revenue/expenses.

I encourage you to vote in favor of this proposed change to SB2050.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Melissa Bakken", with a long horizontal flourish extending to the right.

Melissa Bakken  
Library Director  
Leach Public Library  
[melissa.leachplib@midconetwork.com](mailto:melissa.leachplib@midconetwork.com)  
701-642-5732

March 1, 2023

**Re: SB 2050 – IN FAVOR**

Chairman Schauer and Members of the House Government and Veterans Committee:

For the record my name is Christine Kujawa, Library Director at Bismarck Veterans Memorial Public Library and I request a "Do Pass" for Senate Bill 2050.

This bill would repeal the maintenance of effort requirement for public libraries, which would be especially important and helpful for the smaller public libraries in the state that find it challenging to meet this requirement. This would result in more public libraries meeting the eligibility requirement to receive state aid to public library funding. This funding would allow them to purchase additional items like books, program expenses, and more, enhancing overall library services being offered in their communities.

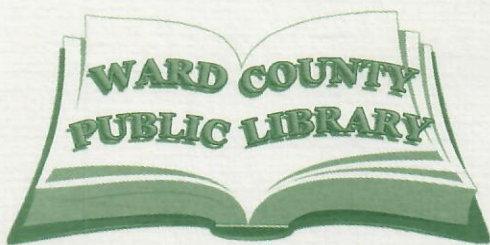
As one of the larger libraries in the state, we would also benefit from this change in public library law because it would simplify the application process for state aid to public library funding and this would be much appreciated.

Thank you for your consideration.

Respectfully,

Christine Kujawa  
Bismarck, ND





Phone 701-852-5388  
Toll Free 1-800-932-8932

PO Box 5005  
Minot, ND 58702

225 3rd St. SE  
Minot, ND 58701

March 01, 2023

Chairman Schauer and the Members of the Government and Veterans Affairs Committee,

I am writing in support of the proposed changes presented in SB 2050.

Having served as a Library Director of a public library in our state since 2012, I have seen my library and many others be profoundly impacted by State Aid. Local maintenance of effort as currently required is a barrier which is hard for many of the smaller libraries in our state to overcome.

Our branch library in Kenmare has been negatively impacted by this in the past few years due to a misunderstanding on the part of the governing entities regarding how the process works. The proposed change bases the maintenance of effort on services offered as opposed to services and past revenue/expenses. This simple change has the potential to allow smaller libraries throughout North Dakota to serve their communities in much greater capacities.

I urge you to consider voting in favor of this proposed change and I thank you for your time and consideration.

Respectfully,

Kerrienne Boetcher  
Library Director  
Ward County Public Library  
[kerrienne.boetcher@co.ward.nd.us](mailto:kerrienne.boetcher@co.ward.nd.us)  
701-857-6471