

Memo

To: Montana State Library Commission

From: Jennie Stapp, State Librarian

Date: July 25, 2014

Re: Proposed amendments to the Montana State Library Commission bylaws

Due to recent turnover of commissioners, the State Library Commission finds itself without a chairperson and vice-chairperson. Current bylaws offer no guidance about what to do in this situation. For this reason, the Commission is asked to take action to approve the proposed amendments to the bylaws at their August meeting.

The proposed changes differ from the draft bylaws reviewed on June 4 in that, at the suggestion of Commissioner LaFromBoise, if adopted, the new bylaws would give authority to the available Commissioner with the most tenure to act as chairperson in the absence of the chairperson and vice-chairperson, rather than the State Librarian. In the event that multiple Commissioners share the same tenure, the proposed amendments would require these Commissioners to alternate chairmanship at the direction of the State Librarian, until the chairperson or vice-chairperson is available to serve or a new chairperson can be elected.

The proposed changes would also afford all Commission members the opportunity to serve as chairperson and vice-chairperson. At the June 4 Commission meeting Commissioner Bartow asked whether or not a designee can serve as a chair or vice-chair. The following response to that question was shared by Attorney Jim Scheier in an email dated July 24, 2014:

“The statute states the Commission “is composed of the following members,” and then lists the Superintendent of Public Instruction or the Superintendent’s designee as one of the members. Mont. Code Ann. § 22-1-101(2)(a). Subsection (3) of the statute states that the Commission shall annually elect a presiding officer “from its membership.” Since the Superintendent’s designee is one of the “members” of the Commission, the Commission may, if it chooses to do so, elect the designee as chair or vice chair. I am not aware of any legal reason why the Superintendent’s designee may not serve as the chair or vice chair of the Commission.”

Finally, at the request of the Commission, the draft bylaws strike the reference to the most recent edition of Roberts Rules of Order and include the Summary of Motions as an addendum.