

# Memo

**To:** Montana State Library Commission

**From:** Jennie Stapp, State Librarian

**Date:** April 12, 2013

**Re: Legislative Update**

**HB 38:**

House Bill 38 transfers authority for the following statutes to the State Library:

- (MCA) 90-1-404 thru 90-1-413 or the Montana Land Information Act;
- (MCA) 7-11-1014 & 7-11-1029 regarding reporting of special district boundaries;
- (MCA) 76-6-212 regarding the management of Conservation Easement data;

After passing unanimously out of the House in late January, HB 38 was heard by Senate State Administration on March 6. This committee passed the bill unanimously on March 18. Senator Jon Sesso carried the bill on the Senate Floor where it passed 47-1 on 2<sup>nd</sup> reading and 49-1 on 3<sup>rd</sup> reading on March 25. We anticipate that the bill will be signed by Governor Bullock on April 12. As a result, the State Library will have full legal authority for the statutes listed above, as well as for the Montana Land Information Act Account, effective July 1, 2013.

**State Library Budget including New Proposals (annual costs):**

The House Appropriations Committee and the full House passed our portion of the HB 2 budget as it was approved by the Joint Appropriations Subcommittee for Education. Section E was heard by the Senate Finance & Claims Committee on April 8. Earlier in their deliberations, this committee took action to apply an additional 2% vacancy savings requirement to all agencies subject to vacancy savings requirements (those agencies with greater than 20 FTE). This action would have reduced our personal services budget by approximately \$35,000. Thanks to the hard work of Senator Tropila, on April 8 that same committee voted 12-8 to restore this 2% to our budget. During their debate on this matter, the State Library was commended for our careful

administration of our personal services budget as well as for the dedication of our long-time employees. HB 2 is scheduled to be heard by the full Senate on Saturday, April 13. I will offer an update on Floor action during the Commission meeting on April 17. Today, our budget remains whole:

<b>DP 52</b>	<b>Present Law Adjustments</b>
<b>Passed unanimously</b>	<p>On January 11<sup>th</sup> all budget subcommittees passed Decision Package (DP) 50 to adopt Fiscal Year 12 actual expenditures as agency base budgets across the board. Decision Package (DP) 52 brought back present law adjustments for fixed costs (rent, information technology, etc.) as recommended by the Governor with rates approved by appropriate legislative subcommittees.</p> <p>We await further action by the legislature to adopt present law adjustments for personal services. We've been told that this action will occur in the full House Appropriations Committee and may be tied to the State pay plan.</p> <p>Of note, in a separate motion, Representative Melhoff proposed that the State Library be exempt from vacancy savings requirements, currently 4%. This motion failed but may also be brought back as part of these negotiations.</p>
<b>DP 102</b>	<b>Inflationary Increase for Statewide Database costs</b>
<b>\$13,000</b> <b>Passed unanimously</b>	The Montana State Library manages contracts with periodical database vendors to provide statewide access to this invaluable content. Funds for these contracts are made available through the Coal Severance Tax Fund however current funding does not allow MSL to keep pace with inflationary costs that average 3-5% annually. Without inflationary increases, MSL is forced to reduce the number of databases available to Montana libraries and patrons.
<b>DP 201</b>	<b>Base Map Service Center transfer to MSL</b>
<b>\$954,062</b> <b>Passed unanimously</b>	This proposal will formally complete the transfer of the Base Map Service Center from the Department of Administration to the State Library. This transfer includes the <i>transfer</i> of 2.5 FTE and funding authority for Montana Land Information Act coordination, Montana Spatial Data Infrastructure support as approved by the MLIA Council and MLIA grant funds to local and tribal governments. Under this proposal a current .25 modified FTE, an accounting technician in MSL's Central Services Office, would be made a current level .25 FTE.
<b>DP 202</b>	<b>Water Information Systems Manager</b>
<b>\$72,472</b>	MCA 90-15-305 directs the Montana Natural Resource Information

<p><b>one-time-only</b></p> <p><b>Passed unanimously</b></p>	<p>System (NRIS) to operate the Montana Water Information System (WIS) which “shall make available and readily accessible, in a usable format, to state agencies and other interested persons, information on the state's water resources, out-of-state water resources that affect the state, existing and potential uses, and the existing and potential demand.” This proposal would fund a Water Information Systems Manager, a position that MSL has not had in almost a decade, to more effectively develop and deliver this water information. The need for water information is more critical than ever in Montana. Several state agencies currently maintain in-house hydrography data to support water related business needs such as the State Water Plan, currently being updated by the Dept. of Natural Resources and Conservation under MCA 85-1-203. In addition to being costly to maintain, these local datasets differ across and sometimes within agencies making it difficult to quickly and efficiently pull together data from different work groups to analyze water issues spanning different professional disciplines (water rights vs. water management vs. water quality vs. fisheries). It is for this reason that agencies including DNRC, DEQ and FWP encouraged MSL to put forward this proposal which would enable the state to use a single hydrography.</p>
<p><b>DP 203</b></p>	<p><b>Talking Book Library Digital Transition</b></p>
<p><b>\$25,000</b></p> <p><b>one-time-only</b></p> <p><b>Passed unanimously</b></p>	<p>This one-time-only proposal for the FY14/15 biennium would provide contract funds to support the Montana Talking Book Library's transition from analog cassettes to digital files. TBL currently offers over 1,500 analog titles of Montana local recordings in cassette format. To keep pace with user demands and requirements of the National Library Service, these cassettes should be migrated to an easily accessible digital format for patrons. Additionally TBL would like to offer these and future local Montana recordings in a downloadable format for patrons who are able to download books via the web. TBL does not currently have adequate staff to accomplish this transition.</p>
<p><b>DP 204</b></p>	<p><b>Reinstate Online Information Resources</b></p>
<p><b>\$40,000</b></p> <p><b>Passed unanimously</b></p>	<p>In 2011 MSL lost approximately \$40,000 in operation funds from the Coal Severance Tax fund. MSL was able to absorb some of the cuts because certain database vendors and our web archive vendor, The Internet Archive, were willing to negotiate reduced license fees equal to the percentage of the budget cut. MSL does not anticipate that these vendors will be willing to continue to reduce their costs beyond the current biennium. Further, as a result of the loss of these funds, MSL could not renew the E&amp;E Publishing (Environment &amp; Engineering) database, a database requested and used by several</p>

	agencies including Department of Natural Resources and Conservation (DNRC), and the Attorney General's office. This proposal brings our Library Information Services operation budget to our 2008 base budget.
<b>DP 300</b>	<b>Increase Funding for Per Capita/Per Square Mile State Aid to Public Libraries</b>
<b>\$292,936</b> <b>one-time-only</b> <b>Passed</b>	DP 300 added \$292,936 each year of the 2015 biennium to fund an increase in the per capita/per square mile state aid to public libraries. This brings the total funding for this state aid to \$395,766 or \$.40/capita for the upcoming biennium. The addition was adopted as a one-time-only, restricted appropriation.

Additionally, the State Library is following numerous bills that have the potential to impact our policies and services. The following bills are of particular interest.

**HB 13** – House Bill 13, or the State Pay Plan, is still making its way through the legislative process. As it was passed out of the House, the appropriation is approximately 75% of the amount the Executive had originally negotiated with state labor unions to support a 5% annual increase in state employee pay in each of the next two years. Additionally, instead of specifying percentage increases, it appropriates a lump sum amount to be used at the discretion of the Executive. Finally, the bill includes a substantial increase in the state share for employee health care benefits. The bill is currently awaiting executive action by the Senate Finance & Claims Committee. It is important to note that MSL will be required to fund pay raises for non-general fund employees from our other funding sources including Library Services Technology Act funds and Montana Land Information Act funds. We are currently planning for 5% raises for the FY 14-15 biennium, knowing that the final amount may be less.

**HB 203 – PASSED** Through numerous twists and turns, HB 203 passed the Legislature on April 8. This bill increases the appropriation for per capital/per square mile state aid for Montana public libraries from \$102,830 annually to \$395,766. The bill has been sent to Governor Bullock for signature.

**HB 379 and 380 – TABLED** These bills would have made it easier to create library districts. In particular, HB 379 would have required county commissions to bring the question of the formation of a district to the electorate if 20% of the population served signs a petition supporting the district. The State Library did not take a position on this bill because the potential implications of the proposed changes would have been different depending on varying local situations around the state. This made it impossible to have a statewide perspective and emphasized the fact that the proposed changes to statute were attempting to resolve a local issue. The State Library is

committed to studying the current library district law during the interim and may recommend improvements to be considered during the 64<sup>th</sup> legislative session.

**HB 586** – House Bill 586 revises aquatic invasive species laws and related departmental duties to support the eradication of aquatic invasive species. Although not named in the bill, the Governor’s Office has stated their intent to rely on the resources of the State Library to manage data related to this effort. The bill is currently awaiting executive action by the Senate Finance & Claims Committee.

**SB100 – TABLED** Senate Bill 100 would have reallocated a significant portion of Coal Severance Tax (CST) monies for educational purposes. According to the fiscal note, this bill would have reduced the amount of CST funding the State Library receives by more than half. Due to extensive opposition, the bill was tabled in committee.

Several other bills may impact CST funds but none would reduce funding for State Library services.

**SB 398** – Senate Bill 398 proposes to change the current property tax reappraisal cycle from six years to two years. To facilitate this process the Department of Revenue (DOR) is proposing to acquire oblique imagery for approximately 60% of the state. This extremely high resolution imagery would be available for use by numerous users in the GIS community. As the steward for imagery through the Montana Spatial Data Infrastructure, our interest is in making sure that accurate oblique imagery is acquired, managed, and made accessible in a way that meets the needs of GIS users across the state. As they anticipate passage of this bill, DOR is beginning the acquisition process. MSL staff is working with them to draft the RFP and is working with staff from DOR and the State Information Technology Services Division to help the state understand the fully-burdened cost for this imagery.

**SJ 10 – TABLED** Senate Joint Resolution 10, sponsored by Senator Windy Boy, would have required an interim study to evaluate the efficiency and cooperation of education agencies with particular emphasis on services to the tribes. Agencies proposed for study included the State Library, the Historical Society, the Office of Public Instruction, the Board of Public Education, the Commission of Higher Education, the Arts Council, Tribal Colleges and Tribal Historic Preservation Offices. This bill was tabled by the House Education Committee.

**SJ 31** - Senate Joint Resolution 31 proposes an interim study to evaluate the value of Light Detection and Ranging (LiDar) or elevation data for Montana. Elevation is a theme of the Montana Spatial Data Infrastructure so a study could benefit efforts to support the MSDI. However we are aware of a national effort to study LiDar across the country so we believe it is in the state’s interest to make sure state efforts are well-coordinated with national efforts and that a potential study be fully informed by the Montana GIS Community. This bill is scheduled for its first hearing on Monday, April

15. Passage does not guarantee that the study will take place. The Legislature can only study a limited number of issues during the interim so this proposal would then be ranked against other study requests.

These and other bills may be tracked online at:

[http://laws.leg.mt.gov/legprd/law0203w\\$.startup?P\\_SESS=20131](http://laws.leg.mt.gov/legprd/law0203w$.startup?P_SESS=20131).