

BEFORE THE MONTANA STATE LIBRARY
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 10.101.101 pertaining to agency) AMENDMENT
organization)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On April 8, 2015, the Montana State Library proposes to amend the above-stated rule.

2. The Montana State Library will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Montana State Library no later than 5:00 p.m. on March 19, 2015, to advise us of the nature of the accommodation that you need. Please contact Marlys Stark, Montana State Library, P.O. Box 201800, Helena, Montana, 59620-1800; telephone (406) 444-3384; fax (406) 444-0266; TTY (406) 444-4799; or e-mail mstark2@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

10.101.101 AGENCY ORGANIZATION (1) The state library commission consists of five members appointed by the governor for three-year terms and the state superintendent of public instruction or his designee and a librarian appointed by the commissioner of higher education from the Montana university system. The commission annually elects a chair from its membership. It employs as its executive officer a state librarian who is not a member of the commission, and who performs duties assigned by the commission.

(2) The state library provides library service at the state level, serving state government, local libraries, and federations; it promotes the development of adequate libraries throughout the state; it provides library service to persons with visual and physical disabilities ~~and persons in state institutions~~; expends funds available from federal, state, and private sources for the purpose of fostering library development and for the purpose of fostering geographic information services; administers the Montana State Government Depository Program; and provides for a comprehensive program for the acquisition, storage, and retrieval of geospatial data and data related to the natural resources of Montana.

(3) Advisory committees are established by the state librarian and in accordance with 90-1-405, MCA, and 90-15-201, MCA. They act only in advisory capacity and have no policy-making authority. ~~The Montana library services advisory council is created by the governor in accordance with the provisions of 2-~~

~~15-122, MCA. The commission shall submit names of recommended council members to the governor.~~

~~(a) The council shall advise the commission on the development, evaluation and funding of the Library Services and Technology Act (LSTA) program and other pertinent issues that may relate to or influence LSTA.~~

~~(b) The composition of the council shall be no more than nine members. Eight shall serve for two years and may be reappointed for two additional terms and may represent: users of public library services in eastern, central, and western Montana; public libraries; school libraries; academic or special libraries; persons who cannot use traditional library services; and a member of the legislature. The president of the Montana library association or designee may serve a one-year term on the council during the presidency of the association.~~

~~(c) The council shall have the authority to establish bylaws for its internal operation. These bylaws may not conflict with 22-1-103, MCA, the Library Services and Technology Act, its rules and regulations, or with policies established by the commission.~~

~~(d) The number of yearly meetings shall be determined by the executive committee of the council. The number shall remain flexible to include no less than two and no more than four meetings.~~

(4) Inquiries regarding the functions of the state library shall be addressed to the state librarian.

(5) The following chart depicts the organization of the state library.
~~Personnel Roster: Montana State Library, 1515 E. 6th Ave., Helena, Montana 59620; State Librarian, Statewide Library Resources Director, Regional Director of the Talking Book Library, and Director of the Natural Resource Information System.~~

AUTH: 2-4-201, MCA

IMP: 2-4-102, MCA

REASON: These changes are necessary to more accurately reflect the current organization after recent changes and to bring the rules into alignment with the current procedures and practices which have evolved over time.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Marlys Stark, Montana State Library, P.O. Box 201800, Helena, Montana, 59620-1800; telephone (406) 444-3384; fax (406) 444-0266; or e-mail mstark2@mt.gov, and must be received no later than 5:00 p.m., March 26, 2015.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Marlys Stark at the above address no later than 5:00 p.m., March 26, 2015.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by

the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 25 persons based on the number of governmental subdivisions or agencies, as well as professional organizations and members of the public that use the many library services.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Jennie Stapp
Jennie Stapp
Rule Reviewer

/s/ Colet Bartow
Colet Bartow
Chairman
Montana State Library

Certified to the Secretary of State February 17, 2015.