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Memo

To: Montana State Library Commission

From: Jennie Stapp, State Librarian

Date: October 25, 2012

Re: Attorney General Opinion 54, No. 7 **Draft resolution**

As requested by the Commission at your October 10 meeting, the following draft resolution is presented for discussion at the November 7 Commission meeting. Action will be requested at the December 12 meeting.

A RESOLUTION OF THE MONTANA STATE LIBRARY COMMISSION REGARDING CONTROL BY PUBLIC LIBRARY BOARDS OVER THEIR BUDGET AND FUNDING REQUIREMENTS

WHEREAS, historically in Montana the budget requirements and funding of public libraries has been exempt from the control and interference of local governing bodies; and

WHEREAS, the purpose of such exemptions is to preserve their independence, and to insulate library funding from potential political considerations that may color funding decisions of local governing bodies; and

WHEREAS, the intent of the 2001 Montana Legislature when it passed House Bill 124, known as the "Big Bill," was to preserve the then-existing exemption of public library budgets from approval and possible revision by a local governing body; and

WHEREAS, despite the legislative intent reflected in House Bill 124, the 2001 Montana Legislature passed Senate Bill 138, which repealed the exemption for public library budgets referred to above, and in effect made budgets submitted by library boards of trustees subject to approval and possible revision by the governing body.

NOW, THEREFORE, BE IT RESOLVED BY THE MONTANA STATE LIBRARY
COMMISSION:

Montana law should be restored to its original form and intent to ensure that a public library board of trustees has ultimate authority to determine the library's funding and budgeting needs.