



## MEMO

**To:** Montana State Library Commission  
**From:** Jennie Stapp, State Librarian  
**Subject:** Open hours public comments response  
**Date:** December 3, 2025

During its November 12, 2025 work session, the State Library Commission considered public comments regarding proposed changes to Administrative Rule 10.102.1159 regarding open hours for Montana public libraries. After considering public comment, at its December meeting the Commission will consider amending the proposed rules with the following changes from the original proposal (stricken matter interlined, new matter underlined). This memo also includes a summary of the public comments received on the open hours proposed rule and the Commission's proposed responses to include in the final adoption notice.

### ARM 10.102.1159 SERVING THE COMMUNITY

- (1) The library is open during convenient hours. On average, the library is open the following number of hours weekly:

| <u>Service Area Population</u> | <u>Minimum</u> | <u><del>Desirable</del> Recommended</u> |
|--------------------------------|----------------|---|
| Fewer than 3,500               | 10.5 hours     | 25-40 hours                             |
| 3,501 – 9,999                  | 21 hours       | 40-50 hours                             |
| 10,000 – 24,999                | 28 hours       | 50-60 hours                             |
| More than 25,000               | 35 hours       | 60+ hours                               |

### Comments summary

Comment 1: One commenter supported the changes, noting that there is no point being open at times when people don't use libraries and the proposed changes support flexibility to help libraries adjust to community needs and staffing levels.

Response 1: The Commission appreciates the support for the flexibility provided by the rule.

Comment 2: Several commenters expressed support for allowing the averaging of hours the library is open each week during the year in determining whether a library meets the weekly minimum open hours requirement. The commenters acknowledged that it makes sense to have shorter hours at certain times of the year.

Response 2: The Commission appreciates the support for allowing the averaging of hours to determine if the minimum open hours requirement is met.



Comment 3: One commenter expressed concern that the use of the term “on average” was not clear enough in determining whether a library meets the minimum weekly standards.

Response 3: The Commission notes that the reference in the proposed rule to “as reported by the library in the annual public library survey” provides adequate guidance for the averaging process. The survey provides instructions in calculating the average hours open.

Comment 4: Several commenters noted that libraries provide essential services and expressed concern that if minimum open hours are reduced, the communities they serve will have less access to these services.

Response 4: The Commission agrees that libraries provide essential services. However, since 2013 there has been a documented decline in library visitations and an increased usage of ebooks and other online resources provided by libraries. The proposed rule does not mandate reduced hours but provides libraries the flexibility to adapt to patterns of usage and invest more in online services.

Comment 5: Several commenters expressed concerns that a reduction in the open hours may signal that libraries are not important and result in less support or funding for libraries.

Response 5: The proposed rule does not require or incentivize libraries to reduce hours, but gives them the flexibility to do so. This rule change is a freedom measure. The Commission notes that 89% of Montana libraries already exceed the current standard and they are unlikely to reduce hours.

The Commission considered the role of local governments to appropriate funds for local services, the financial relationship between library boards and local governments, and how this rule change would play a role in financial discussions. The Commission notes that ultimately local governments have authority over local budgets and who is appointed to library boards. The Commission notes the importance of good communication between library boards and local governments.

Comment 6: One commenter stated that the current open hours standard represents a compromise between the ideal number of open hours and fiscal and logistical constraints.

Response 6: The Commission notes that, in some instances, reducing the number of open hours may save a small library.

Comment 7: Several commenters questioned the motivation for the rule change.

Response 7: The decline in visitation since approximately 2013 and a turn towards ebooks were considered by the Commission in proposing the rule. This change allows libraries the flexibility to invest more in online resources. The Commission discussed whether the rule should include



a required review period to evaluate the standard compared to data trends but decided against doing so.

Comment 8: One commenter expressed concern about the lack of legal services available to local libraries.

Response 8: The comment regarding availability of legal services is beyond the scope of the proposed rule.

### Proposed adoption timeline

| Date(s)                              | Activity   | Who                                      | Status   |
|--------------------------------------|--|--|----------|
| August 6, 2025                       | Commission meeting materials due   | MSL Staff                                | Complete |
| August 13, 2025                      | <b>Action item to initiate rulemaking</b>  | Commission                               | Complete |
| August 14-September 15, 2025         | Notice of Proposed Rulemaking and Public Hearing prepared  | MSL Staff                                | Complete |
| September 16, 2025                   | Notice of Proposed Rulemaking and Public Hearing filed with Secretary of State's Office (SOS) for publication in the Montana Administrative Register (MAR) | MSL Staff                                | Complete |
| September 23, 2025                   | Notice of Rulemaking published in MAR  | SOS                                      | Complete |
| October 1, 2025                      | Commission meeting materials due   | MSL Staff                                | N/A      |
| October 8, 2025                      | Second information item discussion (if needed)   | Commission                               | N/A      |
| November 3, 2025                     | Conduct public hearing   | Commission/Legal Counsel                 | Complete |
| November 12, 2025                    | <b>Special Meeting to Prepare Response to Public Comment Adopt Responses to Public Comment</b>   | State Librarian/Commission/Legal Counsel | Complete |
| December 3, 2025                     | Commission meeting materials due   | MSL Staff                                | Complete |
| December 10, 2025                    | <b>Action item to adopt rule revisions</b>   | Commission                               | Pending  |
| December 11, 2025 - January 13, 2026 | Notice of Adoption prepared  | MSL Staff                                | Pending  |



|                               |  |           |         |
|-------------------------------|--|-----------|---------|
| January 13, 2026 (Tentative)* | Notice of Adoption filed with SOS for publication in MAR | MSL Staff | Pending |
| January 23, 2026 (Tentative)* | Notice of Adoption published in MAR                      | SOS       | Pending |
| July 1, 2026                  | Effective date of rule changes                           |           | Pending |