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Memo

To: Montana State Library Commission

From: Jennie Stapp, State Librarian

Date: November 8, 2012

Re: Attorney General Opinion 54, No. 7 **Draft resolution**

The following resolution is presented for action. It was written at the request of the Commission at the October 10 meeting, and is presented as amended at the November 7 meeting.

I recommend that the State Library Commission accept this resolution as presented so that it becomes part of the official record of the State Library Commission. Following adoption the resolution would be made available to any party that requested information about the Commission's position on Attorney General Opinion 54, No. 7 and its impact to Montana public libraries.

**A RESOLUTION OF THE MONTANA STATE LIBRARY COMMISSION
REGARDING CONTROL BY PUBLIC LIBRARY BOARDS OVER THEIR
BUDGET AND FUNDING REQUIREMENTS**

WHEREAS, historically in Montana the budget requirements and funding of public libraries has been exempt from the control and interference of local governing bodies; and

WHEREAS, the purpose of such exemptions is to preserve their independence, and to insulate library funding from potential political considerations that may color funding decisions of local governing bodies; and

WHEREAS, library boards recognize that their power to raise and expend funding is limited by the provisions of Montana Code Annotated § 15-10-420; and

WHEREAS, the intent of the 2001 Montana Legislature when it passed House Bill 124, known as the “Big Bill,” was to preserve the then-existing exemption of public library budgets from approval and possible revision by a local governing body; and

WHEREAS, despite the legislative intent reflected in House Bill 124, the 2001 Montana Legislature passed Senate Bill 138, which repealed the exemption for public library budgets referred to above, and in effect made budgets submitted by library boards of trustees subject to approval and possible revision by the governing body.

**NOW, THEREFORE, BE IT RESOLVED BY THE MONTANA STATE
LIBRARY COMMISSION:**

Montana law should be restored to its original form and intent to ensure that a public library board of trustees has ultimate authority to determine the library’s funding and budgeting needs, within the funding limits established in Montana Code Annotated § 15-10-420.