

MEMO

To: Montana State Library Commission
From: Jennie Stapp, State Librarian
Subject: Montana State Library Commission Administrative Rules Overview
Date: May 15, 2025

The Montana Legislature passes bills that create or amend laws. The Governor reviews and signs or vetoes these bills. These laws are codified in Montana Code. When these laws give state agencies certain responsibilities or direct agencies to carry out certain functions, agencies adopt rules that describe how the agencies will implement the laws. The following information is provided to inform the Commission of the laws, rules, and responsibilities of the Commission pertaining to the adoption, revision, or repeal of administrative rules of Montana (ARM).

The Montana Secretary of State's [Administrative Rules Services](#) publishes the administrative rules promulgated by state agencies. Administrative rules are developed under a process outlined in the [Montana Administrative Procedure Act](#). The Montana Administrative Procedures Act is found in Title 2, Chapter 4 of Montana Code.

This act includes the following definition:

(11) (a) "Rule" means each agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of an agency. The term includes the amendment or repeal of a prior rule.

The process outlined in the act requires state agencies to provide notice to the public when they wish to adopt, amend or repeal administrative rules. The notices are compiled in the [Montana Administrative Register \(MAR\)](#). Once adopted, administrative rules are published in the [Administrative Rules of Montana \(ARM\)](#). The chart below illustrates this process.

When making changes to rules, the Commission typically seats a task force or tasks the Montana Geospatial Information Advisory Council to advise them on what rules changes are needed and to build consensus with stakeholders.

The public comment process also allows for additional public input into the rule making. Rules notices include information about how people can submit written public comment. The State Library Commission holds public hearings when the rulemaking is known to

have significant impact to stakeholders. If a public hearing is not initially planned but the State Library Commission receives requests for a public hearing on the proposed action from either 10 percent or 25 of the persons impacted by the action, whichever is less, the Commission must hold a public hearing.

When the Commission takes action to adopt final rule changes, the Commission must determine whether they are going to incorporate public comments into the final rules or not. The Commission notes that they either agree with a comment or, if they do not agree, they state why. These decisions become part of the public record.

Adoption of an Administrative Rule

Original Source: <https://sosmt.gov/>

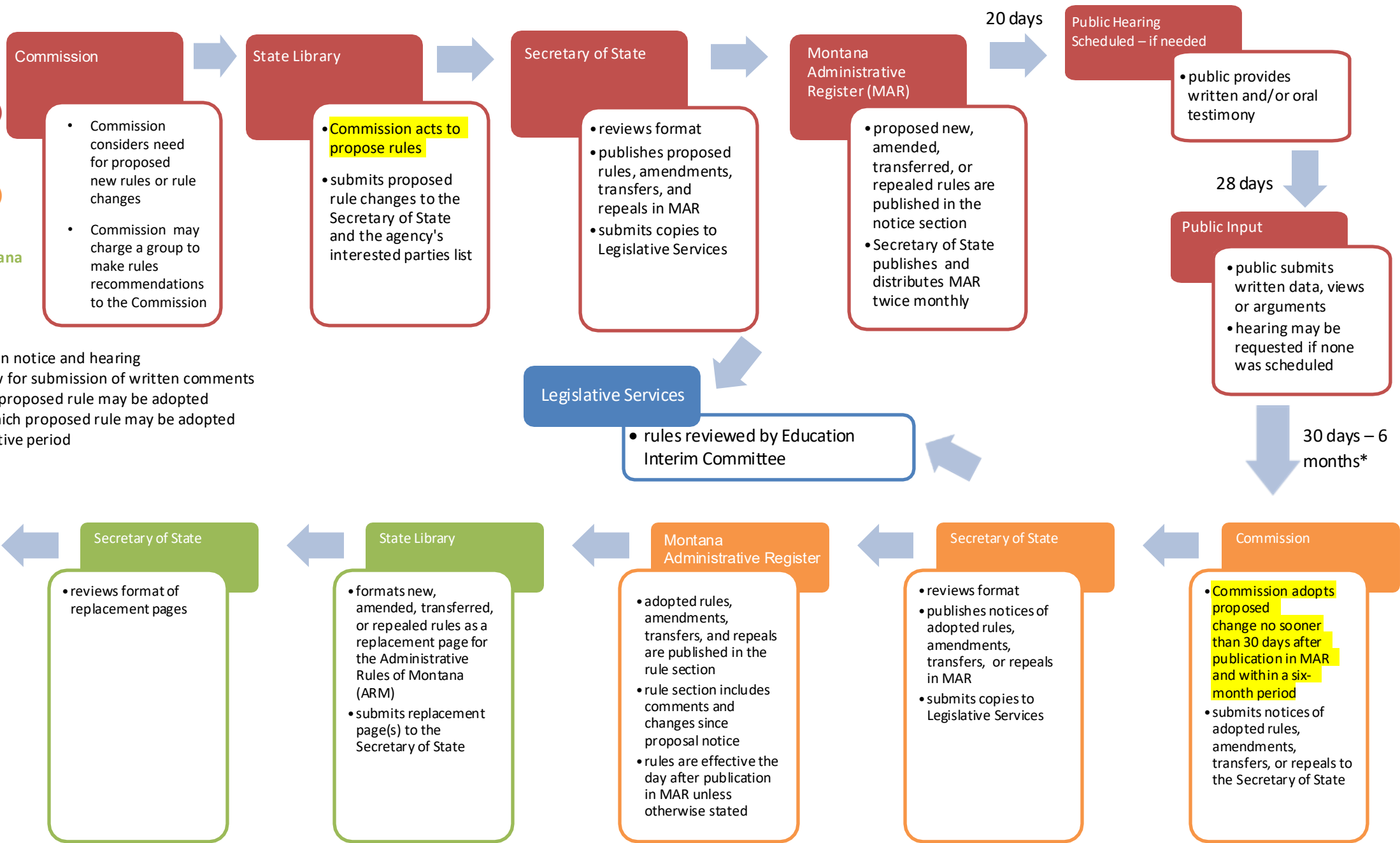
Three-Stage Process:

1. **Proposals –**
Notice Section of Montana
Administrative Register (MAR)

2. **Adoptions –**
Rule Section of Montana
Administrative Register (MAR)

3. **Replacement Pages –**
Administrative Rules of Montana
(ARM)

Timetable:
20 days – minimum time between notice and hearing
28 days – minimum time to allow for submission of written comments
30 days – minimum time before proposed rule may be adopted
6 months – maximum time in which proposed rule may be adopted
120 days – emergency rule effective period



*an agency may adopt an emergency rule upon fewer than 30 days' notice, effective for a period not longer than 120 days

Montana State Library Administrative Rules

The following is a list of administrative rules adopted by the State Library Commission, in accordance with the [Administrative Procedure Act](#), and acting on the authority granted to the Commission through the statutes referenced in the following table.

<u>Most Recent Revision</u>	<u>Public Library Development</u>	<u>Authorizing Statute: 22-1-103, MCA</u>
6/23/2006	<u>Annual Statistical Report</u>	<ol style="list-style-type: none"> 1. Will include items Commission deems necessary 2. Shall not impose new requirements withing 60 days prior to beginning of period when information is collected.
3/23/2024	<u>Library Board, Governance, and Working with the Director</u>	<ol style="list-style-type: none"> 1. Board must meet at least 6 times per year 2. Board shall receive at least 3 hours of CE each year 3. Board shall adopt budget each year 4. At least 70% of annual revenue will be from local tax revenues 5. Board shall identify and communicate requisite financial needs 6. Board shall develop 3-5 year plan and review annually 7. Board shall adopt emergency response plans 8. Director shall submit Montana Public Library Annual Statistical Report to MSL 9. will receive regular 10. Board and director shall be familiar with current Public Library Standards Road Map maintained by MSL
7/1/2022	<u>Serving the Community</u>	<ol style="list-style-type: none"> 1. Minimum hours of operation by population 2. Access to library and content 3. Digitally available materials
12/23/2023	<u>Personnel</u>	<ol style="list-style-type: none"> 1. Benefits offered to staff 2. Paid staffing requirements 3. Director certification requirements

<u>Most Recent Revision</u>	<u>Public Library Development</u>	<u>Authorizing Statute: 22-1-103, MCA</u>
7/1/2022	<u>Standard Notification, Final Arbiter, and Appeal Process</u>	<ol style="list-style-type: none"> 1. MSL <u>will notify libraries of proposed</u> changes to standards at least 6 months before implementation 2. Libraries have right to appeal 3. Independent review committee will hear appeal
7/1/2022	<u>Deferrals</u>	<ol style="list-style-type: none"> 1. Libraries may request a waiver by July 25 each year 2. MSL staff will work with director to decide on new timeline for compliance 3. Extensions of up to 1 year at a time may be granted

<u>Most Recent Revision</u>	<u>Public Library Grants</u>	<u>Authorizing Statute: 22-1-405(3)</u>
5/24/1996	<u>Arbitration of Disputes within Federations</u>	How to handle disagreements regarding apportionment or utilization of funds within Federations

<u>Most Recent Revision</u>	<u>Interlibrary Resource Sharing</u>	<u>Authorizing Statute: 22-1-330, MCA</u>
4/30/2010	<u>Resource Sharing</u>	Allocation of funds for resource sharing
7/6/2024	<u>Direct State Aid to Public Libraries for Per Capita and for Per Square Mile Served</u>	How state aid is distributed

<u>Most Recent Revision</u>	<u>Federation Areas</u>	<u>Authorizing Statutes: 22-1-103(9), 22-1-402, 22-1-413, MCA</u>
4/30/2010	<u>Allocation of Funding Between Federations and Grant Programs</u>	<ol style="list-style-type: none"> 1. How funds are distributed among Federations 2. Federation's annual plan of service for federation activities must be 3. Federation funds must be used for purpose set forth in federation's plan of service
4/30/2010	<u>Joining Library Federations</u>	Rules for joining federations
4/30/2010	<u>Base Grants</u>	<ol style="list-style-type: none"> 1. Base grant to federations shall remain same as FY1998 unless legislative appropriation changes 2. Two options for federations to disburse base grants

<u>Most Recent Revision</u>	<u>Real Time Network</u>	<u>Authorizing Statute: 22-1-230, MCA</u>
12/23/2023	<u>Determination of Operating Funds and Rate Setting Process</u>	<ol style="list-style-type: none"> 1. Each even numbered year necessary operating funds will be determined 2. Subscription rate procedures

<u>Most Recent Revision</u>	<u>Depository Procedures for State Documents</u>	<u>Authorizing Statute: 22-1-212, MCA</u>
12/22/2018	<u>Rules for the Montana State Library</u>	<ol style="list-style-type: none"> 1. MSL will follow plan adopted by Commission 2. MSL will review State Publications plan biannually
12/22/2018	<u>Rules for Depository Libraries</u>	<ol style="list-style-type: none"> 1. Depository libraries shall provide no charge access to state government 2. Information sharing standards
12/22/2018	<u>Rules for State Agencies</u>	<ol style="list-style-type: none"> 1. State publications should remain posted for a minimum of 90 days 2. State agencies shall notify MSL of new domain names outside of mt.gov

<u>Most Recent Revision</u>	<u>Montana Geospatial Information Act</u>	<u>Authorizing Statute: 90-1-413, MCA</u>
12/23/2023	<u>Geospatial Information Act</u>	Development and review schedule of geospatial information plan
3/23/2024	<u>Establishing the Grant Application and Granting Process</u>	<ol style="list-style-type: none"> 1. Grant criteria will be based on geospatial information plan 2. Applications will be reviewed by May 1 of each even-numbered year and will be awarded by May 15 of each even numbered year
12/27/2013	<u>Off-Cycle Grants</u>	Commission, with advice from the Council, may approve requests for funding that fall outside of regular grant cycle