

2011 SENATE EDUCATION

SB 2099

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee  
Missouri River Room, State Capitol

SB 2099  
January 10, 2011  
12665

Conference Committee

Committee Clerk Signature

*Teresa Jorgensen*

## Explanation or reason for introduction of bill/resolution:

Relating to the state library biennial report to the superintendent of public instruction and the governor.

## Minutes:

See "attached testimony."

**Chair Senator Freborg** called the hearing to order on SB 2099. There is no fiscal note attached.

**Cynthia Clairmont-Schmidt**, Assistant State Librarian at the North Dakota State Library, introduced the bill (Testimony #1). The intent is to clarify the law in subsection 7 of section 54-24-03 of the North Dakota Century Code. State auditor audit required the library to publish all the public library statistics in the biannual report. In the past have only included work done by the state library.

**Senator Flakoll**: Who gets the report (formal process?) and what is the procedure for approving it?

**Cynthia Clairmont-Schmidt**: report is done biannually; given to DPI and Governor. Included with the overall state biannual report.

**Senator Flakoll**: What kind of audit was the auditor doing?

**Cynthia Clairmont-Schmidt**: Normally they do just a financial audit; she believes the legislature directed them to do more of a performance and compliance audit.

**Senator Flakoll**: Are there any federal implications, or just felt it should be done at the state level?

**Cynthia Clairmont-Schmidt**: reason to gather statistics is for the federal government; has no impact on federal law. Published and put on their website.

**Senator Heckaman**: Is more funding required?

**Cynthia Clairmont-Schmidt:** No; in the past the public library statistics have not been included in the report, and the recommendation is that it is not. Information is available on the website and a few copies are published, but no funding is necessary.

**Senator Flakoll:** I move a DO PASS on SB 2099; seconded by **Senator Heckaman**.

**No further discussion; motion passed 7-0. Carried by Senator Marcellais.**

Date: 1/10/11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2099

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Flakoll Seconded By Senator Heckaman

Senators	Yes	No	Senators	Yes	No
Chairman Layton Freborg	X		Senator Joan Heckaman	X	
Vice Chair Donald Schaible	X		Senator Richard Marcellais	X	
Senator Tim Flakoll	X				
Senator Gary A. Lee	X				
Senator Larry Luick	X				

Total (Yes) 7 No 0

Absent none

Floor Assignment Sen. Marcellais

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2099: Education Committee (Sen. Freborg, Chairman) recommends DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2099 was placed on the  
Eleventh order on the calendar.

2011 HOUSE EDUCATION

SB 2099

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee  
Pioneer Room, State Capitol

SB 2099  
03/07/11  
15019

Conference Committee

Committee Clerk Signature



## MINUTES:

**Chairman RaeAnn Kelsch:** We will open the hearing on SB 2099.

**Hulen Bivins – State Librarian, North Dakota State Library:** (Testimony attachment 1).

**Chairman RaeAnn Kelsch:** Questions?

**Rep. Brenda Heller:** Is it really burdensome to include all of that in your biannual report and that is why the library doesn't want to do it?

**Hulen Bivins – State Librarian, North Dakota State Library:** It is tradition that it not be published because we collect all the data from all the public libraries in a separate report that goes to the Federal Government. That time table is approximately five months after the report is due in the state of North Dakota. We really don't have all the data at the time we make the State Library report. The second thing is that it puts a burden on your public libraries to put the data together. It is not as much a burden to the large libraries but as we know most of our libraries are not large. To my knowledge, and I've been in state library business for a long time, only two states and that is Rhode Island and Hawaii would be different in how they report the data. There are different in that they run a one library system in both of those states. In other words it acts as the headquarters of libraries for all the libraries.

**Rep. Phillip Mueller:** Has the State Library ever published reports from all the public libraries to your knowledge?

**Hulen Bivins – State Librarian, North Dakota State Library:** Yes we do just not in this matter. We publish this annually through a cooperative venture with the Institute of Museums and Library Services in Washington D.C. They publish all the data not only for us but for all states. It is available in a print publication and electronic. The only thing is that when that data is published it is not on the same time table as the report to the state. It gets really burdensome to report the data at this time in this report.

**Rep. David Rust:** Do you know how the information in the biennial report is used by the superintendent of public instruction and the governor?

**Hulen Bivins – State Librarian, North Dakota State Library:** It is my understanding that it is used to help to continue to evaluate on the part of the North Dakota Library Council, the award of grant funds that are given to the libraries. For an example if you look to the number of service population in an area that would be effected by the grant, that service population data is included in the reports that they bring. You look to the number of hours that they are open where if you give them a grant they can render a service through that grant. That information is in the report.

**Rep. Mark Sanford:** Is there a significant difference to what you send to the Federal Government five or six months later compared to what you send to the governor?

**Hulen Bivins – State Librarian, North Dakota State Library:** It is my understanding that, in the past, when the data went to the Federal Government that a duplicate copy was sent to the governor's office and DPI. It has always been electronically transmitted.

**Rep. Mark Sanford:** So are the two reports so different in scope that one wouldn't suffice?

**Hulen Bivins – State Librarian, North Dakota State Library:** It is my understanding that it would not suffice because the time for each report is set. Now we could report different years but that doesn't provide good information. This is not changing anything as far back as I can find. It doesn't change anything that has happened at the library since the 1980s. Basically we seek to only clarify the language so we can do like we have always done and provide all the information. It is not a matter of withholding or stopping the flow. It is maintaining the information on the same schedule so it is not a burden to the public libraries.

**Rep. Mark Sanford:** All I'm getting at is you would be able to eliminate one report.

**Hulen Bivins – State Librarian, North Dakota State Library:** I want to continue the reports and I don't have a choice on the Federal Government reports in order to receive our allotment of federal dollars. They give us about one million dollars so it is worth while. I would like to have the report myself. It is important for me and my staff to have that to be able to evaluate what is going on in the state. I don't want to wait an extra six months to get that data. It is good for planning purposes and where we need to concentrate our work in the forthcoming year. If there is a set of circumstances we can address we want to address that right away.

**Chairman RaeAnn Kelsch:** Any further questions? Thank you. We will close the hearing on SB 2099. What are the wishes of the committee?

**Rep. Phillip Mueller:** I move a do pass.

**Rep. Joe Heilman:** Second.

**Chairman RaeAnn Kelsch:** We will take the roll on a do pass on SB 2099. We will close on HB 2099.



**15 YEAS 0 NAYS 0 ABSENT**  
**CARRIER: Rep. Mark Sanford**

**DO PASS**

Date: 03-07-11  
 Roll Call Vote #: \_\_\_\_\_

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2099

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt  
 Amendment

Rerefer to Appropriations  Reconsider

Motion Made By REP. MUELLER Seconded By REP. HEILMAN

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X		Rep. Hanson	X	
Vice Chairman Meier	X		Rep. Hunsakor	X	
Rep. Heilman	X		Rep. Mock	X	
Rep. Heller	X		Rep. Mueller	X	
Rep. Johnson	X				
Rep. Karls	X				
Rep. Rohr	X				
Rep. Rust	X				
Rep. Sanford	X				
Rep. Schatz	X				
Rep. Wall	X				

Total (Yes) 15 No 0

Absent 0

Floor Assignment REP. SANFORD

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2099: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS**  
(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2099 was placed on the  
Fourteenth order on the calendar.

2011 TESTIMONY

SB 2099

**TESTIMONY ON SB2099**

**SENATE EDUCATION COMMITTEE**

**LAYTON FREBORG, CHAIR**

JANUARY 10, 2011

Mister Chairman and Members of the Committee:

My name is Cynthia Clairmont-Schmidt and I am the Assistant State Librarian at the North Dakota State Library.

In an audit of the State Library, the State Auditor's office interpreted the existing language in 54-24-03 subsection 7 as requiring the State Library to publish the public library statistics as collected in the State Library's Biennial Report. The State Library interpreted the language as publishing only the work done at the State Library in its biennial report.

The State Auditor recommended that the State Library clarify the language in subsection 7 to reflect the State Library's interpretation. We are therefore requesting that the recommended change be made in subsection 7 to clarify that only the work done at the State Library be published in its Biennial Report to the Superintendent of Public Instruction and the Governor. This would therefore not include the statistics gathered on work done by public libraries.

Thank you for your consideration of this request.

#1 SB2099

# TESTIMONY ATTACHMENT )

## TESTIMONY ON SB2099

### HOUSE EDUCATION COMMITTEE

**RaeAnn Kelsch, Chair**

March 7, 2011

Chairman Kelsch and Members of the Committee:

My name is Hulen Bivins and I am the State Librarian at the North Dakota State Library.

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Thank you for your consideration of this request.