



MEMO

To: Montana State Library Commission
From: Tracy Cook, Lead Consulting Librarian and Cara Orban, Consortia Director
Subject: Recommendations from public library standards task force
Date: October 3, 2023

The public library standards task force completed its charge. Below you will find their recommendations and the options they considered. We have separated the items so that you may act on each one individually if you so choose. If the Commission agrees with a recommendation that retains the current public library standard, no action by the Commission is needed to retain the current administrative rule. Draft rules accepted or amended by the Commission will then be shared for public comment and legislative review in accordance with the Montana Administrative Procedures Act. Final rules adoption is anticipated at the December 6 Commission meeting.

To help you see the specific changes that are recommended we have included the changes to specific administrative rules at the end of this memo. Katie Boumans, the attorney assigned to us from Agency Legal Services, has crafted and/or reviewed any proposed changes to administrative rules.

1: Clarify what state funding is tied to the public library standards

- **Options considered:** the task force briefly discussed the different sources of state funding. The group decided the wisest course of action was to follow the guidelines of the former attorney assigned to MSL which interpreted the law to be tying standards to federation and state aid per capita funding.
- **Recommendation:** Update administrative rule to clarify that state funding tied to the public library standards includes state aid per capita and federation funding. MSL staff recommend creating consistency across the agency by creating a new definition rule and moving all definitions to the same place. This would match what is currently found in the administrative rules for the Montana Land Information Act and matches what is being created for the Real Time Network.
- **Follow-up from attorney:** Katie Boumans has reviewed the language and made small changes to the definitions for public libraries and state funding. Those changes are reflected in the administrative rules' language that appears below.

2: Change the language of administrative rules that use the term “tribal library” to match language within the Montana Code Annotated

- **Options considered:** Task force members agreed the rules needed to be changed to reflect legislative changes.
- **Recommendation:** Change the current administrative rule language to “an accredited tribal college library that provides services to the public” and update the title of state aid per capita to also match the code.
- **Follow-up from attorney:** After reviewing the proposed changes Katie Boumans recommended including accredited tribal college libraries that provide public library services in the definition of public libraries. With this addition we do not need to change the title of ARM 10.102.4003. With the creation of a new definition standard, we do not need to create a separate definition rule. The proposed language changes appear below.

3: Change the language of the standard regarding library budgets

- **Options considered:** The task force discussed the spirit of the budget standard. They also discussed the realities of local budgets and agreed the standard should be modified to better reflect the idea of pursuing needed resources while acknowledging local realities.
- **Recommendation:** change the current standard to balance local realities with the need to pursue additional resources when necessary. Language recommended by the task force “The library board and director identify the financial resources needed to provide library services according to the library’s mission and regularly communicate with community and local government leaders about financial needs.”
- **Follow-up from attorney:** Katie Boumans recommended the addition of the word public and requisite. See the language below for the final recommended changes.

4: Consider amending the deferral process

- **Options considered:** The task force discussed the definition of hardship, the idea of having a multi-year compliance plan, and the idea of retaining the current process.
- **Recommendation:** make no changes to the deferral section of the public library standards. Task force members believe the current process works for libraries.
- **Follow-up from attorney:** Given the recommendation the attorney did not create or recommend changes to this section of the current public library standards.

5: Update the formula within ARM 10.102.4003 to include accredited tribal college libraries

- **Options considered:** The task force considered multiple options. The meeting materials of the task force explain the different options.
 - Use reservation population to calculate service area population – while this might reflect the potential service area of a tribal college library. It greatly impacted other libraries.
 - Use only the college population which includes students and staff – this had the least amount of impact on the public libraries. It didn’t seem to reflect the intent of

the legislature which is to give funds to tribal college libraries that serve the public. Many tribal college libraries serve residents of the city and/or county.

- Use college population plus the city population (dividing it with other public libraries if there were two libraries serving the same population) – this seemed to better reflect the realities of the tribal college libraries that serve the public. It impacted libraries but not as much as reservation population.
- Use school district boundaries – some members felt this better reflected service areas while others worried about the impact on the public libraries. There was also a question of which school districts to include since a library service area might cross county boundaries.
- Direct MSL staff to use the current state aid formula to work with local public libraries and tribal college libraries to negotiate a multi-year agreement that would handle the overlap of service area populations.
- **Recommendation:** The task force recommends amending ARM 10.102.4003 to direct MSL staff to negotiate a multi-year agreement with local public and tribal college libraries whose service area populations overlap.
- **Follow-up from attorney:** After conducting legal research Katie Boumans has concerns about local agreements creating inequitable distribution of state funds. MSL staff will work with Katie and return to the task force for additional input. At this point MSL staff do not have language changes for ARM 10.102.4003.

6: Consider amending the requirement that library directors serving more than 25,000 service area population must have an MLS

- **Options considered:** The task force considered multiple options. The meeting recordings and materials have background information that may be valuable for understanding their perspective.
 - Change the current standard to state an MLS or equivalent “graduate” degree is required. Members of the public and some task force members discussed the value of having public or business administration degrees when leading a large library system. Smaller libraries discussed the value of having access to library directors with a graduate degree.
 - Retain the current standard – task force members discussed the value of the degree and the need for it in running a library and supporting smaller libraries. Other task force members believed a different skillset was needed in larger libraries and advocated for the ability for local boards to determine qualifications. Public comment was in favor of retaining the current standard.
 - Change the current standard to allow local boards to decide what qualifications they need. Task force members and members of the public recognized the challenges of hiring, the value of experience, and how that might differ. Agency Legal Services was worried that this might create inconsistencies in how the standard was implemented which had the potential to be a liability issue.



- Change the current standard to require an MLS degree or certification from the Montana State Library within 2 years of hire. The task force discussed how to set a minimum standard that must be met while allowing for the MLS degree.
- **Recommendation:** The majority of task force members voted to retain the current standard and make no changes.
- **Follow-up from attorney:** Given the recommendation the attorney did not create or recommend changes to this section of the current public library standards.

Staff request the Commission take action to propose the following draft rules clarifying state funding and adding tribal college libraries that provide services to the public.

NEW RULE I DEFINITIONS

(1) Definitions used in this chapter include:

(a) “Public library” means those libraries as defined in [22-1-303](#) through [22-1-317](#), MCA, and in Title 7, MCA, or an accredited tribal college library that provides services to the public; all libraries must comply with the standards set forth in ARM 10.102.1158-10.102.1162.

(b) “State funding” means state aid per capita funding and funding received through a library federation. In order to receive state funding, libraries must meet the public library standards set forth in ARM 10.102.1158 through 10.102.1161 or be granted a deferral as set forth in 10.102.1162.

(c) “Population” means those official, final figures from the most recent decennial census of population produced by the U.S. Bureau of the Census.

(d) “Leftover population” means the population count remaining in each county after the population counts of each municipality with library service are subtracted.

(e) “Additional population” means the population count which is to be credited to each public library based on the proportion of that municipality’s population to the total population of the county.

(f) “Leftover square miles” means the number of square miles left in each county after the square miles of each municipality with public library service are subtracted from the total number of square miles in the county.

(g) “Additional square miles” means the number of square miles credited to each public library, based on the proportion of that municipality’s population to the total population of the county.

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:~~

~~(a) “Public library” means those libraries as defined in [22-1-303](#) through [22-1-317](#), MCA, and in Title 7, MCA.~~

~~(b) “Population” means those official, final figures from the most recent decennial census of population produced by the U.S. Bureau of the Census.~~

~~(c) "Leftover population" means the population count remaining in each county after the population counts of each municipality with library service are subtracted.~~

~~(d) "Additional population" means the population count which is to be credited to each public library based on the proportion of that municipality's population to the total population of the county.~~

~~(e) "Leftover square miles" means the number of square miles left in each county after the square miles of each municipality with public library service are subtracted from the total number of square miles in the county.~~

~~(f) "Additional square miles" means the number of square miles credited to each public library, based on the proportion of that municipality's population to the total population of the county.~~

~~(2)~~ (1) The per capita portion of the direct state aid to public libraries will be distributed annually based on the following:

(a) In counties which have county-wide library service from one public library, or in which only one municipal public library exists, the most recent decennial census figure will be multiplied by the amount of state aid available per capita in each year.

(b) In each county with more than one municipal public library, the following procedure will be employed:

(i) The population counts of all municipalities with public libraries are added together and subtracted from the total county population resulting in the leftover population figure.

(ii) Each year all monies received by these libraries from the county commission are added together; each year each library's total is divided by the total amount received by all the libraries to determine the percentage of money given to each library by the county.

(iii) The leftover population figure is multiplied by the percentage of money each library receives from the county in order to determine the additional population figure which will be credited to each library.

(iv) The municipal population and additional population figures are added together to determine the total population which will be credited to each library.

(v) For each library the total population credited to each library is multiplied by the amount of per capita state aid available in each year to determine the total per capita support.

(vi) In the case of counties in which no county aid is provided to municipal libraries, the additional population credited to each library is based solely on the ratio of each municipal library's service area population to the total county population.

(vii) In the case of counties in which only one of two or several municipal libraries receives county aid, the library receiving county aid is credited with the entire county population exclusive of the population present in the service area populations of any other municipal libraries.

(viii) The population counts of legally annexed areas, as determined by the latest decennial U.S. census, will be credited to the municipality annexing the area the year following the annexation.

~~(3)~~ (2) The per square mile portion of the direct state aid to public libraries will be distributed annually based on the following:



(a) In counties which have county-wide library service from one public library, or in which only one municipal public library exists, the total square miles of each county will be multiplied by the amount of state aid available per square mile in each year.

(b) In each county with more than one municipal public library, the following procedure will be employed:

(i) The number of square miles of all municipalities with public libraries are added together and subtracted from the total number of square miles in the county to determine the leftover square miles.

(ii) The population counts of all municipalities with public libraries are added together, and each library's population is divided by the total county population to determine the percentage of the county population credited to each library.

(iii) The leftover square miles figure is multiplied by the percentage of the county population credited to each library in order to determine the additional square miles to be credited to each library.

(iv) Each municipality's square miles are added to their appropriate additional square miles to determine the total square miles credited to each library.

(v) For each library the total square miles credited to each library is multiplied by the amount of per square mile state aid available in each year to determine the total per capita support.

~~(4)~~ (3) In the case of library districts which are not defined by municipal or county boundaries, but by boundaries such as school districts, both the per capita and the per square mile state aid will be distributed using the appropriate boundaries and population figures as if they were municipal or county boundaries and counts.

~~(5)~~ (4) In each county which has no public libraries, the State Library will contact the county commission indicating that the county will qualify for per capita and per square mile state aid if the county commission establishes county-wide library service as provided for in state statute, or if the county commission contracts for library services with another county or municipal library as provided for in state statute. If such means are not established within a six-month period following written notice received from the State Library, the state aid which would have gone to the county will be allotted to the federation headquarters library in whose area this county is located for use in federation activities.

~~(6)~~ (5) For any questions arising because of this rule, the final arbiter is the State Library commission.

Staff request the Commission take action to propose the following draft rules to include tribal libraries and update the library budget standard

10.102.1158 LIBRARY BOARD, GOVERNANCE, AND WORKING WITH THE DIRECTOR

(1) The library is established per Title 7, MCA, Title 22, MCA, or ~~through the legal process practiced by a tribal council~~ an accredited tribal college library that provides services to the public.

(2) The board meets at least six times a year and complies with Montana's open meeting laws when meeting.



(3) Board members learn about the services the library provides to users, the role of the board in providing administrative and financial oversight, and the role of the board in planning for new services for users.

(4) The board receives at least three hours of continuing education each year.

(5) The board understands the revenue sources that fund the library, the budgeting process, and adopts a budget for the library.

(6) For a library created under Title 7 or Title 22, MCA, at least 70% of the revenue is from local tax revenues. Grants, donations, and other revenue sources supplement but do not supplant local tax support. If a tribal college library serves tribal members, the tribal council recognizes and supports the efforts of the library to obtain funding.

~~(7) The library budget shows year-to-year growth reflecting community needs. The director and library board routinely present the library to the community and local government in a manner to maintain and increase the library's ability to meet their community's needs. Public library boards and directors will identify the requisite financial resources necessary to provide adequate library services pursuant to the library's mission and will regularly communicate with community and local government leaders about financial needs and ability to meet community needs.~~

(8) The board and director identify in writing what they want to accomplish in the next three to five years, and that plan is focused on meeting community needs. The board and director annually review their plan and progress made.

(9) The board adopts emergency response plans that ensure the safety of the public and staff as the primary priority.

(10) The director or designee submits the Montana Public Library Annual Statistical Report to the Montana State Library. The board and director annually review public library statistics.

(11) The board adopts and regularly reviews policies that reflect the mission and goals of the library. The policies govern use of the library, its materials, and services. No single policy goes more than four years without review.

(12) The board and director review the most current Public Library Standards Road Map maintained by the Montana State Library.