

BEFORE THE MONTANA STATE LIBRARY
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 10.102.1158, 10.102.4002,)	AMENDMENT
10.102.9102, and 10.102.9105)	
pertaining to updating rules to comply)	NO PUBLIC HEARING
with legislation)	CONTEMPLATED

TO: All Concerned Persons

1. The Montana State Library proposes to amend the above-stated rules.

2. The Montana State Library will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Montana State Library no later than 5:00 p.m. on February 26, 2024, to advise us of the nature of the accommodation that you need. Please contact Genevieve Lighthiser, Montana State Library, 1201 11th Avenue, Helena, Montana 59620; telephone (406) 444-3384; fax (406) 444-0266; TTY/TDD: (406) 444-4799; or email glighthiser@mt.gov.

3. The rules proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

10.102.1158 LIBRARY BOARD, GOVERNANCE, AND WORKING WITH THE DIRECTOR (1) The A public library is defined at 22-1-301(3), MCA, established in per Title 7, MCA, Title 22, MCA, or through the legal process ~~practiced by~~ or an accredited tribal college library that provides service to the public. All libraries must comply with the standards set forth in ARM Title 10, chapter 102, subchapter 11.

(2) The public library board shall meets at least six times a year and ~~complies~~ shall comply with Montana's open meeting laws ~~when meeting~~.

(3) The public library board members shall learn about the services the library provides to users, the role of the board in providing administrative and financial oversight, and the role of the board in planning for new services for users.

(4) The public library board shall receives at least three hours of continuing education each year.

(5) The public library board shall understands the revenue sources that fund the library, the budgeting process, and shall adopts ~~a~~ an annual budget for the library.

(6) For a public library defined at 22-1-301(3), MCA, and created under Title 7 ~~or Title 22, MCA,~~ at least 70% of the revenue ~~is~~ shall be derived from local tax revenues. Grants, donations, and other revenue sources supplement but do not supplant local tax support. For an accredited tribal college library that serves ~~If a tribal college library serves~~ tribal members, the tribal council shall recognizes and supports the efforts of the library to obtain funding.

(7) Public library boards and directors ~~will~~ shall identify the requisite financial resources necessary to provide adequate library services pursuant to the library's mission and ~~will~~ shall regularly communicate with community and local government leaders about financial needs and ability to meet community needs.

(8) The public library board, in consultation with ~~and the~~ director, shall identify in writing what they want to accomplish in the next three to five years, and that plan ~~is~~ shall be focused on meeting community needs. The board and director shall annually review their plan and progress made.

(9) The public library board shall adopts emergency response plans that ensure the safety of the public and staff as the primary priority.

(10) The public library director or designee shall submits the Montana Public Library Annual Statistical Report to the Montana State Library. The public library board and director shall annually review public library statistics.

(11) The public library board shall adopts and regularly reviews policies that reflect the mission, objectives, and goals of the public library. The policies shall govern use of the public library, its materials, and services. No single policy may exist ~~goes~~ more than four years without review.

(12) The public library board and director shall review ~~be familiar with~~ the most current Public Library Standards Road Map maintained by the Montana State Library.

AUTH: 22-1-103, MCA

IMP: 22-1-103, MCA

REASON: These rule amendments are proposed to update language to reflect changes to 22-1-327, MCA, in the 2023 Legislative Session.

10.102.4002 DEFINITIONS For the purposes of this subchapter, the following definitions apply:

(1) through (5) remain the same.

(6) "Public library" is defined at 22-1-301(3), MCA, established in Title 7, MCA, means those libraries as defined in 22-1-303 through 22-1-317, MCA, 22-1-701 through 22-1-716, MCA, or an accredited tribal college library that provides services to the public. All libraries must comply with the standards set forth in ARM Title 10, chapter 102, subchapter 11 ARM 10.102.1158 through 10.102.1162.

(7) remains the same.

AUTH: 22-1-103, MCA

IMP: 22-1-103, MCA

REASON: These rule amendments are proposed to update language to reflect changes to 22-1-327, MCA, in the 2023 Legislative Session.

10.102.9102 DEFINITIONS In addition to the definitions found in 90-1-403, MCA, the following definitions apply:

(1) through (3) remain the same.

(4) "State agency" means any entity of the executive branch, legislative branch, or judicial branch, including, without limitation, the university, ~~system as defined in 2-15-102, MCA.~~

(5) and (6) remain the same.

AUTH: 90-1-413, MCA

IMP: 90-1-404, MCA

REASON: The proposed amendment updates language to reflect changes to 22-1-327, MCA, in the 2023 Legislative Session

10.102.9105 ESTABLISHING THE GRANT APPLICATION AND GRANTING PROCESS (1) remains the same.

(2) Grant applications received by the State Library that comply with applicable grant procedures will be considered for funding.

(3) and (4) remain the same.

AUTH: 90-1-413, MCA

IMP: 90-1-404, MCA

REASON: The revised rule will allow for a biennial grant application period rather than requiring grants to be awarded annually. This change is more efficient for staff and applicants. By reducing the work required to administer a grant application process, the proposed change eliminates the work required to administer grant extensions to grantees who typically require two years to complete grants.

4. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Genevieve Lighthiser, Montana State Library, 1201 11th Avenue, Helena, Montana 59620; telephone (406) 444-3384; fax (406) 444-0266; TTY/TDD: (406) 444-4799; or email glighthiser@mt.gov, and must be received no later than 5:00 p.m., March 8, 2024.

5. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Genevieve Lighthiser at the above address no later than 5:00 p.m., March 8, 2024.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25 members, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 53 persons based on the staff and board members of affected libraries.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be made to the contact person in paragraph 4 or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by email by Jennie Stapp, State Librarian, on October 4, 2023.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Jennie Stapp
Jennie Stapp
Rule Reviewer

/s/ Robyn Scribner
Robyn Scribner
Commission Chair
Montana State Library

Certified to the Secretary of State January 30, 2024.