



MEMO

To: Montana State Library Commission
From: Jennie Stapp, State Librarian, Evan Hammer, Digital Library Administrator
Subject: New Montana State Reference Network Rules
Date: October 3, 2023

New administrative rules are necessary to enact [Senate Bill 60](#) adopted by the legislature to authorize the State Library to create an enterprise fund to fund the operations of the Montana State Reference Network. The Governor's Office of Budget and Programming advised the State Library on the rules regarding the rate setting process. Katie Boumans, Agency Legal Services, has reviewed these proposed rules.

Staff request the Commission take action to propose the following draft rules to enact SB 60.

NEW SUBCHAPTER MONTANA REAL TIME NETWORK RULES

10.102.** INTRODUCTION**

The following rules apply to the administration of a state reference network to provide real-time geospatial location data from any location within the network.

10.102.** DEFINITIONS**

- (1) "Contributing organization" means an individual or organization that contributes equipment, equipment maintenance, network connectivity or other comparable service to the state reference network of value equal to or greater than cost of an individual subscription rate. Contributing organizations may receive credit for multiple logins based on the value of the contributions to the state reference network as established in a "Contributing Organization Agreement."
- (2) "Contributing Organization Agreement" is an agreement between the Montana State Library and a Contributing Organization that depicts the value of the contribution and any credit the contributing organization will receive.
- (3) "Educational Use" purposes directly related to learning, teaching, training, research, and development that are part of the instructional functions performed by a qualified educational institution and, in the case of students, purposes related to learning, training, research or development. "Educational Use" does not include commercial, professional or any other for-profit purposes.



- (4) “Educational Use Agreement” is a document between the Montana State Library and a faculty member of a Montana K-12 school, college or university that documents the project, number of logins required, and period required to complete the project.
- (5) “Login” is a username and password that is licensed to access the state reference network. A login is associated with an individual or an organization.
- (6) “Operating funds” means the amount of revenue necessary to operate the state reference network for the upcoming biennium.
- (7) “State reference network” means a real time positioning network operated by the Montana State Library.
- (8) “Subscription rate” means the annual cost per login.
- (9) “Total logins” means the count of current logins as of December 1 of each even-numbered year plus an estimate of new logins in the coming biennium, minus the number of logins for contributing organizations.

10.102.** DETERMINATION OF OPERATING FUNDS AND RATE SETTING PROCESS**

- (1) Each even-numbered year the State Library, in consultation with the Governor’s Office of Budget and Program Planning, will determine the amount of operating funds necessary to operate state reference network in the forthcoming biennium.
- (2) The subscription rate will be set in accordance with procedures set forth by Office of Budget and Program planning.
- (3) By January 1 of each odd-numbered year, the State Library will publicize the new rate.
- (4) New subscription rates take effect July 1 of each odd numbered year.