

Cooper, Bob

From: Strege, Karen [kstrege@state.mt.us]
Sent: Tuesday, January 22, 2002 9:01 AM
To: Wired (E-mail)
Subject: FW: McGrath: Library boards' budget authority unchanged

Good morning,

The Attorney General has released an opinion on the budget authority of library boards. The full opinion can be found at <http://www.doj.state.mt.us/ago/opinions/02/49-016.htm>.

In brief, the Attorney General found that the provisions of the "Big Bill" did not change the authority of the library board.

Karen

Karen Strege
Montana State Librarian
406-444-3115
kstrege@state.mt.us

-----Original Message-----

From: NewsLinks [mailto:NewsLinks@metnet.state.mt.us]
Sent: Friday, January 18, 2002 5:17 PM
To: kstrege@state.mt.us
Subject: McGrath: Library boards' budget authority unchanged

Contributed by lsolomon@state.mt.us:

NEWS RELEASE
ATTORNEY GENERAL MIKE MCGRATH
STATE OF MONTANA

FOR RELEASE: January 18, 2002
CONTACT: Judy Beck or Lynn Solomon, 444-0582

MCGRATH: LIBRARY BOARDS' BUDGET AUTHORITY UNCHANGED

HELENA - In an opinion released Friday, Montana Attorney General Mike McGrath held that county commissions must fund library budgets as

submitted
by library boards as long as those budgets meet statutory limits.

Broadwater County Attorney John Flynn requested the opinion,
specifically
asking if the library board could require the county commission to
levy five
mills. The questions arose in light of changes the 2001 Montana
Legislature
made to state tax laws. Generally, those changes eliminated specific
numeric
limitations to mill levies for specific government purposes,
including
library operations. Instead, counties could levy enough mills to
match the
revenue raised by the previous year's property tax levies.

McGrath's opinion noted that the removal of the five-mill limit "does
not
alter the library board's budget authority." The library board still
has the
authority to set the library budget and commissioners are still
obligated to
fund it, up to the amount of money raised by property taxes to
support the
library in the prior year, adjusted for inflation.

The opinion also addressed the "interlocal" agreement between
Broadwater
County and the Townsend School District. Under that agreement, the
school
district houses the library and provides funds for the "general
operation of
the library." In turn, the County provides the approved level of
funding for
the general operation of the library and for materials to meet the
"non-school" needs of the county population.

McGrath held that nothing in the 2001 tax changes prevents the County
from
entering into the interlocal agreement, as long as it accepts the
library
board's budget proposal and levies the mills necessary to fund it.

--more--

The opinion marks the third one McGrath has issued in relation to the
so-called "Big Bill" and its effects on local government financing.
In July

of last year, McGrath issued an opinion allowing local governments to increase levies in order to make up for money lost in the switch to a "flat fee" system. In August 2001, the attorney general clarified questions related to levying mills for airport purposes.

An attorney general's opinion carries the weight of law unless the Supreme Court overturns it or the Legislature modifies the laws involved.

#

A service of the Montana Education Telecommunications Network -
METNET

A division of the Montana Office of Public Instruction

Free E-Mail for certified Montana teachers
<http://www.metnet.state.mt.us/UserReg.html>