

# Memo

**To:** Montana State Library Commission

**From:** Jennie Stapp, State Librarian

**Date:** January 26, 2022

**Re: State aid for Tribal College Libraries and state aid reauthorization**

When the Montana State Library (MSL) charged a task force of librarians to draft revised public library standards, one of the goals of that work was to provide an opportunity for tribal college libraries that provide public library services to certify that they meet the new standards. The new standards take effect on July 1, 2022 and four tribal college libraries have expressed interest in certifying.

Statute change is necessary for tribal colleges libraries to receive state aid funding made available to public libraries that meet the public library standards. If supported by the Commission, MSL intends to seek legal guidance regarding how to properly include libraries created by tribal colleges and/or tribal councils in section (1) of 22-1-326 Montana Code Annotated below:

**22-1-326. State aid to public libraries.** (1) As used in **22-1-326** through **22-1-331**, "public library" means a library created under Title 7 or under **22-1-301** through **22-1-317**.

(2) As provided in **22-1-325** through **22-1-329**, the commission shall administer state aid to public libraries and public library districts created and operated under part 7 of this chapter. The purposes of state aid are to:

- (a) broaden access to existing information by strengthening public libraries and public library districts;
- (b) augment and extend services provided by public libraries and public library districts; and
- (c) permit new types of library services based on local need.

(3) Money appropriated for the purposes of this section may not be used to supplant general operating funds of recipient public libraries or public library districts. The commission may withhold a

distribution to a library or district that receives less support from a mill levy or local government appropriation than its average for the preceding 3 fiscal years if the decrease may reasonably be linked to money received or expected to be received under **22-1-325** through **22-1-329**.

MSL staff has briefed the Governor's Office, the State Tribal Relations Committee, and the Montana Library Association about this suggested need for legislation.

The statutory appropriation that funds state aid is will sunset in 2023 and requires legislative reauthorization for funding to continue. In 2013, when this statutory appropriation was first enacted it was supported by the Montana Library Association (MLA) and MSL. In 2017, at the direction of the Bullock Administration, MSL carried the legislation as part of our legislative agenda. At this time, the Governor's Office has been briefed about the need for reauthorization and the tie to extending state aid to tribal college libraries. The Governor's Office has asked to be kept apprised of the status of this legislative request.

**22-1-327. (Temporary) State aid -- per capita -- per square mile.** (1) The commission shall distribute grants to public libraries and public library districts on a per capita and per square mile basis.

(2) The total amount of annual per capita and per square mile funding to public libraries for each fiscal year is the base amount of 40 cents multiplied by the total number of residents of the state as determined by the most recent decennial census of the population produced by the U.S. bureau of the census.

(3) The amount determined under subsection (2) is statutorily appropriated, as provided in 17-7-502, from the general fund to the commission for distribution as state aid to public libraries. (Terminates July 1, 2017-2023 -sec. 5, Ch. 244, L. 2013.)

**22-1-327. (Effective July 2, 2017 - 2023). State aid -- per capita -- per square mile. The commission shall distribute grants to public libraries and public library districts on a per capita and per square mile basis.**

With regard to state aid reauthorization, the question that remains is whether or not to seek an increase to the \$.40/capita appropriation. Minimally, if MSL pursues legislation to include tribal colleges as eligible entities to receive state aid, we would want to ensure that enough funding was appropriated so that public library funding was not negatively impacted.

Using the \$.40/capita formula tied to the 2020 census population on reservations, the statutory appropriation would need to increase by \$28,020 to fund state aid to tribal college libraries. However, this approach double-counts the population on reservations. More consideration will need to be given how to address this concern.

Additionally, MLA may consider making a request to increase the state aid appropriation regardless of changes to include tribal college libraries.

To inform ongoing considerations, MSL staff prepared an analysis of Montana state aid relative to local public library operating revenue and state aid appropriated to libraries

both regionally and nationally. That analysis is included in Commission meeting materials.