

Memo

To: Montana State Library Commission

From: Jennie Stapp, State Librarian

Date: January 28, 2021

Re: Differential Privacy and potential impact to per capita per square mile state aid

As found in the Administrative Rule cited below, the Montana State Library is directed to use the most recent decennial census as the population data source in the formula used to distribute state aid to public libraries. After delays, the official 2020 census release is due out in March. We do not know when detailed population data may be available from the US Census Bureau.

10.102.4003 DIRECT STATE AID TO PUBLIC LIBRARIES FOR PER CAPITA AND FOR PER SQUARE MILE SERVED

- (1) Definitions used in this section include:
- (b) "Population" means those official, final figures from the most recent decennial census of population produced by the U.S. Bureau of the Census.

As Ms. Craige will describe, stakeholders are concerned that the way the Census will apply differential privacy will negatively impact population counts, especially in rural areas. The results could unfairly impact funding for Montana's rural public libraries.

To prepare for this possibility, the State Library sought the opinion of Attorney Doud about the Commission's authority to use other sources of population data. Mr. Doud's opinion is included with meeting materials. He recommends that the State Library revise administrative rules if we determine that we cannot use the decennial census for this purpose. Based on Mr. Doud's opinion, staff have determined that it is possible to adopt temporary rules that would only take effect if the US Census is deemed unreliable. Revised rules would need to be in place by September 1, 2021 to inform Fiscal Year 2022 state aid distribution.

To that end, staff propose to take the following steps to adopt temporary administrative rules that would apply if the Commission deemed it necessary. State Library staff will communicate to the library community information about the need for these measures and steps planned throughout this process.

March through April, 2021: Research options for population data to use in lieu of the 2020 decennial census. Estimate impacts to state aid distribution based on the use of these sources;

May 2021: Draft alternative administrative rules;

June 2021: Commission adopts draft administrative rules and begins formal public comment process;

August 2021: Commission adopts temporary administrative rules;

September 2021: Staff evaluates the status of available decennial census numbers and determines whether to enact temporary rules to calculate FY 2022 state aid.

At any time, if the US Census resolves these matters positively, the State Library would abandon this process and would use existing administrative rules.