

### Legislation Update notes for 04/11/07 Commission meeting:

- HB 2 Budget bill tabled in House Appropriations.
- HB 809, version of budget bill for State Library, down by \$480,000 as it left the House. Budget bill(s) hearing start in Senate Finance and Claims Committee on Friday, March 23, 2007.
- Now budget bill is HB820 which restored State Library funding to level approved by Governor and Joint Subcommittee, on Senate floor this week
- HB 132 State Publications Permanent Public Access passed both the House and Senate. It is currently in the enrollment process. Has been signed by the Governor..
- HB 133 Information Access Montana revisions was heard before the House State Administration Committee. Tabled in Committee.
- HB 374 which is the public library construction bill requesting five million dollars was heard in House Appropriations. Tabled in Committee.

Additional updates from Lois Fitzpatrick, Montana Library Association's Government Affairs Chairperson: HB 287, HB 384, HB 525, HB 625

January 9, 2007 - After days of preparation, revisions, practicing, etc, on Tuesday at 8:30 am, we presented our budget to the Appropriations Joint Subcommittee on Education. Our hearing lasted about one hour and forty five minutes. As State Librarian I began the presentation with an overview of the State Library's programs and budget. Following my presentation, additional oral or written testimony was provided by eleven others including but not limited to : Don Allen, Chairman of the Commission, John Meckler, Plains School Librarian, students from Carroll College, gentlemen from Plum Creek and Stillwater County, teachers and librarian from Kalispell High School, as well as Nanette Gilbertson, MLA Lobbyist . Lyn McKinney, Montana Library Association President spoke briefly requesting the Committee support an addition to the State Library's budget which would provide state payment for the statewide OCLC contract. We felt it was a good hearing. Executive action followed on Monday, January 15, 2007 at 8:30 am. After much discussion and lots of questions particularly on the personnel services budget, the Committee took action to approve the Governor's budget for the State Library. As a reminder what was approved for our budget was:

- 2006 base budget
- Fully funded payroll, including broadband increases and two vacant positions previously held open for the broadband increases.
- Statewide present law adjustments (inflation, deflation, fixed costs, etc.)
- Standard cost adjustments including Commission per diem, Volunteer insurance, additional funds for legal fees in the Department of Justice;

- Increasing the federal authority to spend estimated Library Services and Technology Act (LSTA) grants awards and realign the biennial appropriation;
- Additional \$75,000 for Natural Heritage Program
- Additional \$150,000 for GIS portal development/maintenance (NRIS/Heritage)
- Additional coal severance tax funding up to \$135,000 per year for Federations and for Statewide Databases, figure may be slightly less based on actual coal severance tax (CST) shared account balance, revenue projections. The current CST revenue projections from Governor's office and Legislative office not in agreement.

This is HB 2, which is currently tabled and six replacement bills (HB 804 – 809) have been introduced in the House.

HB 809 carries the State Library's budget and it includes all of the above except: (1) Only an additional \$50,000 for Natural Heritage Program and only an additional \$75,000 for the GIS portal development/maintenance (NRIS/Heritage), thus a \$100,000 per year cut from Governors and Subcommittee's recommended budget.

Reductions in the amount of \$200,000 to the requested budget for the State Library will have an impact on our ability to provide current information on Montana's biological resources through the Natural Resource Information System and its web portal. Biological information, focusing on Montana's wildlife, habitats and plants, must be gathered from a broad range of sources, reviewed for scientific accuracy, integrated into several databases, and distributed to users in the public and private sectors. This is done through our Natural Heritage Program. We have a substantial data processing backlog, and information is being generated faster than current staff can assimilate and process it. Without the proposed funding, the backlog will continue to grow. Critical information will not be available via our web portal to planners, developers, landowners and resource managers. Information access systems will not be as useful and effective as necessary.

This biological information plays a critical role in planning, environmental reviews, and resource management. Both the private and public sectors rely on the information for activities ranging from timber harvest, mining, power distribution and energy development, to subdivision development, highway construction, noxious weed control, and wildlife management.

When planners and developers are not able to access current and accurate biological information, environmental reviews take longer and cost more. Lack of ready access can result in a duplication of effort when information has to be gathered all over again. Or, if important information is missed during the early stages of project planning, the result can be costly conflicts and delays, or unnecessary loss of valuable habitat and wildlife. There is also increased risk that species will be petitioned for federal listing because of inaccurate information on their status or due to habitat losses that could have been avoided.

And

(2) Appropriation authority for use of federal Library Service and Technology Act funds was reduced by \$280,000.

Reductions in the language regarding the Library Services Technology Act funds to the State Library could potentially result in the State Library not being able to award funding up to \$280,000 per biennium of grant projects for statewide library services. These monies are currently awarded to fund such services as:

- Children's services via the Summer Reading Program
- Summer Institutes, Fall workshops, and other continuing education for Montana Librarians
- Montana Shared Catalog
- Statewide Technology Consulting Librarians.

The total number of summer reading program participants in Montana's 79 public libraries for 2006 was 12,175 of Montana's children and youth. Anne Cole, director of the Billings Education Foundation cited research findings that "the main reason why the gap between lower income and higher income kids grows between kindergarten and sixth grade is because of what happens in the summer. During the school year, most kids progress about the same. But kids who don't read during the summer fall behind. They can stay level by reading just 10 books or advance by reading more."

A National Consulting Firm: Johnson & Johnson Consulting recently completed an evaluation of the Montana State Library's use of federal Library Services Technology Act monies in Montana. Some of the statements from that evaluation as they related to the type of statewide grant awards that may not be available in the future if the State Library federal funding appropriation language is reduced follow:

The summer institutes bring public library directors and trustees together for several days of intense training on selected management and leadership topics. "An excellent week of instruction. Even though the amount of information and resulting potential work is almost overwhelming, I feel I have the tools/knowledge to move forward."  
The last three years over 110 librarians or trustees have attended the summer institutes.

Each year, MSL provides a fall workshop that offers a range of topical workshops of interest to librarians from all types of libraries. The topics vary based on interest and need. Each year, the format is similar with sixteen three hour classes. The last three years over 330 librarians or trustees have attended the fall workshops. "Having been in another career previously and having attended continuing education most of my adult life, I can say that the MSL training is one of the best I have experienced. It is well planned and organized. Topics are cutting edge, and speakers have been very articulate. It is an excellent educational effort."

The Montana Shared Catalog (MSC) is designed to promote resource sharing among Montana libraries. Participation in the Montana Shared Catalog has consistently grown during the past five years. Currently, 78 Montana library are members and the MSC serves 425,000 Montanans, 56 Montana communities and 820 librarians. There are 640,000+ titles in the combined catalog. During 2006, approximately 750,000 searches were conducted in MSC. MSC provides a "broad array of titles and resources for the widest audience at a competitive price."

Librarians, trustees, and public officials requested information from Montana State Library's statewide technology consulting librarians 24,000 times during the last two years. Librarian indicated that consulting services contributed to their success. Four out of five librarians rated

consulting services as useful. Within this group, 40 percent rated the consulting as very useful and 18 percent rated it as essential. "The technology support and expertise are invaluable."

"LSTA funds help make libraries one of American's great bargains – public funds effectively spent for the benefit of all."

March 28, State Library's budget merged with other smaller agencies into HB 820, The Senate Finance and Claims committee restored HB820 to Joint Subcommittee levels. If the full Senate approves the HB820 then the two bills, HB809 and HB820 will probably end up in a free conference committee for final decision.

Please know that Senator David Wanzenried expressed some interest in making the motion to add the OCLC statewide payment to our budget but notified Lois Fitzpatrick that he just did not feel right about doing the motion at this time. There is a small chance this will still come up at a later date.

January 12, 2007 Presented HB 132 State Publications Permanent Public Access before the House State Administration Committee. Executive action was scheduled on Wednesday, January 24, 2007 and motion to do pass, passed. HB 132 passed third reading on the House Floor on Monday, January 29, 2007 and then had a good hearing in Senate State Administration Committee and executive action was taken immediately and the bill passed unanimously out of Committee and Senate. Bill was signed into law by the Governor on Friday, March 30, 2007.

On January 18, 2007 I presented HB 133 Information Access Montana revisions before the House State Administration Committee. It was a good hearing. Some follow up after hearing from librarians/legislators regarding the interlibrary loan issues. Executive action taken on Thursday, January 25, 2007 motion to do pass on HB 133 failed 10 to 8, then motion to table passed by 18 votes. It was decided to leave this bill on the table due to a number of reasons:

- Confusion out in the field as to exactly what this bill is and how it will help.
- Interlibrary loan reimbursement issue as it was tied to this bill.
- Concern about trusting the Commission with all the rule making power,
- Concerns that the Commission not caring about rural small libraries, and
- Concerns things moving too fast and a need to slow down and proceed more slowly.
- Montana Library Association person spoke in favor of bill but as with all Associations, not all members agree.
- Recent discussions in the committee regarding the use of administrative rules,
- As well as some consistent party line votes happening in all Committees on that day.

We have also been working with Lois Fitzpatrick, Montana Library Association, Representative Julie French, Senator Sam Kitzenberg, and our attorney on HB 374 which is the public library construction bill requesting five million dollars. We did provide a fiscal note requesting approximately \$100,000 to administer the program. The hearing in House Appropriations was very good. Rep. Julie

French started by explaining her connection to libraries, her mom worked as a librarian in Scobey. Senator Kitzenberg also spoke to the bill. I want to thank those who came to testify, they did a magnificent job. Kim Crowley, Debbie Benedict, Phyllis Tappe, Bernadine Abbott Hoduski, City of Billings lobbyist. In executive action a few days later this bill was tabled with no discussion. Because this is an appropriation bill it could still be pulled from the table and moved on but don't know if that will happen or not.

Additional updates from Lois Fitzpatrick, Montana Library Association's Government Affairs Chairperson:

HB 287 Deny Implementation of real ID Act set for a hearing passed second reading on Senate Floor.

HB 384 real ID law set for a hearing on March 6, 2007 also in Senate Judiciary, also waiting for executive action. HB 384 was tabled in Senate Judiciary.

HB 525- Koopman's bill on academic diversity. The hearing was wonderful. The coalition worked well together. We should all be proud of the university system. The students, from all campuses I believe, did a magnificent job. The bill did pass out of committee, but was defeated on second reading on the house floor. Now HJ55 to study this issue during the interim.

HB 625 – Wells' bill on sexual offenders entering libraries to view obscenity. It was a horrible hearing. MLA was the only opponent. The proponents boiled us in oil with outright lies and hateful words. The bill is tabled. Many comments from legislators that they are tired of this type of bill.

We have been asked to respond to at least eighteen additional fiscal note requests on a variety of bills, including but not limited to special purpose districts, resource indemnity trust funds, coals severance tax funds, and alternative travel plan.

I currently have 68 bills in my preference list that I am "watching" regarding possible impact on the State Library or local libraries.