

HB 130

Sponsored by Representative Bob Lawson

The State Library Commission is asking the legislature to clarify the law concerning library federations so that it reflects current practice and is easy to understand for all federation members. Major changes in the bill include the following.

Section 3

Removes confusing language about systems and networks. The intent of the original language may have been to allow libraries to agree to provide joint services. This ability is stated elsewhere in the law.

Eliminates the provision for an election should a federation participant wish to withdraw from the federation. The authorization of an election to withdraw is unnecessary as the contract specifies the procedure for termination.

Provides that the federation can contract with other federations, libraries, or the state library to provide services.

Section 4

Eliminates extraneous language regarding joining federations.

Removes language that provides for a federation tax. No such tax is authorized in any other section of law and no local entity taxes for federation support.

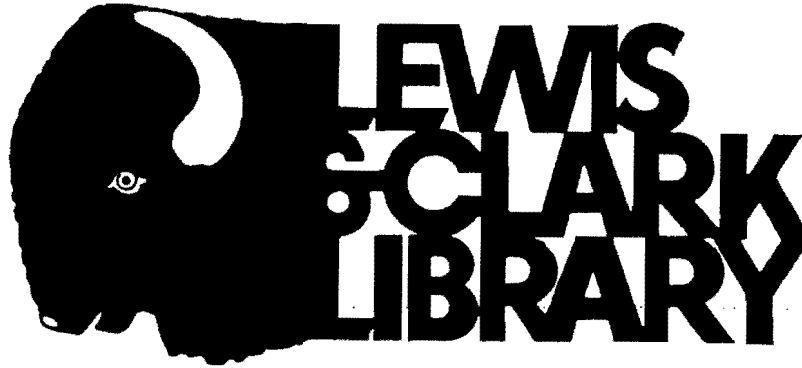
Eliminates a provision that allows the university system to provide joint library service with a public library. If the regents and local governments want to pursue joint library services other laws allow them to do so.

Section 5

Clarifies that the library director or their designee can serve as federation coordinator.

Section 6

Clarifies that federation coordinators must submit an annual plan and one annual report to the Commission.



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January 2, 2001

Representative Matt Noennig
State Capitol
Helena, MT 59602

Dear Representative Noennig:

I am the spokesperson for the Coordinators of Montana's library federations and on their behalf I ask your favorable consideration of HB 130. This bill is sponsored by Representative Bob Lawson and will be considered by the Local Government Committee.

This bill would amend statutes that govern the administration of Montana's six library federations, which are voluntarily associations open to all Montana's libraries. The changes proposed within would clarify and simplify current law thereby helping federation coordinators, their advisory boards, and members of federations understand and meet the requirements of the law. The changes delete extraneous provisions, reflect current practices, and create statutes that are easy to administer.

The bill's provisions have been explained to the members of the federations at their annual fall meetings. I believe that the changes within HB 1380 are desired and supported by all members of the six federations.

Thank you for your consideration.

Sincerely,

Deborah L. Schlesinger, Spokeperson,
Federation Coordinators

Cc: Representative Bob Lawson
Karen Strege, Montana State Librarian

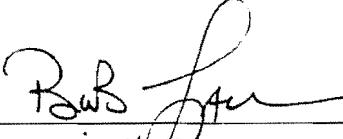
FISCAL NOTE

Bill #: HB0130

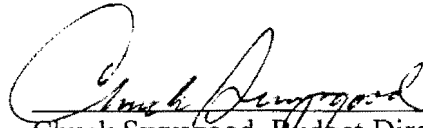
Title: Revising library laws

Primary Sponsor: Bob Lawson

Status: As Introduced



 Sponsor signature 1-8-01 Date



 Chuck Swysgood, Budget Director 1/3/01 Date

Fiscal Summary

	<u>FY2002</u> <u>Difference</u>	<u>FY2003</u> <u>Difference</u>
Expenditures:	0	0
Revenue:	0	0
Net Impact on General Fund Balance:	\$0	\$0

<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>	
	<input checked="" type="checkbox"/>	Significant Local Gov. Impact		<input checked="" type="checkbox"/>	Technical Concerns
	<input checked="" type="checkbox"/>	Included in the Executive Budget		<input checked="" type="checkbox"/>	Significant Long-Term Impacts
	<input checked="" type="checkbox"/>	Dedicated Revenue Form Attached		<input checked="" type="checkbox"/>	Family Impact Form Attached

Fiscal Analysis

FISCAL IMPACT:
 No fiscal Impact.

HB 130

Unofficial vote tally as initially recorded. For official copy, see the journal.

Bill: HB 130 Date: Time: 1:36:47 PM
Vote Sequence Number: 017
Motion: 3RD READING D/PASS

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forr Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himme Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lai Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 98

Noes: None.
Total 0

Voted Absentee: Tramelli, Aye.

Excused: Bitney, Fuchs.
Total 2

Absent or not voting: None.
Total 0

Montana
Legislative
Branch

Montana Legislature

Detailed Committee Information



| [Top](#) | [Scheduled Hearings](#) | [Committee Members](#) |

Committee Name: (S) Local Government

Normal Room: 335

Normal Days: TTH

Normal Time: 3 P.M.

Scheduled Hearings

Date	Time	Room	Bill Type - Number	Short Title	Primary Sponsor	Comments
01-MAR-01	3 P.M.	335	HB130	Revising library laws	Bob Lawson	
01-MAR-01	3 P.M.	335	HB179	Voter mill levy advisory language	Tom Dell	
01-MAR-01	3 P.M.	335	HB83	Repeal laws on naturalization duties of clerk of court	Gary Matthews	
01-MAR-01	3 P.M.	335	HB221	Revise statutory requirements for lease of museum of northern great plains	John Witt	

Member	Assignment
Dale Mahlum	Chair <i>yes</i>
John C Bohlinger	Vice Chair <i>yes - motion do passed</i>
Bill Glaser	Member <i>yes</i>
Duane Grimes	Member <i>yes</i>
Don Hargrove	Member <i>yes</i>
John Cobb	Member <i>not there</i>
Ken Miller	Member <i>yes</i>
Chris Christiaens	Member <i>yes</i>
Jim Elliott	Member <i>not there</i>
Ken Toole	Member <i>yes</i>
Emily Stonington	Member <i>yes</i>
Leanne Kurtz	Legislative Branch Staffer
Mary Gay Wells	Secretary

13-FEB-01	3 P.M.	335		exemption for family transfer	Stonington	
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HOUSE BILL NO. 130

INTRODUCED BY B. LAWSON

BY REQUEST OF THE STATE LIBRARY COMMISSION

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3
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO LIBRARIES; ~~CREATING~~
6 ~~A NEW CATEGORY OF STATE AID FOR PUBLIC LIBRARIES;~~ ALLOWING LIBRARIES RATHER THAN
7 LOCAL GOVERNMENTS TO FORM FEDERATIONS; ELIMINATING REFERENCES TO LIBRARY NETWORKS;
8 ELIMINATING THE OPTION OF AN ELECTION FOR AN ENTITY TO WITHDRAW FROM A LIBRARY
9 FEDERATION; ALLOWING A LIBRARY FEDERATION TO CONTRACT WITH OTHER FEDERATIONS,
10 LIBRARIES, OR THE STATE LIBRARY; CLARIFYING PARTICIPATION IN A LIBRARY FEDERATION;
11 ALLOWING A LIBRARY DIRECTOR'S DESIGNEE TO SERVE AS COORDINATOR OF A LIBRARY
12 FEDERATION AND AS A NONVOTING MEMBER OF A FEDERATION ADVISORY BOARD OF TRUSTEES;
13 REQUIRING A LIBRARY FEDERATION TO MAKE ANNUAL REPORTS TO THE STATE LIBRARY
14 COMMISSION ON PROGRESS OF STATE-FUNDED PROJECTS; AND AMENDING SECTIONS ~~22-1-330;~~
15 ~~22-1-327;~~ 22-1-402, 22-1-403, 22-1-404, AND 22-1-413, MCA."

16

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18

19 ~~Section 1. Section 22-1-330, MCA, is amended to read:~~

20 ~~"22-1-330. Commission rulemaking authority. The commission may adopt rules and procedures~~
21 ~~for:~~

22 ~~(1) the distribution of state aid to public libraries on a~~

23 ~~(a) per capita and per square mile basis; and~~

24 ~~(b) mill value basis as provided in 22-1-327(2);~~

25 ~~(2) issuance of state multilibrary cards;~~

26 ~~(3) reimbursement for interlibrary loan lending;~~

27 ~~(4) distribution of base grants provided for in 22-1-331; and~~

28 ~~(5) the composition of the library federation board of trustees, as provided in 22-1-404."~~

29

30 ~~Section 2. Section 22-1-327, MCA, is amended to read:~~



1 ~~"22-1-327. State aid -- per capita -- per square mile -- mill value. (1) The commission shall~~
 2 ~~distribute grants to public libraries on a per capita and per square mile basis.~~
 3 ~~(2) The commission shall distribute additional grants to public libraries that:~~
 4 ~~(a) assess the maximum mill rate allowed by law;~~
 5 ~~(b) serve counties in which the value of 1 mill is below the state average; and~~
 6 ~~(c) meet standards established by the commission."~~

7

8 **Section 1.** Section 22-1-402, MCA, is amended to read:

9 **"22-1-402. Library systems federations -- definition.** (1) ~~Library systems must include library~~
 10 ~~federations or library networks.~~

11 ~~(2)(a)~~ (a) A library federation is a combination of libraries serving a multicounty, multicity, or
 12 city-county area within a federation area designated by the state library commission. Any other public,
 13 school, special, college, or university library or town, city, or county within the federation area may
 14 participate in a federation.

15 ~~(b)(2)~~ ~~Two or more cities, towns, or counties; a city and one or more counties; or school, special,~~
 16 ~~college, or university libraries~~ The governing body of a public library may agree by contract to form a
 17 ~~federation by action of their respective governing bodies or duly created boards of library trustees with~~
 18 the governing board of another public, school, special, college, or university library if one of the parties
 19 is or maintains a library that has been designated by the state library commission as a headquarters library
 20 for that federation area. The participating entities may retain the autonomy over their respective libraries
 21 specified in the contract.

22 ~~(e)(3)~~ (3) The expense of providing library services for the library federation must be based on funds
 23 received from the state or participating libraries as agreed upon in the contract. The funds of the federation
 24 must be maintained as a separate account as provided in the contract. Participating libraries shall transfer
 25 semiannually to the account all money collected for the federation in their respective jurisdiction.

26 ~~(d)(4)~~ (4) A participating entity may withdraw from a federation according to the terms for withdrawal
 27 provided in the contract by the action of its governing body ~~or by a majority of its qualified voters voting~~
 28 ~~at a general or special election. A special election must be held in conjunction with a regular or primary~~
 29 ~~election.~~

30 ~~(3) A library network is an agreement between individual libraries or library systems, which may~~

1 ~~be intercity, intrastate, or interstate, for the exchange of information or to provide specific library services~~
 2 ~~not provided in existing library federations.~~

3 (5) A federation may contract with other federations, libraries, or the state library to provide
 4 federation services."

5

6 **Section 2.** Section 22-1-403, MCA, is amended to read:

7 **"22-1-403. Participation in the federation.** ~~(1)~~ When a library federation shall have been is
 8 established, the legislative governing body of any ~~government-unit~~ library in the designated library
 9 federation area may decide, ~~with the concurrence of the board of trustees of its library if it is maintaining~~
 10 ~~a library,~~ to participate in the library federation. ~~Each local entity may determine the amount of services~~
 11 ~~it wishes to supply to fulfill the needs of its unit. After the necessary contract has been executed and~~
 12 ~~beginning with the next fiscal year, the governmental unit shall participate in the library federation and its~~
 13 ~~residents shall be entitled to the benefits of the library federation and property within its boundaries shall~~
 14 ~~be subject to taxation for library federation purposes.~~

15 ~~(2) The board of regents of higher education may contract with the government of any city or~~
 16 ~~county, or the governments of both the city and the county, in which a unit of the Montana university~~
 17 ~~system is located for the establishment and operation of joint library services. Any such contract which~~
 18 ~~proposes the erection of a building shall be subject to the approval of the legislature. Any joint library~~
 19 ~~services established pursuant to this section shall be operated and supported as provided in such contract~~
 20 ~~and under this part."~~

21

22 **Section 3.** Section 22-1-404, MCA, is amended to read:

23 **"22-1-404. Board of trustees -- coordinator.** (1) In a library federation, there must be a board of
 24 trustees with advisory powers only, the operation of the library federation having been specified by
 25 contract. The state library commission, provided for in 22-1-101, shall adopt rules governing the
 26 composition of the federation board of trustees. A majority of the members of each federation board of
 27 trustees must be trustees of a public library, as defined in 22-1-326.

28 (2) The ~~librarian~~ library director or a designee of the headquarters library shall serve as the
 29 coordinator of the federation and as a nonvoting member of the federation advisory board of trustees."

30

1 **Section 4.** Section 22-1-413, MCA, is amended to read:

2 **"22-1-413. Administration by Montana state library commission.** The Montana state library
3 commission must receive and shall administer the appropriation for state funding to public library
4 federations. The commission shall allocate the appropriation among grant programs and shall allocate funds
5 among federations according to formulas for distribution as the commission establishes in rules adopted
6 pursuant to 22-1-103. Federations receiving state funds from the commission shall submit annual plans
7 for the expenditure of state funds and report ~~semiannually~~ annually to the commission concerning the
8 progress of the various projects for which state funding was received. The reports must contain an
9 accounting for all state funds received."

10 - END -