



MEMO

To: MSL Commission
From: Jennie Stapp
Subject: Final Administrative Rules Adoption: Definitions and 10.102.4003
Date: December 1, 2023

Proposed administrative rules revision clarify what state funding is tied to public library standards and amend the reference to tribal college libraries to match the language found in Montana Code Annotated.

Public comments received:

https://ftpaspen.msl.mt.gov/EventResources/20231201152249_23720.pdf

Support	Oppose	Other
		2

Non-substantive changes are noted in red, below.

Taking into consideration the public comments the Commission has reviewed, the Commission will decide to either adopt the rules as amended below in red, to make additional changes to the rules based on the comments, or to adopt the rules as originally proposed on [October 11](#).

NEW RULE I DEFINITIONS

(1) Definitions used in this chapter include:

(a) ~~“PA public library” is a public library defined at 22-1-301(3), MCA means those libraries as defined in 22-1-303 through 22-1-317, MCA,~~ and in Title 7, MCA, or an accredited tribal college library that provides services to the public; all libraries must comply with the standards set forth in ARM 10.102.1158-10.102.1162.

(b) “State funding” means state aid per capita funding and funding received through a library federation. In order to receive state funding, libraries must meet the public library standards set forth in ARM 10.102.1158 through 10.102.1161 or be granted a deferral as set forth in 10.102.1162.

(c) “Population” means those official, final figures from the most recent decennial census of population produced by the U.S. Bureau of the Census.

(d) “Leftover population” means the population count remaining in each county after the population counts of each municipality with library service are subtracted.

(e) “Additional population” means the population count which is to be credited to each public library based on the proportion of that municipality’s population to the total population of the county.

(f) "Leftover square miles" means the number of square miles left in each county after the square miles of each municipality with public library service are subtracted from the total number of square miles in the county.

(g) "Additional square miles" means the number of square miles credited to each public library, based on the proportion of that municipality's population to the total population of the county.

10.102.4003 DIRECT STATE AID TO PUBLIC LIBRARIES FOR PER CAPITA AND FOR PER SQUARE MILE SERVED

(1) Definitions used in this section include:

~~(a) "Public library" means those libraries as defined in [22-1-303](#) through [22-1-317](#), MCA, and in Title 7, MCA.~~

~~(b) "Population" means those official, final figures from the most recent decennial census of population produced by the U.S. Bureau of the Census.~~

~~(c) "Leftover population" means the population count remaining in each county after the population counts of each municipality with library service are subtracted.~~

~~(d) "Additional population" means the population count which is to be credited to each public library based on the proportion of that municipality's population to the total population of the county.~~

~~(e) "Leftover square miles" means the number of square miles left in each county after the square miles of each municipality with public library service are subtracted from the total number of square miles in the county.~~

~~(f) "Additional square miles" means the number of square miles credited to each public library, based on the proportion of that municipality's population to the total population of the county.~~

~~(2) (1)~~ The per capita portion of the direct state aid to public libraries will be distributed annually based on the following:

(a) In counties which have county-wide library service from one public library, or in which only one municipal public library exists, the most recent decennial census figure will be multiplied by the amount of state aid available per capita in each year.

(b) In each county with more than one municipal public library, the following procedure will be employed:

(i) The population counts of all municipalities with public libraries are added together and subtracted from the total county population resulting in the leftover population figure.

(ii) Each year all monies received by these libraries from the county commission are added together; each year each library's total is divided by the total amount received by all the libraries to determine the percentage of money given to each library by the county.

(iii) The leftover population figure is multiplied by the percentage of money each library receives from the county in order to determine the additional population figure which will be credited to each library.

(iv) The municipal population and additional population figures are added together to determine the total population which will be credited to each library.



(v) For each library the total population credited to each library is multiplied by the amount of per capita state aid available in each year to determine the total per capita support.

(vi) In the case of counties in which no county aid is provided to municipal libraries, the additional population credited to each library is based solely on the ratio of each municipal library's service area population to the total county population.

(vii) In the case of counties in which only one of two or several municipal libraries receives county aid, the library receiving county aid is credited with the entire county population exclusive of the population present in the service area populations of any other municipal libraries.

(viii) The population counts of legally annexed areas, as determined by the latest decennial U.S. census, will be credited to the municipality annexing the area the year following the annexation.

~~(3)~~ (2) The per square mile portion of the direct state aid to public libraries will be distributed annually based on the following:

(a) In counties which have county-wide library service from one public library, or in which only one municipal public library exists, the total square miles of each county will be multiplied by the amount of state aid available per square mile in each year.

(b) In each county with more than one municipal public library, the following procedure will be employed:

(i) The number of square miles of all municipalities with public libraries are added together and subtracted from the total number of square miles in the county to determine the leftover square miles.

(ii) The population counts of all municipalities with public libraries are added together, and each library's population is divided by the total county population to determine the percentage of the county population credited to each library.

(iii) The leftover square miles figure is multiplied by the percentage of the county population credited to each library in order to determine the additional square miles to be credited to each library.

(iv) Each municipality's square miles are added to their appropriate additional square miles to determine the total square miles credited to each library.

(v) For each library the total square miles credited to each library is multiplied by the amount of per square mile state aid available in each year to determine the total per capita support.

~~(4)~~ (3) In the case of library districts which are not defined by municipal or county boundaries, but by boundaries such as school districts, both the per capita and the per square mile state aid will be distributed using the appropriate boundaries and population figures as if they were municipal or county boundaries and counts.

~~(5)~~ (4) In each county which has no public libraries, the State Library will contact the county commission indicating that the county will qualify for per capita and per square mile state aid if the county commission establishes county-wide library service as provided for in state statute, or if the county commission contracts for library services with another county or municipal library as provided for in state statute. If such means are not established within a six-month period following written notice received from the State Library, the state aid which would have gone to the county will be allotted to the federation headquarters library in whose area this county is located for use in federation activities.



~~(6)~~ (5) For any questions arising because of this rule, the final arbiter is the State Library commission.