

**Federation Base Grants and Advisory Boards**  
**Comments Received (3, total)**

New Rule I

(2) "Delegates shall establish in the federation bylaws..." Should the words "advisory board" be inserted between federation and bylaws? It is unclear, and makes it sound like there are two sets of bylaws, one for the board, and maybe one for the Federation itself. I have not found any bylaws for the Federation itself, so I do not think the Federation per se has bylaws.

**Agency agrees. Insert federation advisory board bylaws.**

Under (2)(a) "the board shall have representatives from each of the other types of libraries..." Should that be spelled out as one per type of above specified libraries? It sounds like they could have any number of representatives for each type.

**Agency agrees. Modify sentence to read "the board shall have at least one representative from each of type of library that participates in the federation"**

My concern is the inconsistent treatment of school and University libraries with respect to federation membership and inter-library loan reimbursement. For the purpose of ILL reimbursement, schools and University libraries are treated as single entities. That is, all schools within a district count as a single district, as do all libraries within a university. For the purpose of federation membership, schools and university libraries are treated as discrete entities, each school library as a single entity, as well as each university library. For my Federation, this makes for a very large number of potential members. The added expense and workload to the Federation of communicating with these potential members, finding places to meet, designing programs, and keeping track of everyone has not been addressed. My Federation now has a potential membership of over 112 separate entities, nearly six times the original membership of 20 public libraries.

**Agency response: Montana law states that "schools," which means *individual schools* and not *school districts* may join federations. MSL believes that the intent of the change in the federation membership is designed to increase the membership of all types of libraries in federation activities. If a large increase in federation members is achieved and becomes an administrative problem, MSL believes that other action, such as increasing administrative support or funding is preferable, than restricting membership to a limited number.**

(2) "Each member of the federation shall designate one person to serve as a voting delegate to the Federation." By law the monies, coal tax and state aid, are to remain with public library members of the federation. However, we now are required to have representation from each of the other types of libraries (university, school, special, and college) as voting members who will have a say on how this public library money is spent. I feel that this is a potentially conflict ridden situation. While the majority of the board will be public library trustees, it is entirely possible that a quorum of members voting on federation plans of service and use of federation monies could represent a majority other than public library trustees. I think responsibility without accountability is a very bad idea.

**Agency response: According to agency council, the law states that each library in the state is eligible to join federations. Because each library is eligible to join, each should have an equal opportunity to vote and influence federation decisions. The**

**advisory board, which is by law required to have a majority of public library representatives, has the authority to move the plan of service on to the Commission who makes the final decision on the plan. Each of these boards will act in the best interests of the federations and in compliance with the law.**

#### Justification

The proposal stated "These rules are proposed to clarify new legislation that was passed in the 1999 session regarding federation base grants and advisory boards." This statement is rather vague and merely describes what the rules are intended to do rather than provide a statement as to why they are necessary. In your adoption notice, you might "flesh" this statement out by identifying the particular bill passed in 1999 and explain why rules are necessary.

As a side note, section 2-4-305 states in part that "a statute mandating that an agency adopt rules establishes the necessity for rules, but does not, standing alone, constitute reasonable necessity for the rule." I'm not sure which bill was passed in 1999 or whether it mandated adoption of rules. If so, identify that bill and explain why rules are needed in this area. If the bill simply "allowed" you to adopt rules, why is it necessary that rules be adopted at this particular point? If confusion or a problem would exist without rules being in place, explain that.

**Agency response: The legislature passed HB 125 in 1999 which gave the Montana state library commission the authority to adopt rules regarding base grants and advisory boards. The Commission finds that such rules are necessary to give federations the necessary guidance in their transition to become organizations with members from different types of libraries. This guidance is especially needed in the area of creating advisory boards for the federation. Furthermore, the commission finds that rules are necessary to give federations a process by which to award state funds for federation or individual library projects that advance federation goals.**