

MEMO

To: State Library Commission
From: Karen Strege
Re: Legislative Update
Date: November 24, 2000

Budget items

The Governor's office released his budget proposal for the next biennium. Currently, the legislative fiscal division is reviewing and commenting on this budget, which may be available at the Commission meeting. If so, we will provide you with a copy of the agency's proposal in the budget book.

The Governor's proposed budget has not changed since I last updated you. In brief, the Governor approved the continuation of the periodical full-text project and \$400,000 for a new program of state aid. For NRIS, the Governor's budget includes the addition of two new source funding agencies, a different distribution in current funding agency appropriations, and an increase in the general fund.

Bills

The two bills sponsored by the Commission are almost through the bill drafting process. Representative Bob Lawson from Whitefish will sponsor **LC0247**, which would revise library federation law and give the Commission authority to administer a new program of state aid. I am currently seeking a sponsor for **LC0246**, which would give communities the ability to establish library districts.

Two bills reintroduced by Senator Jack Wells from Bozeman may have impacts on public and other types of libraries. **LC0265** is entitled "Restrictions on access to inappropriate material in libraries." **LC0387** is entitled "Allow a parent access to child's library information." The texts of these draft bills are not available for review at this time but may be ready by the Commission meeting.

LC0265's title is sufficiently ambiguous that I cannot speculate on its content. However, if the bill mandates that libraries place filters on computers with Internet access, I would like the Commission's approval to oppose the bill. I think that the title of **LC0387** makes the bill's intent clear -- to allow parents to review what library materials or services their child has used.

If you remember, the Library Law Revision Task Force has studied this issue twice. The first study found that Montana's confidentiality law was consistent with other state's statutes. To remind you, Montana law provides protection for all library users, regardless of age. The statutes also provide that the privacy protection is lifted if materials are overdue. Therefore, libraries can notify parents if their child has overdue materials. The Task Force reexamined the issue after MSL received a letter from a citizen in Bozeman who wanted the Task Force to suggest such a change to allow parental access to the Commission. After study, the group decided that they were satisfied with the current law and declined to advance the issue to the Commission.

The argument against allowing parents to have access to their child's records is to insure children privacy in their choice of materials. If a library were to release records of a minor who is exploring topics that conflict with the parent's values or beliefs, the library would be interfering with the child and parent relationship. Furthermore, the Montana Constitution gives all citizens the right to privacy and does not exclude minors from this protection. For these reasons, I ask that the Commission direct MSL to also oppose this bill.

An interim legislative committee has made proposals that would fundamentally change the structure and funding of local government and therefore, libraries. This committee has worked very hard during the past 18 months to solve problems in many areas, including district court funding, local option taxes, and so forth. MSL has placed pertinent documents from the committee about these proposals on our web site (<http://www.msl.state.mt.us>). The impacts of the proposal on libraries are profound and are as follows:

Library Board Authority

LC5001 is one of the committee's draft bills. Sections of this bill amend 7-6-2348, 7-6-4259, and 7-6-2502, MCA. These amendments would make the budget and the mills levied for the library subject to the approval by the local (county or city) government.

This change would eliminate the library board's current authority. Library boards now have control of the expenditures of the library fund, prepare an annual budget for submission, including the number of mills needed to be levied, to the appropriate agency of the governing body.

LC5001 would give these powers to county or city commissioners.

Library levy

The proposals would eliminate all separate levies for public services, including the 5 or 7 mill levy limit in library law. Instead, counties or a city would access a multi-purpose levy on property and collect the taxes. The commissioners would then fund each service from this "general fund."

Ancillary taxes

The proposals would change how ancillary taxes and fees (such as motor vehicles fees) are distributed to counties, cities, and special funds (such as public libraries). Currently, commissioners allocate these taxes back to each service or district according to a formula. The proposals would eliminate the formula and the state would pay each county a lump sum out of an entitlement fund. As currently proposed, the county commissioners would control the disbursements of the share of the entitlement fund.

Hearing

On November 15, the committee held a hearing regarding these proposals. Dorothy Laird, Flathead County library director, Bette Ammon, Director of the Missoula Library, and Ron Farmer, a member of the Bozeman Public Library board of trustees, were able to attend the hearings. Time ran out before Ron could speak, but Dorothy and Bette asked the committee to leave the authority of library boards "as is."

I also made a presentation to the committee. Although the committee gave our concerns respectful and thoughtful consideration, I do not think that they will change the draft bills without hearing from the majority of the library community. The committee may agree to give the library boards the authority over the expenditures of the library fund, but I think if the library board loses control over how many dollars are allocated to the fund, their current power is seriously eroded.

After the hearing, I alerted all public library directors of these proposals. Some have sent written comments to the committee.

I would like the Commission's approval to continue to work with the committee to modify their proposals to protect the governance and funding of Montana's public libraries.