
Montana Library Laws and Rules

July 7, 2011



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Constitution

Article VIII - Revenue And Finance

Section 5. Property tax exemptions.

- (1) The legislature may exempt from taxation:
 - (a) Property of the United States, the state, counties, cities, towns, school districts, municipal corporations, and public libraries, but any private interest in such property may be taxed separately.
 - (b) Institutions of purely public charity, hospitals and places of burial not used or held for private or corporate profit, places for actual religious worship, and property used exclusively for educational purposes.
 - (c) Any other classes of property.
- (2) The legislature may authorize creation of special improvement districts for capital improvements and the maintenance thereof. It may authorize the assessment of charges for such improvements and maintenance against tax exempt property directly benefited thereby.

Provided by the Montana Legislative Services

Article X - Education And Public Lands

Section 1. Educational goals and duties.

- (1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.
- (2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.
- (3) The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

Provided by the Montana Legislative Services

Article XIII - General Provisions

Section 4. Code of ethics.

The legislature shall provide a code of ethics prohibiting conflict between public duty and private interest for members of the legislature and all state and local officers and employees.

Provided by the Montana Legislative Services

Laws

Title 1

Publication and Updating of the Code

Publication

1-11-301. Publication and sale of Montana Code Annotated – free distribution

- (1) The legislative council, with the advice of the code commissioner, shall decide on the quantity, quality, style, format, and grade of all publications prior to having the code commissioner call for bids for the printing and binding and contract for their publication. The code commissioner shall follow the requirements of state law relating to contracts and bids, except as provided in this section.
- (2) The methods of sale to the public of the Montana Code Annotated and supplements or other subsequent and ancillary publications may be included as an alternative specification and bid and as a part of a contract to be let by bids by the code commissioner.
- (3) The sales price to the public of all Montana Code Annotated material must be fixed by the legislative council but may not exceed the cost price plus 25%. All revenue generated from the sale of the Montana Code Annotated or ancillary publications must be deposited in the state special revenue fund. Appropriations from the fund may be made for the use of the office and facilities of the legislative council under this chapter.
- (4) Sets of the Montana Code Annotated purchased by the state, Montana local governmental agencies that are supported by public funds, and nonprofit organizations may not exceed the cost price of the sets plus 5%.
- (5)
 - (a) One copy of the Montana Code Annotated and supplements, and other subsequent and ancillary publications except annotations, must be provided at no cost to each library designated as a depository library as defined in 22-1-211.
 - (b) The state law library in Helena must be provided with four copies of the Montana Code Annotated and supplements, including annotations and other subsequent and ancillary publications.
 - (c) The legislative council shall include in the cost price of the code the cost of providing the copies under this subsection.

History: En. 12-507 by Sec. 7, Ch. 419, L. 1975; amd. Sec. 5, Ch. 1, L. 1977; R.C.M. 1947, 12-507; amd. Sec. 3, Ch. 1, L. 1979; amd. Sec. 4, Ch. 265, L. 1979; amd. Sec. 1, Ch. 91, L. 1981; amd. Sec. 3, Ch. 277, L. 1983; amd. Sec. 1, Ch. 83, L. 1989; amd. Sec. 1, Ch. 291, L. 1993; amd. Sec. 1, Ch. 4, L. 1995; amd. Sec. 1, Ch. 73, L. 2005; amd. Sec. 1, Ch. 95, L. 2007.

Provided by the Montana Legislative Services

Title 2

Standards of Conduct

Code of Ethics

2-2-101. Statement of purpose.

The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between legislators, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

History: En. 59-1701 by Sec. 1, Ch. 569, L. 1977; R.C.M. 1947, 59-1701.

Provided by the Montana Legislative Services

Laws : 2-2-101. Statement of purpose.

2-2-102. Definitions.

As used in this part, the following definitions apply:

- (1) "Business" includes a corporation, partnership, sole proprietorship, trust or foundation, or any other individual or organization carrying on a business, whether or not operated for profit.
- (2) "Compensation" means any money or economic benefit conferred on or received by any person in return for services rendered or to be rendered by the person or another.
- (3)
 - (a) "Gift of substantial value" means a gift with a value of \$50 or more for an individual.
 - (b) The term does not include:
 - (i) a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered to a charitable organization or the state and that is not claimed as a charitable contribution for federal income tax purposes;
 - (ii) food and beverages consumed on the occasion when participation in a charitable, civic, or community event bears a relationship to the public officer's or public employee's office or employment or when the officer or employee is in attendance in an official capacity;
 - (iii) educational material directly related to official governmental duties;
 - (iv) an award publicly presented in recognition of public service; or
 - (v) educational activity that:
 - (A) does not place or appear to place the recipient under obligation;
 - (B) clearly serves the public good; and
 - (C) is not lavish or extravagant.
- (4) "Local government" means a county, a consolidated government, an incorporated city or town, a school district, or a special district.
- (5) "Official act" or "official action" means a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority.
- (6) "Private interest" means an interest held by an individual that is:
 - (a) an ownership interest in a business;
 - (b) a creditor interest in an insolvent business;
 - (c) an employment or prospective employment for which negotiations have begun;
 - (d) an ownership interest in real property;
 - (e) a loan or other debtor interest; or
 - (f) a directorship or officership in a business.
- (7) "Public employee" means:
 - (a) any temporary or permanent employee of the state;
 - (b) any temporary or permanent employee of a local government;
 - (c) a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority; and
 - (d) a person under contract to the state.
- (8)
 - (a) "Public officer" includes any state officer and any elected officer of a local government.
 - (b) For the purposes of 67-11-104, the term also includes a commissioner of an airport authority.
- (9) "Special district" means a unit of local government, authorized by law to perform a single function or a limited number of functions. The term includes but is not limited to conservation districts, water districts, weed management districts, irrigation districts, fire districts, community college districts, hospital districts, sewer districts, and transportation districts. The term also includes any district or other entity formed by interlocal agreement.
- (10)
 - (a) "State agency" includes:
 - (i) the state;
 - (ii) the legislature and its committees;
 - (iii) all executive departments, boards, commissions, committees, bureaus, and offices;
 - (iv) the university system; and
 - (v) all independent commissions and other establishments of the state government.
 - (b) The term does not include the judicial branch.
- (11) "State officer" includes all elected officers and directors of the executive branch of state government as defined in 2-15-102.

History: En. 59-1702 by Sec. 2, Ch. 569, L. 1977; R.C.M. 1947, 59-1702; amd. Sec. 3, Ch. 18, L. 1995; amd. Sec. 1, Ch. 562, L. 1995; amd. Sec. 1, Ch. 122, L. 2001; amd. Sec. 1, Ch. 77, L. 2009.

Provided by the Montana Legislative Services

2-2-103. Public trust — public duty.

- (1) The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state.
- (2) A public officer, legislator, or public employee whose conduct departs from the person's public duty is liable to the people of the state and is subject to the penalties provided in this part for abuse of the public's trust.
- (3) This part sets forth various rules of conduct, the transgression of any of which is a violation of public duty, and various ethical principles, the transgression of any of which must be avoided.
- (4)
 - (a) The enforcement of this part for:
 - (i) state officers, legislators, and state employees is provided for in 2-2-136;
 - (ii) legislators, involving legislative acts, is provided for in 2-2-135 and for all other acts is provided for in 2-2-136;
 - (iii) local government officers and employees is provided for in 2-2-144.
 - (b) Any money collected in the civil actions that is not reimbursement for the cost of the action must be deposited in the general fund of the unit of government.

History: En. 59-1703 by Sec. 3, Ch. 569, L. 1977; R.C.M. 1947, 59-1703; amd. Sec. 216, Ch. 685, L. 1989; amd. Sec. 2, Ch. 562, L. 1995; amd. Sec. 2, Ch. 122, L. 2001.

Provided by the Montana Legislative Services

2-2-104. Rules of conduct for public officers, legislators, and public employees.

- (1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:
 - (a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or
 - (b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:
 - (i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
 - (ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.
- (2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions reported as required by statute are not gifts or economic benefits tantamount to gifts.
- (3)
 - (a) Except as provided in subsection (3)(b), a public officer, legislator, or public employee may not receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:
 - (i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the officer, legislator, or employee is absent; or
 - (ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.
 - (b) Subsection (3)(a) does not prohibit:
 - (i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or
 - (ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.
 - (c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment

Laws : 2-2-104. Rules of conduct for public officers, legislators, and public employees.

positions to the commissioner of political practices.

History: En. 59-1704 by Sec. 4, Ch. 569, L. 1977; R.C.M. 1947, 59-1704; amd. Sec. 3, Ch. 562, L. 1995; amd. Sec. 1, Ch. 243, L. 1997.

Provided by the Montana Legislative Services

2-2-105. Ethical requirements for public officers and public employees.

- (1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of office or employment in state or local government.
- (2) Except as provided in subsection (4), a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency.
- (3) A public officer or public employee may not, within 12 months following the voluntary termination of office or employment, obtain employment in which the officer or employee will take direct advantage, unavailable to others, of matters with which the officer or employee was directly involved during a term of office or during employment. These matters are rules, other than rules of general application, that the officer or employee actively helped to formulate and applications, claims, or contested cases in the consideration of which the officer or employee was an active participant.
- (4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard to the matter, the public employee shall disclose the interest creating the conflict prior to participating in the official action.
- (5) A public officer or public employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.

History: En. 59-1709 by Sec. 9, Ch. 569, L. 1977; R.C.M. 1947, 59-1709; amd. Sec. 4, Ch. 562, L. 1995.

Provided by the Montana Legislative Services

Public Participation in Governmental Operations

Notice and Opportunity to Be Heard

2-3-102. Definitions.

As used in this part, the following definitions apply:

- (1) "Agency" means any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules, determine contested cases, or enter into contracts except:
 - (a) the legislature and any branch, committee, or officer thereof;
 - (b) the judicial branches and any committee or officer thereof;
 - (c) the governor, except that an agency is not exempt because the governor has been designated as a member thereof; or
 - (d) the state military establishment and agencies concerned with civil defense and recovery from hostile attack.
- (2) "Agency action" means the whole or a part of the adoption of an agency rule, the issuance of a license or order, the award of a contract, or the equivalent or denial thereof.
- (3) "Rule" means any agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule but does not include:
 - (a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public; or
 - (b) declaratory rulings as to the applicability of any statutory provision or of any rule.

History: En. 82-4227 by Sec. 2, Ch. 491, L. 1975; amd. Sec. 23, Ch. 285, L. 1977; amd. Sec. 1, Ch. 452, L. 1977; R.C.M. 1947, 82-4227(part); amd. Sec. 1, Ch. 243, L. 1979.

Provided by the Montana Legislative Services

2-3-103. Public participation -- governor to ensure guidelines adopted.

- (1) (a) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public. The agenda for a meeting, as defined in 2-3-202, must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the agency conducting the meeting. However, the agency may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. Public comment received at a meeting must be incorporated into the official minutes of the meeting, as provided in 2-3-212.
- (b) For purposes of this section, "public matter" does not include contested case and other adjudicative proceedings.
- (2) The governor shall ensure that each board, bureau, commission, department, authority, agency, or officer of the executive branch of the state adopts coordinated rules for its programs. The guidelines must provide policies and procedures to facilitate public participation in those programs, consistent with subsection (1). These guidelines must be adopted as rules and published in a manner so that the rules may be provided to a member of the public upon request.

History: En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(1), (5); amd. Sec. 1, Ch. 425, L. 2003.

Provided by the Montana Legislative Services

Open Meetings**2-3-201. Legislative intent — liberal construction.**

The legislature finds and declares that public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the peoples' business. It is the intent of this part that actions and deliberations of all public agencies shall be conducted openly. The people of the state do not wish to abdicate their sovereignty to the agencies which serve them. Toward these ends, the provisions of the part shall be liberally construed.

History: En. Sec. 1, Ch. 159, L. 1963; R.C.M. 1947, 82-3401.

Provided by the Montana Legislative Services

2-3-202. Meeting defined.

As used in this part, "meeting" means the convening of a quorum of the constituent membership of a public agency or association described in (<http://data.opi.mt.gov/bills/mca/2/3/2-3-203.htm>), whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.

History: En. 82-3404 by Sec. 2, Ch. 567, L. 1977; R.C.M. 1947, 82-3404; amd. Sec. 2, Ch. 183, L. 1987.

Provided by the Montana Legislative Services

2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public — exceptions.

- (1) All meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds, including the supreme court, must be open to the public.
- (2) All meetings of associations that are composed of public or governmental bodies referred to in subsection (1) and that regulate the rights, duties, or privileges of any individual must be open to the public.
- (3) The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.
- (4) (a) Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency.
- (b) A meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are

Laws: 2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public — exceptions.

public bodies or associations described in subsections (1) and (2).

- (5) The supreme court may close a meeting that involves judicial deliberations in an adversarial proceeding.
- (6) Any committee or subcommittee appointed by a public body or an association described in subsection (2) for the purpose of conducting business that is within the jurisdiction of that agency is subject to the requirements of this section.

History: En. Sec. 2, Ch. 159, L. 1963; amd. Sec. 1, Ch. 474, L. 1975; amd. Sec. 1, Ch. 567, L. 1977; R.C.M. 1947, 82-3402; amd. Sec. 1, Ch. 380, L. 1979; amd. Sec. 1, Ch. 183, L. 1987; amd. Sec. 1, Ch. 123, L. 1993; amd. Sec. 1, Ch. 218, L. 2005.

Provided by the Montana Legislative Services

Administrative Procedure Act

Adoption and Publication of Rules

2-4-313. Distribution, costs, and maintenance.

- (1) The secretary of state shall distribute copies of the ARM and supplements or revisions to the ARM to the following in an electronic format unless a hard copy is requested:
 - (a) attorney general, one copy;
 - (b) clerk of United States district court for the district of Montana, one copy;
 - (c) clerk of United States court of appeals for the ninth circuit, one copy;
 - (d) county commissioners or governing body of each county of this state, for use of county officials and the public, at least one but not more than two copies, which may be maintained in a public library in the county seat or in the county offices as the county commissioners or governing body of the county may determine;
 - (e) state law library, one copy;
 - (f) state historical society, one copy;
 - (g) each unit of the Montana university system, one copy;
 - (h) law library of the university of Montana-Missoula, one copy;
 - (i) legislative services division, two copies;
 - (j) library of congress, one copy;
 - (k) state library, one copy.
- (2) The secretary of state, each county in the state, and the librarians for the state law library and the university of Montana-Missoula law library shall maintain a complete, current set of the ARM, including supplements or revisions to the ARM. The designated persons shall also maintain the register issues published during the preceding 2 years. The secretary of state shall maintain a permanent set of the registers. An entity required by this section to maintain a copy or set of the ARM and supplements or revisions to it and a copy of the register complies with this section if it provides access to an electronic version of the current ARM and the current year's issues of the register or the current year's issue and register archives for the prescribed period of time.
- (3) The secretary of state shall make printed or electronic copies of and subscriptions to the ARM and supplements or revisions to the ARM and the register available to any person for a fee set in accordance with subsection (6). Fees are not refundable.
- (4) The secretary of state may charge agencies a filing fee for all material to be published in the ARM or the register.
- (5) In addition to the fees authorized by 2-4-311 and 2-4-312 and other fees authorized by this section, the secretary of state may charge fees for internet or other computer-based services requested by state agencies, groups, or individuals.
- (6) The secretary of state shall set and deposit the fees authorized in this section in accordance with 2-15-405.

History: En. Sec. 6, Ch. 2, Ex. L. 1971; amd. Sec. 11, Ch. 285, L. 1977; R.C.M. 1947, 82-4206(5) thru (8), (10), (11); amd. Sec. 11, Ch. 243, L. 1979; amd. Sec. 1, Ch. 163, L. 1983; amd. Sec. 3, Ch. 277, L. 1983; amd. Sec. 1, Ch. 397, L. 1985; amd. Sec. 2, Ch. 580, L. 1987; amd. Sec. 1, Ch. 6, Sp. L. January 1992; amd. Sec. 1, Ch. 411, L. 1993; amd. sec. 36, Ch. 308, L. 1995; amd. Sec. 5, Ch. 42, L. 1997; amd. Sec. 10, Ch. 19, L. 1999; amd. Sec. 5, Ch. 396, L. 2001; amd. Sec. 4, Ch. 88, L. 2007; amd. Sec. 4, Ch. 303, L. 2009.

Provided by the Montana Legislative Services

Public Records

Public Records Generally

2-6-101. Definitions.

- (1) Writings are of two kinds:
 - (a) public; and
 - (b) private.
- (2) Public writings are:
 - (a) the written acts or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial, and executive, whether of this state, of the United States, of a sister state, or of a foreign country, except records that are constitutionally protected from disclosure;
 - (b) public records, kept in this state, of private writings, including electronic mail, except as provided in 22-1-1103 and 22-3-807 and except for records that are constitutionally protected from disclosure.
- (3) Public writings are divided into four classes:
 - (a) laws;
 - (b) judicial records;
 - (c) other official documents;
 - (d) public records, kept in this state, of private writings, including electronic mail.
- (4) All other writings are private.

History: En. Secs. 3170, 3171, 3172, 3182, C. Civ. Proc. 1895; re-en. Secs. 7895, 7896, 7897, 7900, Rev. C. 1907; re-en. Secs. 10539, 10540, 10541, 10544, R.C.M. 1921; Cal. C. Civ. Proc. Secs. 1887, 1888, 1889, 1894; re-en. Secs. 10539, 10540, 10541, 10544, R.C.M. 1935; R.C.M. 1947, (<http://data.opi.mt.gov/bills/mca/93/1001/93-1001-1.htm>), (<http://data.opi.mt.gov/bills/mca/93/1001/93-1001-2.htm>), (<http://data.opi.mt.gov/bills/mca/93/1001/93-1001-3.htm>), (<http://data.opi.mt.gov/bills/mca/93/1001/93-1001-6.htm>); amd. Sec. 4, Ch. 476, L. 1985; amd. Sec. 11, Ch. 748, L. 1991; amd. Sec. 1, Ch. 485, L. 1999; amd. Sec. 2, Ch. 77, L. 2001.

Provided by the Montana Legislative Services

2-6-102. Citizens entitled to inspect and copy public writings.

- (1) Every citizen has a right to inspect and take a copy of any public writings of this state, except as provided in 22-1-1103, 22-3-807, or subsection (3) of this section and as otherwise expressly provided by statute.
- (2) Every public officer having the custody of a public writing that a citizen has a right to inspect is bound to give the citizen on demand a certified copy of it, on payment of the legal fees for the copy, and the copy is admissible as evidence in like cases and with like effect as the original writing. The certified copy provision of this subsection does not apply to the public record of electronic mail provided in an electronic format.
- (3) Records and materials that are constitutionally protected from disclosure are not subject to the provisions of this section. Information that is constitutionally protected from disclosure is information in which there is an individual privacy interest that clearly exceeds the merits of public disclosure, including legitimate trade secrets, as defined in 30-14-402, and matters related to individual or public safety.
- (4) A public officer may withhold from public scrutiny information relating to individual privacy or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if release of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility. Security features that may be protected under this section include but are not limited to architectural floor plans, blueprints, designs, drawings, building materials, alarms system plans, surveillance techniques, and facility staffing plans, including staff numbers and locations. A public officer may not withhold from public scrutiny any more information than is required to protect an individual privacy interest or safety or security interest.

History: En. Secs. 3180, 3181, C. Civ. Proc. 1895; re-en. Secs. 7898, 7899, Rev. C. 1907; re-en. Secs. 10542, 10543, R.C.M. 1921; Cal. C. Civ. Proc. Secs. 1892, 1893; re-en. Secs. 10542, 10543, R.C.M. 1935; R.C.M. 1947, (<http://data.opi.mt.gov/bills/mca/93/1001/93-1001-4.htm>), (<http://data.opi.mt.gov/bills/mca/93/1001/93-1001-5.htm>); amd. Sec. 5, Ch. 476, L. 1985; amd. Sec. 12, Ch. 748, L. 1991; amd. Sec. 2, Ch. 485, L. 1999; amd. Sec. 3, Ch. 77, L. 2001.

Provided by the Montana Legislative Services

2-6-104. Records of officers open to public inspection.

Except as provided in (<http://data.opi.mt.gov/bills/mca/27/18/27-18-111.htm>) and (<http://data.opi.mt.gov/bills/mca/42/6/42-6-101.htm>), the public records and other matters, except records that are constitutionally protected from disclosure, in the office of any officer are at all times during office hours open to the inspection of any person.

History: En. Sec. 1136, Pol. C. 1895; re-en. Sec. 438, Rev. C. 1907; re-en. Sec. 455, R.C.M. 1921; Cal. Pol. C. Sec. 1032; re-en. Sec. 455, R.C.M. 1935; amd. Sec. 1, Ch. 112, L. 1945; R.C.M. 1947, 59-512(part); amd. Sec. 157, Ch. 480, L. 1997; amd. Sec. 3, Ch. 485, L. 1999.

Provided by the Montana Legislative Services

2-6-109. Prohibition on distribution or sale of mailing lists — exceptions — penalty.

- (1) Except as provided in subsections (3) through (9), in order to protect the privacy of those who deal with state and local government:
 - (a) an agency may not distribute or sell for use as a mailing list any list of persons without first securing the permission of those on the list; and
 - (b) a list of persons prepared by the agency may not be used as a mailing list except by the agency or another agency without first securing the permission of those on the list.
- (2) As used in this section, "agency" means any board, bureau, commission, department, division, authority, or officer of the state or a local government.
- (3) This section does not prevent an individual from compiling a mailing list by examination of records that are otherwise open to public inspection.
- (4) This section does not apply to the lists of:
 - (a) registered electors and the new voter lists provided for in 13-2-115;
 - (b) the names of employees governed by Title 39, chapter 31;
 - (c) persons holding driver's licenses or Montana identification cards provided for under 61-5-127;
 - (d) persons holding professional or occupational licenses governed by Title 23, chapter 3; Title 37, chapters 1 through 4, 6 through 29, 31, 34 through 36, 40, 47, 48, 50, 51, 53, 54, 60, 65 through 69, 72, and 73; and Title 50, chapters 39, 72, 74, and 76; or
 - (e) persons certified as claims examiners under 39-71-320.
- (5) This section does not prevent an agency from providing a list to persons providing prelicensing or continuing educational courses subject to state law or subject to Title 33, chapter 17.
- (6) This section does not apply to the right of access by Montana law enforcement agencies.
- (7) This section does not apply to a corporate information list developed by the secretary of state containing the name, address, registered agent, officers, and directors of business, nonprofit, religious, professional, and close corporations authorized to do business in this state.
- (8) This section does not apply to the use by the public employees' retirement board of a mailing list of board-administered retirement system participants to send materials on behalf of a retiree organization formed for board-administered retirement system participants and with tax-exempt status under section 501(c)(4) of the Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the mailing list is not released to the organization.
- (9) This section does not apply to a public school providing lists of graduating students to representatives of the armed forces of the United States or to the national guard for the purposes of recruitment.
- (10) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor.

History: En. Sec. 1, Ch. 606, L. 1979; amd. Sec. 6, Ch. 683, L. 1985; amd. Sec. 1, Ch. 663, L. 1989; amd. Sec. 2, Ch. 289, L. 1991; amd. Sec. 1, Ch. 379, L. 1995; amd. Sec. 1, Ch. 412, L. 1995; amd. Sec. 1, Ch. 364, L. 1997; amd. Sec. 4, Ch. 370, L. 1997; amd. Sec. 126, Ch. 305, L. 1999; amd. Sec. 1, Ch. 319, L. 2001; amd. Sec. 11, Ch. 363, L. 2001; amd. Sec. 2, Ch. 441, L. 2003; amd. Sec. 1, Ch. 149, L. 2007; amd. Sec. 3, Ch. 125, L. 2009.

Provided by the Montana Legislative Services

2-6-110. Electronic information and nonprint records -- public access -- fees.

- (1) (a) Except as provided by law, each person is entitled to a copy of public information compiled, created, or otherwise in the custody of public agencies that is in electronic format or other nonprint media, including but not limited to videotapes, photographs, microfilm, film, or computer disk, subject to the same restrictions applicable to the information in printed form. All restrictions relating to confidentiality, privacy, business secrets, and copyright are applicable to the electronic or nonprint information.
- (b) The provisions of subsection (1)(a) do not apply to collections of the Montana historical society established pursuant to 22-3-101.
- (2) Except as provided by law and subject to subsection (3), an agency may charge a fee, not to exceed:
 - (a) the agency's actual cost of purchasing the electronic media used for transferring data, if the person requesting the information does not provide the media;
 - (b) expenses incurred by the agency as a result of mainframe and midtier processing charges;
 - (c) expenses incurred by the agency for providing online computer access to the person requesting access;
 - (d) other out-of-pocket expenses directly associated with the request for information, including the retrieval or production of electronic mail; and
 - (e) the hourly market rate for an administrative assistant in pay band 3 of the broadband pay plan, as provided for in 2-18-301, in the current fiscal year for each hour, or fraction of an hour, after one-half hour of copying service has been provided.
- (3) (a) In addition to the allowable fees in subsection (2), the department of revenue may charge an additional fee as reimbursement for the cost of developing and maintaining the property valuation and assessment system database from which the information is requested. The fee must be charged to persons, federal agencies, state agencies, and other entities requesting the database or any part of the database from any department property valuation and assessment system. The fee may not be charged to the governor's office of budget and program planning, the state tax appeal board, or any legislative agency or committee.
- (b) The department of revenue may not charge a fee for information provided from any department property valuation and assessment system database to a local taxing jurisdiction for use in taxation and other governmental functions or to an individual taxpayer concerning the taxpayer's property.
- (c) All fees received by the department of revenue under subsection (2) and this subsection (3) must be deposited in a state special revenue fund as provided in 15-1-521.
- (d) Fees charged by the secretary of state pursuant to this section must be set and deposited in accordance with 2-15-405.
- (4) For the purposes of this section, the term "agency" has the meaning provided in 2-3-102 but includes legislative, judicial, and state military agencies.
- (5) An agency may not charge more than the amount provided under subsection (2) for providing a copy of an existing nonprint record.
- (6) An agency shall ensure that a copy of information provided to a requester is of a quality that reflects the condition of the original if requested by the requester.
- (7) This section does not authorize the release of electronic security codes giving access to private information.

History: En. Sec. 1, Ch. 254, L. 1991; amd. Sec. 10, Ch. 640, L. 1993; amd. Sec. 1, Ch. 27, Sp. L. November 1993; amd. Sec. 2, Ch. 4, L. 1995; amd. Sec. 1, Ch. 484, L. 1995; amd. Sec. 1, Ch. 405, L. 1999; amd. Sec. 4, Ch. 77, L. 2001; amd. Sec. 7, Ch. 396, L. 2001; amd. Sec. 1, Ch. 81, L. 2007.

Provided by the Montana Legislative Services

Executive Branch Officers and Agencies**Education****2-15-1511. Agencies allocated to state board of education.**

The state historical society, the Montana arts council, and the state library commission are allocated to the state board of education for purposes of planning and coordination. Budget requests to the state for these agencies shall be included with the budget requests of the state board of education; however, the governance, management, and control of the respective agencies shall be vested respectively in the board of trustees of the state historical society, the Montana arts council, and the state library commission.

Laws : 2-15-1511. Agencies allocated to state board of education.

History: En. 82A-501.1 by Sec. 5, Ch. 51, L. 1974; R.C.M. 1947, 82A-501.1.

Provided by the Montana Legislative Services

2-15-1514. State library commission — natural resource data system advisory committee.

- (1)
 - (a) There is a state library commission created in Title 22, chapter 1.
 - (b) The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of commission members are as prescribed by law.
- (2)
 - (a) There is a natural resource data system advisory committee consisting of an employee of the legislative services division, of the department of administration, of the state library, and of each principal data source agency, appointed by the head of the respective state agency, and by the board of regents of higher education for the Montana university system.
 - (b) The state library shall provide staff support to the committee, within the limits of the library's available resources.

History: (1)En. 82A-509 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 9, Ch. 51, L. 1974; R.C.M. 1947, 82A-509; (2)En. Sec. 3, Ch. 650, L. 1983; amd. Sec. 1, Ch. 395, L. 1985; Sec. (<http://data.opi.mt.gov/bills/mca/2/15/2-15-1018.htm>), MCA 1983; redes. (<http://data.opi.mt.gov/bills/mca/2/15/2-15-1514.htm>)(2) by Code Commissioner, 1985; amd. Sec. 9, Ch. 545, L. 1995; amd. Sec. 24, Ch. 313, L. 2001.

Provided by the Montana Legislative Services

2-15-1523. Ground water assessment steering committee.

- (1) There is a ground water assessment steering committee consisting of an employee of each of the following state agencies that have responsibility for ground water protection, management, or information. The member must be appointed by the head of the respective state agency:
 - (a) the department of natural resources and conservation;
 - (b) the department of environmental quality;
 - (c) the department of agriculture; and
 - (d) the Montana state library, natural resource information system.
- (2) The ground water assessment steering committee may include representatives of the following agencies and units of government with expertise or management responsibility related to ground water and representatives of the organizations and groups specified in subsection (2)(h), who shall serve as ex officio members:
 - (a) the legislative services division;
 - (b) the board of oil and gas conservation;
 - (c) the Montana bureau of mines and geology;
 - (d) a unit of the university system, other than the Montana bureau of mines and geology, appointed by the board of regents of higher education for the Montana university system;
 - (e) a county government, appointed by an organization of Montana counties;
 - (f) a city, town, or city-county government, appointed by an organization of Montana cities and towns;
 - (g) each principal federal agency that has responsibility for ground water protection, management, or research, appointed by the Montana head of the respective federal agency; and
 - (h) one representative of each of the following, appointed by the governor:
 - (i) agricultural water users;
 - (ii) industrial water users;
 - (iii) a conservation or ecological protection organization; and
 - (iv) the development community.
- (3) The ground water assessment steering committee shall elect a presiding officer from its voting members.
- (4) The Montana bureau of mines and geology shall provide staff support to the committee.

History: En. Sec. 8, Ch. 769, L. 1991; amd. Sec. 8, Ch. 418, L. 1995; amd. Sec. 10, Ch. 545, L. 1995; amd. Sec. 2, Ch. 436, L. 2009.

Provided by the Montana Legislative Services

Laws : 2-15-1523. Ground water assessment steering committee.

General Provisions

2-15-108. Gender and racial balance — report to legislature.

- (1) As vacancies occur and appointments are made, all appointing authorities of all appointive boards, commissions, committees, and councils of state government shall take positive action to attain gender balance and proportional representation of minorities resident in Montana to the greatest extent possible.
- (2) Pursuant to subsection (1), the secretary of state shall publish in the Montana Administrative Register on a monthly basis the recent appointments made by the executive branch and the upcoming vacancies on executive boards and commissions.
- (3) The governor shall report to the legislature, as provided in 5-11-210, on the progress made toward achieving the goals set forth in this section.

History: En. Secs. 1, 2, Ch. 208, L. 1991; amd. Sec. 6, Ch. 349, L. 1993.

Provided by the Montana Legislative Services

2-15-122. Creation of advisory councils.

- (1)
 - (a) A department head or the governor may create advisory councils.
 - (b) An agency or an official of the executive branch of state government other than a department head or the governor, including the superintendents of the state's institutions and the presidents of the units of the state's university system, may also create advisory councils but only if federal law or regulation requires that the official or agency create the advisory council as a condition to the receipt of federal funds.
 - (c) The board of public education, the board of regents of higher education, the state board of education, the attorney general, the state auditor, the secretary of state, and the superintendent of public instruction may create advisory councils, which shall serve at their pleasure, without the approval of the governor. The creating authority shall file a record of each council created by it in the office of the governor and the office of the secretary of state in accordance with subsection (9).
- (2) Each advisory council created under this section must be known as the "... advisory council".
- (3) The creating authority shall:
 - (a) prescribe the composition and advisory functions of each advisory council created;
 - (b) appoint its members, who shall serve at the pleasure of the creating authority; and
 - (c) specify a date when the existence of each advisory council ends.
- (4) Advisory councils may be created only for the purpose of acting in an advisory capacity, as defined in 2-15-102.
- (5)
 - (a) Unless an advisory council member is a full-time salaried officer or employee of this state or of any political subdivision of this state, the member is entitled to be paid in an amount to be determined by the department head, not to exceed \$50 for each day in which the member is actually and necessarily engaged in the performance of council duties and to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of council duties. The maximum daily pay rate must be adjusted for inflation annually using the formula provided in 15-6-134(2)(b)(ii) and (2)(b)(iii), except that the base income level and appropriate dollar amount must be \$50 a day.
 - (b) Members who are full-time salaried officers or employees of this state or of any political subdivision of this state are not entitled to be compensated for their service as members but are entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503.
- (6) Unless otherwise specified by the creating authority, at its first meeting in each year, an advisory council shall elect a presiding officer and other officers that it considers necessary.
- (7) Unless otherwise specified by the creating authority, an advisory council shall meet at least annually and shall also meet on the call of the creating authority or the governor and may meet at other times on the call of the presiding officer or a majority of its members. An advisory council may not meet outside the city of Helena without the express prior authorization of the creating authority.
- (8) A majority of the membership of an advisory council constitutes a quorum to do business.
- (9) Except as provided in subsection (1)(c), an advisory council may not be created or appointed by a department head or any other official without the approval of the governor. In order for the creation or approval of the creation of an advisory council to be effective, the governor shall file in the governor's office and in the office of the secretary of state a record of the council created showing:
 - (a) the council's name, in accordance with subsection (2);
 - (b) the council's composition;

Laws : 2-15-122. Creation of advisory councils.

- (c) the appointed members, including names and addresses;
 - (d) the council's purpose; and
 - (e) the council's term of existence, in accordance with subsection (10).
- (10) An advisory council may not be created to remain in existence longer than 2 years after the date of its creation or beyond the period required to receive federal or private funds, whichever occurs later, unless extended by the appointing authority in the manner set forth in subsection (1). If the existence of an advisory council is extended, the appointing authority shall specify a new date, not more than 2 years later, when the existence of the advisory council ends and file a record of the order in the office of the governor and the office of the secretary of state. The existence of any advisory council may be extended as many times as necessary.

History: En. 82A-110 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 10, Ch. 358, L. 1973; amd. Sec. 3, Ch. 51, L. 1974; amd. Sec. 56, Ch. 439, L. 1975; R.C.M. 1947, 82A-110; amd. Sec. 3, Ch. 83, L. 1989; amd. Sec. 4, Ch. 509, L. 1989; amd. Sec. 1, Ch. 119, L. 1991; amd. Sec. 72, Ch. 61, L. 2007; amd. Sec. 1, Ch. 66, L. 2007.

Provided by the Montana Legislative Services

Property and Systems Development and Management

Information Technology - Internet Privacy

2-17-532. Establishment.

- (1) The department shall establish and maintain appropriate electronic access systems for state agencies to use to provide direct electronic access to information and services by citizens, businesses, and other government entities. State agencies shall establish electronic access systems that meet minimum technical standards established by the department. Agencies involved in communicating information or providing services to the public shall use these systems to provide appropriate information to the public, including but not limited to:
- (a) descriptions of agency functions, including contact information;
 - (b) agency program services provided to citizens, businesses, and other government entities;
 - (c) environmental assessments;
 - (d) rulemaking notices;
 - (e) board vacancy notices as required by 2-15-201;
 - (f) agency reports mandated by statute;
 - (g) parks reports required by 23-1-110;
 - (h) requests for bids or proposals; and
 - (i) public meeting notices and agendas.
- (2) The purpose of electronic access systems is to encourage the practice of providing for direct citizen, business, and other government entity access to state computerized information and services.

History: En. Sec. 2, Ch. 268, L. 1989; amd. Sec. 1, Ch. 166, L. 1993; amd. Sec. 2, Ch. 440, L. 1997; amd. Sec. 29, Ch. 313, L. 2001; Sec. (<http://data.opi.mt.gov/bills/mca/2/17/2-17-322.htm>), MCA 1999; redes. (<http://data.opi.mt.gov/bills/mca/2/17/2-17-532.htm>) by Sec. 44(3), Ch. 313, L. 2001.

Provided by the Montana Legislative Services

2-17-533. Responsibilities.

- (1) The department shall:
- (a) establish policies, standards, and procedures for the electronic access systems;
 - (b) establish appropriate services to support state agencies' use of the electronic access systems; and
 - (c) develop user-friendly systems for entities regularly interacting with state government, including but not limited to citizens, businesses, and other government entities, and promote the systems' use to reduce copying and mailing costs for state government and as a means to obtain information and services faster and in a more cost-effective manner.
- (2) The department shall provide security to protect the integrity of its electronic access systems.
- (3) Each department is responsible for ensuring the integrity and appropriateness of the information that it places in the electronic access systems.
- (4) The department shall provide for an equitable method for recovering the cost of operating the electronic access systems that the department provides.

Laws : 2-17-533. Responsibilities.

History: En. Sec. 3, Ch. 268, L. 1989; amd. Sec. 2, Ch. 166, L. 1993; amd. Sec. 3, Ch. 440, L. 1997; amd. Sec. 30, Ch. 313, L. 2001; Sec. (<http://data.opi.mt.gov/bills/mca/2/17/2-17-323.htm>), MCA 1999; redes. (<http://data.opi.mt.gov/bills/mca/2/17/2-17-533.htm>) by Sec. 44(3), Ch. 313, L. 2001.

Provided by the Montana Legislative Services

Title 3

Supreme Court

Form and Reporting Decisions

3-2-604. Distribution of reports.

- (1) On the publication of each volume of the reports, the supreme court shall purchase and distribute:
 - (a) each volume to each justice of the supreme court and to each district court judge; and
 - (b) four copies of each volume to the law library of the state of Montana.
- (2) All reports distributed pursuant to subsection (1) are for the use of the office and must be turned over to the successor in office.

History: En. Sec. 896, Pol. C. 1895; re-en. Sec. 312, Rev. C. 1907; amd. Sec. 1, Ch. 203, L. 1921; re-en. Sec. 384, R.C.M. 1921; re-en. Sec. 384, R.C.M. 1935; amd. Sec. 3, Ch. 46, L. 1937; amd. Sec. 20, Ch. 344, L. 1977; R.C.M. 1947, 82-2007; amd. Sec. 3, Ch. 494, L. 1981; amd. sec. 36, Ch. 308, L. 1995; amd. Sec. 2, Ch. 28, L. 1997.

Provided by the Montana Legislative Services

Title 5

Legislative Council and Publication of Laws

Dissemination of Laws and Proceedings

5-11-203. Distribution of session laws — inspection of journals.

- (1) Immediately after the session laws are published, the legislative services division shall distribute them.
- (2) The legislative services division shall make the house and senate journals available for inspection or copying by the public as provided in Title 2, chapter 6, part 1. The legislative services division may publish the journals in an electronic format.
- (3) The following entities may receive the number of copies of session laws listed at no cost:
 - (a) to the library of congress, eight copies;
 - (b) to the state library, two copies;
 - (c) to the state historical library, two copies;
 - (d) to the state law librarian, four copies for the use of the library and additional copies as may be required for exchange with libraries and institutions maintained by other states and territories and public libraries;
 - (e) to the library of each custodial institution, one copy;
 - (f) to each Montana member of congress, each United States district judge in Montana, each of the judges of the state supreme and district courts, and each of the state officers as defined in 2-2-102, one copy;
 - (g) to any agency, board, commission, or office of the state, other than a state officer, and to any other subdivision of the state upon request and approval by the legislative council, one copy;
 - (h) to each member of the legislature, the secretary of the senate, and the chief clerk of the house of representatives from the session at which the laws were adopted, one copy;
 - (i) to each of the community college districts of the state, as defined in 20-15-101, and each unit of the Montana university system, one copy;
 - (j) to each county clerk, one copy for the use of the county; and
 - (k) to each county attorney and to each clerk of a district court, one copy.

History: En. Sec. 1, Ch. 86, L. 1907; re-en. Sec. 155, Rev. C. 1907; amd. Sec. 1, Ch. 126, L. 1921; re-en. Sec. 135, R.C.M. 1921; amd. Sec. 1, Ch. 22, L. 1929; re-en. Sec. 135, R.C.M. 1935; amd. Sec. 1, Ch. 46, L. 1937; Sec. 82-2203, R.C.M. 1947; redes. 43-711.2 and amd. by Sec. 4, Ch. 96, L. 1973; amd. Sec. 13, Ch. 309, L. 1977; R.C.M. 1947, 43-711.2; amd. Sec. 1, Ch. 65, L. 1979;

Laws : 5-11-203. Distribution of session laws — inspection of journals.

amd. Sec. 3, Ch. 138, L. 1979; amd. Sec. 18, Ch. 575, L. 1981; amd. Sec. 2, Ch. 3, L. 1983; amd. Sec. 4, Ch. 22, Sp. L. November 1993; amd. Sec. 26, Ch. 545, L. 1995; amd. Sec. 22, Ch. 42, L. 1997.

Provided by the Montana Legislative Services

5-11-212. Fees for proceedings.

- (1) A complete set of the proceedings of a regular or special session of the legislature may be purchased from the legislative services division for the amount prescribed by the legislative council. Upon receipt of payment, the executive director of the legislative services division shall supply the purchaser with a complete set of the proceedings.
- (2) A purchaser who requests that a set of the proceedings be mailed shall pay an additional fee as prescribed by the council for each complete set that is mailed.
- (3) Single copies of bills, resolutions, or amendments to bills or resolutions may be purchased from the legislative services division for a price varying with the length of the document as prescribed by the legislative council.
- (4) Single copies of status sheets or status of proceedings may be purchased from the legislative services division for a price per copy as prescribed by the legislative council. A person may subscribe to receive daily copies of the status sheets or status of proceedings by mail for a fee set by the legislative council to cover the costs of the service.
- (5) The executive director of the legislative services division shall account for all funds collected under this section and shall transmit the funds to the treasurer of the state of Montana, who shall credit them to the general fund.

History: En. Sec. 2, Ch. 223, L. 1959; amd. Sec. 1, Ch. 14, L. 1967; amd. Sec. 1, Ch. 5, L. 1969; amd. Sec. 2, Ch. 292, L. 1974; amd. Sec. 22, Ch. 309, L. 1977; R.C.M. 1947, 43-902; amd. Sec. 10, Ch. 138, L. 1979; amd. Sec. 2, Ch. 638, L. 1985; amd. Sec. 24, Ch. 42, L. 1997.

Provided by the Montana Legislative Services

5-11-213. Exclusions.

Each general circulation newspaper published in Montana and each radio or television station broadcasting in Montana that has registered with the executive director of the legislative services division is exempt from (<http://data.opi.mt.gov/bills/mca/5/11/5-11-212.htm>) and shall receive one complete set of the proceedings of the legislature for the ensuing biennium without charge.

History: En. Sec. 3, Ch. 223, L. 1959; amd. Sec. 3, Ch. 292, L. 1974; R.C.M. 1947, 43-903; amd. Sec. 1, Ch. 64, L. 1985; amd. Sec. 3, Ch. 638, L. 1985; amd. Sec. 25, Ch. 42, L. 1997.

Provided by the Montana Legislative Services

5-11-214. Exemptions from fees.

All elected state officials, state department heads, the state law library, and county clerk and recorders shall be exempted from (<http://data.opi.mt.gov/bills/mca/5/11/5-11-212.htm>).

History: En. Sec. 4, Ch. 223, L. 1959; amd. Sec. 4, Ch. 292, L. 1974; R.C.M. 1947, 43-904.

Provided by the Montana Legislative Services

Title 7

Alternative Forms of Local Government

Municipal Commission Government

7-3-4252. Powers of council.

The council has and shall exercise all executive, legislative, and judicial powers and duties possessed and exercised by the mayor, city council, board of public works, park commissioners, board of police and fire commissioners, board of waterworks trustees, board of library trustees, attorney, treasurer, auditor, city engineer, and other executive and administrative offices in cities organized under the general municipal incorporation laws.

Laws : 7-3-4252. Powers of council.

History: En. Sec. 18, Ch. 57, L. 1911; re-en. Sec. 5383, R.C.M. 1921; re-en. Sec. 5383, R.C.M. 1935; R.C.M. 1947, 11-3120(part); amd. Sec. 6, Ch. 27, Sp. L. November 1993.

Provided by the Montana Legislative Services

7-3-4253. Department structure and operation.

- (1) The executive and administrative powers, authority, and duties in municipal commission government cities must be distributed into and among departments as follows:
 - (a) in cities having a mayor and two council members, into three departments:
 - (i) a department of accounts, finance, and public property;
 - (ii) a department of public safety and charity; and
 - (iii) a department of streets, public improvements, and parks;
 - (b) in cities having a mayor and four council members, into five departments:
 - (i) a department of public affairs;
 - (ii) a department of accounts and finance;
 - (iii) a department of public safety and charity;
 - (iv) a department of street and public improvements; and
 - (v) a department of parks and public property.
- (2) The council shall determine the powers and duties to be performed by each department of the city, shall prescribe the powers and duties of officers and employees, may assign particular officers and employees to one or more of the departments, may require an officer or employee to perform duties in two or more departments, and may make rules necessary or proper for the efficient and economical conduct of the business of the city.

History: En. Sec. 18, Ch. 57, L. 1911; re-en. Sec. 5383, R.C.M. 1921; re-en. Sec. 5383, R.C.M. 1935; R.C.M. 1947, 11-3120(part); amd. Sec. 370, Ch. 61, L. 2007.

Provided by the Montana Legislative Services

7-3-4254. Selection and supervision of officers and employees.

- (1) In cities having a mayor and two council members, the mayor is the superintendent of the department of accounts, finance, and public property, and in cities having a mayor and four city council members, the mayor is the superintendent of the department of public affairs. The mayor has general supervision over all departments of the city and over all matters connected with the city, and the council shall, at its first regular meeting after the election of its members, designate by majority vote one council member to be superintendent over each department of the city, but that designation may be changed whenever it appears that the public service would be benefited.
- (2) The council shall, at its first regular meeting after the election of its members or as soon thereafter as practicable, elect by majority vote the following officers: a city clerk, a city treasurer, a city attorney, a city auditor, a city engineer, a city physician, a chief of the fire department, a chief of the police department, a commissioner of weights and measures, a street commissioner, library trustees, cemetery trustees, and other officers and assistants as provided for by ordinance and that may be necessary to the proper and efficient conduct of the affairs of the city. The council may by ordinance consolidate any of the enumerated offices, may require any officer elected by the council to perform the duties of any other officer, and shall appoint a city judge with the authority conferred by existing laws. The tenure in office of a chief of the fire department and other officers of the fire department is governed by the provisions of 7-33-4106 and 7-33-4122 through 7-33-4124. Any officer or assistant elected or appointed by the council may be removed from office at any time by a majority vote of the members of the council, except as otherwise provided in this part.
- (3) The council may create, fill, and discontinue offices and employment other than those prescribed in this section, according to their judgment of the needs of the city, by majority vote of all the members to remove any officer or employee, except as otherwise provided for in this part. The council may by resolution or otherwise prescribe, limit, or change the compensation of officers or employees.

History: (1), (2)En. Sec. 19, Ch. 57, L. 1911; re-en. Sec. 5384, R.C.M. 1921; re-en. Sec. 5384, R.C.M. 1935; amd. Sec. 1, Ch. 73, L. 1943; Sec. 11-3121, R.C.M. 1947; (3)En. Sec. 20, Ch. 57, L. 1911; re-en. Sec. 5385, R.C.M. 1921; re-en. Sec. 5385, R.C.M. 1935; Sec. 11-3122, R.C.M. 1947; R.C.M. 1947, 11-3121, 11-3122; amd. Sec. 371, Ch. 61, L. 2007.

Provided by the Montana Legislative Services

Laws : 7-3-4254. Selection and supervision of officers and employees.

7-3-4266. Report of proceedings and financial statement.

The council shall monthly print in pamphlet form a detailed itemized statement of all of the receipts and expenses of the city and a summary of its proceedings during the preceding month and furnish printed copies of the statement to the state library, the city library, the daily newspaper of the city, and persons who apply for the statement at the office of the city clerk.

History: En. Sec. 26, Ch. 57, L. 1911; re-en. Sec. 5391, R.C.M. 1921; re-en. Sec. 5391, R.C.M. 1935; amd. Sec. 1, Ch. 52, L. 1943; amd. Sec. 55, Ch. 348, L. 1974; R.C.M. 1947, 11-3129.

Provided by the Montana Legislative Services

Municipal Commission-Manager Government**7-3-4463. Department of public welfare.**

- (1) Subject to the supervision and control of the city manager in all matters, the director of public welfare shall manage all charitable, correctional, and reformatory institutions and agencies belonging to the municipality and the use of all recreational facilities of the municipality, including libraries, parks, and playgrounds. The director has charge of the inspection and supervision of public amusements and entertainments. The director shall enforce all laws, ordinances, and regulations relating to:
 - (a) the preservation and promotion of the public health;
 - (b) the prevention and restriction of disease;
 - (c) the prevention, abatement, and suppression of nuisances; and
 - (d) the sanitary inspection and supervision of the production, transportation, storage, and sale of foodstuffs.
- (2) The director shall cause a complete and accurate system of vital statistics to be kept. In time of epidemic or threatened epidemic, the director may enforce quarantine regulations that are appropriate to the emergency. The director of public welfare shall provide for the study of and research into causes of poverty, delinquency, crime, disease, and other social problems in the community and shall, by means of lectures and exhibits, promote the education and understanding of the community in those matters that affect the public welfare.
- (3) The health officer of the municipality is under the direction and control of the director of public welfare, shall enforce all ordinances and laws relating to health, and shall perform all duties and have all powers provided by general law relative to the public health to be exercised in municipalities by health officers. Regulations affecting the public health in addition to those established by general law and for the violation of which penalties are imposed must be enacted by the commission and enforced as provided in this part.

History: En. Sec. 66, Ch. 152, L. 1917; re-en. Sec. 5464, R.C.M. 1921; re-en. Sec. 5464, R.C.M. 1935; R.C.M. 1947, 11-3265; amd. Sec. 398, Ch. 61, L. 2007.

Provided by the Montana Legislative Services

Financial Administration and Taxation**Local Government Budget Act****7-6-4001. Short title -- applicability.**

- (1) This part may be referred to as the "Local Government Budget Act".
- (2) This part applies to all local governments.

History: En. Sec. 9, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4002. Definitions.

As used in this part, unless the context requires otherwise, the following definitions apply:

- (1) "Governing body" means the elected body responsible for the administration of a local government.
- (2) "Local government" has the meaning provided in 7-6-602.
- (3) "Municipality" means an incorporated city or town.
- (4) "Working capital" means the current assets of a fund minus the current liabilities and designated reserves of a fund.

History: En. Sec. 10, Ch. 278, L. 2001.

Laws : 7-6-4002. Definitions.

Provided by the Montana Legislative Services

7-6-4003. Budget and levies supplied to department of administration.

- (1) A local government shall submit a complete copy of the final budget together with a statement of tax levies to the department of administration by the later of October 1 or 60 days after receipt of taxable values from the department of revenue. The county clerk and recorder shall make this submission for counties.
- (2) The local government shall use standard forms prescribed by the department of administration or may use an alternative budget format acceptable to the department of administration.

History: En. Sec. 11, Ch. 278, L. 2001; amd. Sec. 221(1), Ch. 483, L. 2001.

Provided by the Montana Legislative Services

7-6-4004. Budget fund structure.

Local government budgets must conform to the fund structure prescribed by the department of administration.

History: En. Sec. 12, Ch. 278, L. 2001; amd. Sec. 221(1), Ch. 483, L. 2001.

Provided by the Montana Legislative Services

7-6-4005. Expenditures limited to appropriations.

- (1) Local government officials may not make a disbursement or an expenditure or incur an obligation in excess of the total appropriations for a fund.
- (2) A local government official who violates subsection (1) is liable for the amount of the excess disbursement, expenditure, or obligation personally.
- (3) The subsequent claims approval process may not be considered as the making of a disbursement or an expenditure or as incurring an obligation and does not otherwise limit or mitigate the local government official's personal liability.

History: En. Sec. 13, Ch. 278, L. 2001; amd. Sec. 6, Ch. 209, L. 2005.

Provided by the Montana Legislative Services

7-6-4006. Appropriation power -- requirements.

- (1) A governing body may appropriate money and provide for the payment of the debts and expenses of the local government.
- (2) Money may not be disbursed, expended, or obligated except pursuant to an appropriation for which working capital is or will be available.
- (3) Appropriations may be adjusted according to procedures authorized by the governing body for:
 - (a) debt service funds for obligations related to debt approved by the governing body;
 - (b) trust funds for obligations authorized by trust covenants;
 - (c) any fund for federal, state, local, or private grants and shared revenue accepted and approved by the governing body;
 - (d) any fund for special assessments approved by the governing body;
 - (e) the proceeds from the sale of land;
 - (f) any fund for gifts or donations; and
 - (g) money borrowed during the fiscal year.
- (4) The governing body may amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings. Budget amendments providing for additional appropriations must identify the fund reserves, unanticipated revenue, or previously unbudgeted revenue that will fund the appropriations.

History: En. Sec. 14, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4011. Use of bond proceeds and borrowed money.

- (1) Except as otherwise provided by law, money borrowed by a local government may be used only for the purpose for which the money was borrowed. Unless restricted by law, surplus borrowed money may be used to redeem the debt for which the money was borrowed.
- (2) The authorization of bonds by the electors or the governing body constitutes the appropriation of the bond pro-

Laws : 7-6-4011. Use of bond proceeds and borrowed money.

ceeds for the purpose for which the bonds are authorized.

History: En. Sec. 15, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4012. Fee based budgets -- adjustable appropriation.

- (1) In its final budget resolution, the governing body may authorize adjustments to appropriations funded by fees throughout the budget period. Adjustable appropriations are:
 - (a) proprietary fund appropriations; or
 - (b) other appropriations specifically identified in the local government's final budget resolution as fee-based appropriations.
- (2) Adjustments of fee-based appropriations must be:
 - (a) based upon the cost of providing the services supported by the fee; and
 - (b) fully funded by the related fees for services, fund reserves, or nonfee revenue such as interest.

History: En. Sec. 16, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4013. Fees for services -- hearing and resolution.

- (1) If a local government has the authority to regulate, establish, and change fees, rates, charges, and classifications that are imposed for services to its inhabitants and other persons served by the local government, the fees, rates, charges, and classifications must be reasonable and related to the cost of providing the service.
- (2) Charges for services must comply with Title 17, chapter 2, part 3, and other applicable statutes.
- (3) In order to establish or change fees, rates, charges, or classifications imposed for services, the governing body shall order a hearing to be held as provided in 7-1-4131, unless a special hearing process is provided by law. Municipal utility rate hearings must be held as provided in 69-7-112.
- (4) Notice of a hearing must be published as provided in 7-1-2121 for a county and as provided in 7-1-4127 for a municipality.
- (5) After a hearing, the fees, rates, charges, or classifications must be established by resolution of the governing body.

History: En. Sec. 17, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4014. Restriction on tax-financed expenditures if voter approval required.

If an expenditure is to be financed from a tax levy required to be authorized and approved at an election, the expenditure may not be made or an obligation may not be incurred against the expenditure until the tax levy is authorized and approved.

History: En. Sec. 18, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4015. Payments for judgments.

- (1) Judgments against a local government that are not covered by insurance may be paid:
 - (a) from the general fund; or
 - (b) from the fund or funds supporting the local government operation that incurred the judgment.
- (2) Judgments that are to be paid from the general fund:
 - (a) must be paid in the current fiscal year if there is sufficient money in the general fund to pay both the judgment and the general fund appropriations for the current fiscal year; or
 - (b) must be paid from additional tax levies made in each of the next 3 years if general fund money is insufficient to pay the judgment in the current fiscal year.

History: En. Sec. 19, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4020. Preliminary annual operating budget.

- (1) A preliminary annual operating budget must be prepared for the local government.
- (2) This part does not provide for the consolidation or reassignment, but does not prohibit delegation by mutual agreement, of any duties of elected county officials.
- (3)
 - (a) Before June 1 of each year, the county clerk and recorder shall notify the county commission and each board, office, regional resource authority, or official that they are required to file preliminary budget proposals for their component of the total county budget.
 - (b) Component budgets must be submitted to the clerk and recorder before June 10th or on a date designated by the county commission and must be submitted on forms provided by the county clerk and recorder.
 - (c) The county clerk and recorder shall prepare and submit the county's preliminary annual operating budget.
 - (d) Component budget responsibilities as provided in this subsection (3) include but are not limited to the following:
 - (i) The county surveyor or any special engineer shall compute road and bridge component budgets and submit them to the county commission.
 - (ii) The county commission shall submit road and bridge component budgets.
 - (iii) The county treasurer shall submit debt service component budgets.
 - (iv) The county commission shall submit component budgets for construction or improvements to be made from new general obligation debt.
- (4) The preliminary annual operating budget for each fund must include, at a minimum:
 - (a) a listing of all revenue and other resources for the prior budget year, current budget year, and proposed budget year;
 - (b) a listing of all expenditures for the prior budget year, the current budget year, and the proposed budget year. All expenditures must be classified under one of the following categories:
 - (i) salaries and wages;
 - (ii) operations and maintenance;
 - (iii) capital outlay;
 - (iv) debt service; or
 - (v) transfers out.
 - (c) a projection of changes in fund balances or cash balances available for governmental fund types and a projection of changes in cash balances and working capital for proprietary fund types. This projection must be supported by a summary for each fund or group of funds listing the estimated beginning balance plus estimated revenue, less proposed expenditures, cash reserves, and estimated ending balances.
 - (d) a detailed list of proposed capital expenditures and a list of proposed major capital projects for the budget year;
 - (e) financial data on current and future debt obligations;
 - (f) schedules or summary tables of personnel or position counts for the prior budget year, current budget year, and proposed budget year. The budgeted amounts for personnel services must be supported by a listing of positions, salaries, and benefits for all positions of the local government. The listing of positions, salaries, and benefits is not required to be part of the budget document.
 - (g) all other estimates that fall under the purview of the budget.
- (5) The preliminary annual operating budget for each fund for which the local government will levy an ad valorem property tax must include the estimated amount to be raised by the tax.

History: En. Sec. 20, Ch. 278, L. 2001; amd. Sec. 25, Ch. 351, L. 2009.

Provided by the Montana Legislative Services

7-6-4021. Notice of preliminary or amended budget.

- (1) The governing body shall cause a notice of a public hearing on the preliminary or amended budget to be published. The notice must:
 - (a) provide that the governing body has completed its preliminary annual budget for the ensuing fiscal year or intends to amend its annual budget;
 - (b) state that the budget or budget amendment has been placed on file and is open to inspection in the county or municipal office designated in the notice;
 - (c) designate the date, time, and place of the meeting at which the governing body will meet for approving a

Laws : 7-6-4021. Notice of preliminary or amended budget.

- final budget or amended budget and making appropriations; and
- (d) state that any taxpayer or resident may appear at the meeting and be heard for or against any part of the proposed budget or budget amendment.
- (2) The publication requirements must conform to the provisions of 7-1-2121 for a county or 7-1-4127 for a municipality.

History: En. Sec. 21, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4024. Hearing on preliminary budget.

- (1) The governing body shall hold a hearing in accordance with the notice given pursuant to 7-6-4021.
- (2) Local government officials shall attend the budget hearing to answer questions on their proposed budgets if called upon:
- (a) by the governing body; or
 - (b) by a taxpayer or resident.
- (3) The hearing may be continued from day to day and must be concluded and the budget finally approved and adopted by resolution by the later of the second Monday in August or within 45 calendar days of receiving certified taxable values from the department of revenue.

History: En. Sec. 24, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4025. Receipt and expenditure of money prior to adoption of final budget.

A local government may receive and expend money between July 1 of the fiscal year and the date the final budget resolution is adopted.

History: En. Sec. 25, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4030. Final budget -- resolution -- appropriations.

- (1) The governing body may amend the preliminary budget after the public hearing and after considering any public comment.
- (2) The amended budget constitutes the final budget. The final budget must be balanced so that appropriations do not exceed the projected beginning balance plus the estimated revenue of each fund for the fiscal year.
- (3) The governing body shall adopt the final budget by resolution. The resolution must:
- (a) authorize appropriations to defray the expenses or liabilities for the fiscal year; and
 - (b) establish legal spending limits at the level of detail in the resolution.
- (4) The effective date of the resolution is July 1 of the fiscal year, even if the resolution is adopted after that date.

History: En. Sec. 26, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4031. Budget amendment procedures.

- (1) The final budget resolution may authorize the governing body or a designated official to transfer appropriations between items within the same fund.
- (2) The annual budget appropriations may be amended as provided in 7-6-4006(3) and 7-6-4012.
- (3) Except as provided in 7-6-4006, 7-6-4011, 7-6-4012, 7-6-4015, and 7-6-4032 or in the case of an emergency under Title 10, chapter 3, a public hearing is required for an overall increase in appropriation authority.

History: En. Sec. 27, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4032. Emergency expenditures.

- (1) Emergency budget appropriations must be adopted by two-thirds of the members of a governing body who are present at a meeting.
- (2) Emergency expenditures are limited to and must be charged to the adopted emergency budget appropriations.

Laws : 7-6-4032. Emergency expenditures.

(3) The governing body may submit the question of funding emergency warrants at an election as provided by law.

History: En. Sec. 28, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4033. Expenditure limitation.

Except as provided in (<http://data.opi.mt.gov/bills/mca/7/6/7-6-4006.htm>), (<http://data.opi.mt.gov/bills/mca/7/6/7-6-4011.htm>), (<http://data.opi.mt.gov/bills/mca/7/6/7-6-4012.htm>), (<http://data.opi.mt.gov/bills/mca/7/6/7-6-4015.htm>), and (<http://data.opi.mt.gov/bills/mca/7/6/7-6-4032.htm>), the governing body, each county or municipal official, and the district courts are limited to the amount of appropriations and by the classifications in the annual appropriation resolution provided for in (<http://data.opi.mt.gov/bills/mca/7/6/7-6-4030.htm>) when making disbursements or expenditures or incurring liabilities.

History: En. Sec. 29, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4034. Determination of fund requirements -- property tax levy.

- (1) After determining the final budget, the governing body shall determine the property tax levy needed for each fund by:
 - (a) adding the total amount of the appropriations and authorized expenditures for the budget year;
 - (b) adding an additional amount, subject to the provisions of subsection (2), as a reserve to meet expenditures made from the fund during the months of July to November of the next fiscal year;
 - (c) subtracting the working capital; and
 - (d) subtracting the total estimated revenue, other than the property tax levy, for the budget year.
- (2) After deducting from the amount of the appropriations and authorized expenditures the total amount appropriated and authorized to be spent for election expenses and payment of emergency warrants, the amount that may be added as a reserve, as provided in subsection (1)(b), to:
 - (a) a county's fund may not exceed one-third of the total amount appropriated and authorized to be spent from the fund during the current fiscal year; and
 - (b) a city's or town's fund may not exceed one-half of the total amount appropriated and authorized to be spent from the fund during the current fiscal year.

History: En. Sec. 30, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

7-6-4035. Tax levies for boards and commissions -- bond exemption.

- (1) The proposed budget and mill levy for each board, commission, or other governing entity are subject to approval by the governing body.
- (2) Except for a port authority created under Title 7, chapter 14, part 11, the taxes, revenue, or fees legally pledged for the payment of debt or for the operations of a regional resource authority are not subject to approval by the governing body.
- (3) Except for judgment levies under 2-9-316 or 7-6-4015, all tax levies are subject to 15-10-420.

History: En. Sec. 31, Ch. 278, L. 2001; amd. Sec. 26, Ch. 351, L. 2009.

Provided by the Montana Legislative Services

7-6-4036. Fixing tax levy.

- (1) The governing body shall fix the tax levy for each taxing jurisdiction within the county or municipality:
 - (a) by the later of the second Monday in August or within 45 calendar days after receiving certified taxable values;
 - (b) after the approval and adoption of the final budget; and
 - (c) at levels that will balance the budgets as provided in 7-6-4034.
- (2) Each levy:
 - (a) must be made in the manner provided by 15-10-201; and

Laws : 7-6-4036. Fixing tax levy.

(b) except for a judgment levy under 2-9-316 or 7-6-4015, is subject to 15-10-420.

History: En. Sec. 32, Ch. 278, L. 2001.

Provided by the Montana Legislative Services

Acquisition, Transfer, and Management of Property and Buildings

General Provisions Related to Local Government

7-8-103. Authorization for governmental and public entities to take property by gift or devise.

- (1) (a) All counties, all public hospitals and cemeteries, and other public institutions are hereby granted the power and authority to accept, receive, take, hold, and possess any gift, donation, grant, devise, or bequest of real or personal property and the right to own, hold, work, and improve the same.
- (b) The provisions of subsection (2) and 7-8-104 are hereby made expressly applicable to gifts, donations, grants, devises, and bequests of real or personal property to officers and boards of the public corporations and institutions mentioned in subsection (1)(a).
- (2) (a) Any city or town organized under the laws of Montana is hereby empowered and given the right:
 - (i) to accept, receive, take, hold, own, and possess any gift, donation, grant, devise, or bequest; any property (real, personal, or mixed); any improved or unimproved park or playground; any water, water right, water reservoir, or watershed; any timberland or reserve; or any fish or game reserve in any part of the state;
 - (ii) to own, hold, work, and improve the same.
- (b) Said gifts, donations, grants, devises, or bequests made to any officer or board of any such city or town shall be considered a gift, donation, grant, devise, or bequest made for the use and benefit of any such city or town and shall be administered and used by and for such city or town for the particular purpose for which the same was given, donated, granted, devised, or bequeathed. In the event no particular purpose is mentioned in such gift, donation, grant, devise, or bequest, then the same shall be used for the general support, maintenance, or improvement of any such city or town.

History: Ap. p. Sec. 1, Ch. 47, L. 1927; re-en. Sec. 5668.17, R.C.M. 1935; Sec. 11-1006, R.C.M. 1947; Ap. p. Sec. 2, Ch. 47, L. 1927; re-en. Sec. 5668.18, R.C.M. 1935; Sec. 11-1007, R.C.M. 1947; Ap. p. Sec. 1, Ch. 10, L. 1917; re-en. Sec. 5043, R.C.M. 1921; re-en. Sec. 5043, R.C.M. 1935; Sec. 11-1004, R.C.M. 1947; Ap. p. Sec. 2, Ch. 10, L. 1917; re-en. Sec. 5044, R.C.M. 1921; re-en. Sec. 5044, R.C.M. 1935; Sec. 11-1005, R.C.M. 1947; R.C.M. 1947, 11-1004, 11-1005(part), 11-1006(part), 11-1007.

Provided by the Montana Legislative Services

General Provisions Related to Services

Consolidation and Transfer of Services

7-11-301. Purpose.

- (1) The purpose of this part is to provide procedures for the electors of local governments to consolidate or transfer the administrative and financial responsibility for services between or among municipalities and counties.
- (2) Nothing in this part is to be construed as in any way affecting the authority of local governments to enter into interlocal agreements or contracts as provided by law.

History: En. Sec. 1, Ch. 314, L. 1981.

Provided by the Montana Legislative Services

7-11-302. Consolidation and transfer of services.

- (1) A consolidation or transfer of services between or among municipalities may be proposed by a petition of the electors or on a recommendation of an interlocal cooperation commission as provided in 7-11-230.
- (2) A petition or recommendation may propose to consolidate or transfer the administrative or financial responsibility or any administrative service, activity, or undertaking that any of the local governments included in the proposed consolidation or transfer are authorized by law to perform.
- (3) Notwithstanding the requirements of 7-32-101, a petition or recommendation may propose to consolidate or transfer any law enforcement administrative service, activity, or undertaking between or among local governments.

Laws : 7-11-302. Consolidation and transfer of services.

History: En. Sec. 2, Ch. 314, L. 1981.

Provided by the Montana Legislative Services

7-11-303. Petition for consolidation or transfer of services.

- (1) A petition or recommendation for the consolidation or transfer of the administrative and financial responsibility for services between or among local governments may be presented to the governing bodies of the local governments affected by the consolidation or transfer.
- (2) A petition must be signed by at least 15% of the electors registered at the last general election of the local governments affected by the proposed consolidation or transfer.
- (3) Whenever the consolidation or transfer of a service between a county and municipality is proposed by petition, the petition must be signed by at least 15% of the electors residing in each municipality included in the service consolidation or transfer and 15% of the electors residing in the remainder of the county.
- (4) Upon determination of the sufficiency of the petition or upon receipt of a recommendation of the interlocal cooperation commission, the governing body of each of the local governments affected by the proposed consolidation or transfer shall call an election on the transfer or consolidation as provided in 7-11-307.

History: En. Sec. 3, Ch. 314, L. 1981.

Provided by the Montana Legislative Services

7-11-304. Service plan.

- (1) The petitioners or the interlocal cooperation commission shall prepare a service plan governing the service or activity proposed to be transferred or consolidated.
- (2) The plan shall provide:
 - (a) the nature of service or function to be consolidated or transferred;
 - (b) the effective date of the proposed consolidation or transfer;
 - (c) the responsibility for administration of the service to be consolidated or transferred, including the succession of the performance of duties currently performed by an elected officer if the elective status of an office is affected;
 - (d) the manner in which affected employees currently engaged in the performance of the function will be transferred, reassigned, or otherwise treated;
 - (e) the manner in which real property, facilities, equipment, or other personal property required in the exercise of the function are to be transferred, sold, or otherwise disposed of;
 - (f) the method of financing, establishing, and maintaining a budget for the service; and
 - (g) other legal, financial, and administrative arrangements necessary to effect the transfer in an orderly and equitable manner.
- (3) The service plan may include provisions for an administrator or joint board responsible for administering any joint or cooperative undertaking.
- (4) The service plan shall be attached to the petition or to the interlocal cooperation commission's recommendation when it is submitted to the governing bodies affected by the service consolidation or transfer.

History: En. Sec. 4, Ch. 314, L. 1981.

Provided by the Montana Legislative Services

7-11-305. Availability of petition or recommendation and service plan.

- (1) Sufficient copies of the petition or recommendation of the interlocal cooperation commission proposing a service consolidation or transfer and the service plan must be made available to the public for inspection at convenient locations and at reasonable hours to provide all interested persons an opportunity to review the recommendations and documents. The copies must be available no later than 30 days prior to an election on the proposal if an election is to be held. If the election is held, it must be held in conjunction with a regular or primary election.
- (2) Each local government affected by the proposal may distribute copies of the service plan to its residents.

History: En. Sec. 5, Ch. 314, L. 1981; amd. Sec. 39, Ch. 387, L. 1995.

Provided by the Montana Legislative Services

7-11-306. Publication of summary and comparison.

- (1) A summary of the recommendations contained in a petition or recommendation and the service plan proposing the consolidation or transfer of a service or activity must be published at least twice in a newspaper of general circulation in each local government affected by the proposal. The publication must be made during the 2 weeks preceding the election.
- (2) The summary must contain a description of the recommendations, a comparison of the existing and proposed methods of service delivery, and a list of locations where the full proposal may be seen or obtained.
- (3) The cost of publication required by this section shall be shared by the affected local governments.

History: En. Sec. 6, Ch. 314, L. 1981.

Provided by the Montana Legislative Services

7-11-307. Election on service consolidation or transfer.

- (1) The governing bodies of each local government affected by a proposed service consolidation or transfer shall jointly call a special election on the question of service consolidation or transfer, to be held in conjunction with a regular or primary election. The county election administrator shall prepare and print notices of the special election.
- (2) The cost of the election must be shared by the affected local governments in proportionate shares as agreed to by the governing bodies of the local governments.

History: En. Sec. 7, Ch. 314, L. 1981; amd. Sec. 17, Ch. 250, L. 1985; amd. Sec. 40, Ch. 387, L. 1995.

Provided by the Montana Legislative Services

7-11-308. General ballot requirements.

- (1) The question of adopting a service consolidation or transfer shall be submitted to the electors of the local governments affected by the proposal in substantially the following form:

Shall the plan for (consolidation or transfer) of (insert name of service or function) services proposed in the (petition or recommendation of the interlocal cooperation commission) and service plan to the (insert the names of local government units) be adopted?

YES.

NO.

- (2) If the question of adopting a service consolidation or transfer alters the elective status of any elected county official, it shall be submitted to the electors of the local governments affected by the proposal in substantially the following form:
 - For adoption of (consolidation or transfer) of (insert name of service or function) proposed in the (petition or recommendation of the interlocal cooperation commission) and service plan to the (insert names of local government units) in which the office of (insert name of county office) is (insert description of changes in elective status).
 - For existing service delivery arrangements.
- (3) In any election involving the question of service consolidation or transfer, an affirmative vote of a simple majority of those voting on the question is required for adoption.
- (4) If the electors disapprove the proposed service consolidation or transfer, each local government retains its existing service delivery method until changed or modified as provided by law.
- (5) Except for nonsubstantive adjustments required to insure efficient and effective operations, a service consolidation or transfer effected by the procedures contained in this part may be amended or otherwise changed only in the same manner as required for its adoption.

History: En. Sec. 8, Ch. 314, L. 1981.

Provided by the Montana Legislative Services

7-11-309. Effect of adoption of service consolidation or transfer.

The adoption of a service consolidation or transfer does not affect the validity of any bond, debt, contract, collective bargaining agreement, obligation, or cause of action accrued or established by any affected local government prior to the consolidation or transfer.

History: En. Sec. 9, Ch. 314, L. 1981.

Provided by the Montana Legislative Services

7-11-310. Judicial review.

- (1) Judicial review to determine the validity of the procedures used in adopting any service consolidation or transfer may be initiated by petition in district court of 10 or more registered electors of each local government affected by the consolidation or transfer brought within 60 days after the election adopting the service consolidation or transfer. If no petition is filed within that period, compliance with all the procedures required by 7-11-303 through 7-11-310 and the validity of the manner in which the service consolidation or transfer was approved is conclusively presumed.
- (2) It is presumed that proper procedure was followed and all procedural requirements were met. The adoption of a service consolidation or transfer may not be considered invalid because of any procedural error or omission unless it is shown that the error or omission materially and substantially affected its adoption.

History: En. Sec. 10, Ch. 314, L. 1981.

Provided by the Montana Legislative Services

Interlocal Agreements**7-11-101. Short title.**

This part shall be known and cited as the “Interlocal Cooperation Act”.

History: En. Sec. 2, Ch. 82, L. 1967; R.C.M. 1947, 16-4902.

Provided by the Montana Legislative Services

7-11-102. Purpose.

It is the purpose of this part to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other local governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

History: En. Sec. 1, Ch. 82, L. 1967; R.C.M. 1947, 16-4901.

Provided by the Montana Legislative Services

7-11-103. Definition.

For the purposes of this part, the term “public agency” shall mean any political subdivision, including municipalities, counties, school districts, and any agency or department of the state of Montana.

History: En. Sec. 3, Ch. 82, L. 1967; R.C.M. 1947, 16-4903.

Provided by the Montana Legislative Services

7-11-104. Authorization to create interlocal agreements — issuance of bonds for joint construction.

One or more public agencies may contract with any one or more other public agencies to perform any administrative service, activity, or undertaking or to participate in the provision or maintenance of any public infrastructure facility, project, or service, including the issuance of bonds for the joint construction of a facility under (<http://data.opi.mt.gov/bills/mca/20/9/20-9-404.htm>), the hiring of a teacher or specialist under (<http://data.opi.mt.gov/bills/mca/20/4/20-4-201.htm>) or a superintendent under (<http://data.opi.mt.gov/bills/mca/20/4/20-4-401.htm>), or the hiring of or contracting with any other professional person licensed under Title 37, that any of the public agencies entering into the contract is authorized by law to perform. The contract must be authorized and approved by the governing body of each party to the

Laws : 7-11-104. Authorization to create interlocal agreements — issuance of bonds for joint construction.

contract. The contract must outline fully the purposes, powers, rights, obligations, and responsibilities of the contracting parties.

History: En. Sec. 4, Ch. 82, L. 1967; R.C.M. 1947, 16-4904(part); amd. Sec. 1, Ch. 397, L. 1997; amd. Sec. 2, Ch. 86, L. 1999; amd. Sec. 1, Ch. 318, L. 2001.

Provided by the Montana Legislative Services

7-11-105. Detailed contents of interlocal agreements.

The contract authorized by (<http://data.opi.mt.gov/bills/mca/7/11/7-11-104.htm>) must specify the following:

- (1) its duration;
- (2) the precise organization, composition, and nature of any separate legal entity created by the contract;
- (3) the purpose or purposes of the interlocal contract;
- (4) the manner of financing the joint or cooperative undertaking and establishing and maintaining a budget for the undertaking;
- (5) the permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and, if applicable, for disposing of property upon a partial or complete termination;
- (6) provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking, including representation of the contracting parties on the joint board;
- (7) if applicable, the manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking;
- (8) the contracting party responsible for reports and payment of retirement system contributions pursuant to 19-2-506;
- (9) if applicable, the manner of sharing the employment of a teacher or specialist under 20-4-201, a superintendent under 20-4-401, or a professional person licensed under Title 37; and
- (10) any other necessary and proper matters.

History: En. Sec. 4, Ch. 82, L. 1967; R.C.M. 1947, 16-4904(1) thru (8); amd. Sec. 3, Ch. 99, L. 2001; amd. Sec. 2, Ch. 318, L. 2001.

Provided by the Montana Legislative Services

7-11-107. Filing of interlocal agreement. External Link

The interlocal contract made pursuant to this part must be filed with:

- (1) the county clerk and recorder of the county or counties where the political agencies are situated; and
- (2) the secretary of state.

History: En. Sec. 4, Ch. 82, L. 1967; R.C.M. 1947, 16-4904(10); amd. Sec. 1, Ch. 83, L. 1991.

Provided by the Montana Legislative Services

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7-11-108. Authorization to appropriate funds for purpose of interlocal agreement.

Any public agency entering into an interlocal contract pursuant to this part may appropriate funds for and may sell, lease, or otherwise give or supply to the administrative board created for the purpose of performance of said contract and may provide such personnel or services therefor as may be within its legal power to furnish.

Laws : 7-11-108. Authorization to appropriate funds for purpose of interlocal agreement.

History: En. Sec. 4, Ch. 82, L. 1967; R.C.M. 1947, 16-4904(11).

Provided by the Montana Legislative Services

Multijurisdictional Service Districts

7-11-1101. Authority to form multijurisdictional service district.

Sec. 39, Ch. 286, L. 2009.

History: En. Sec. 1, Ch. 425, L. 1985.

Provided by the Montana Legislative Services

7-11-1102. Services that may be provided.

- (1) A multijurisdictional service district may provide only those services that are authorized to be provided by local governments.
- (2) The services that a multijurisdictional service district may provide are:
 - (a) recreation programs other than park and recreation programs in a county park district established under Title 7, chapter 11, part 10;
 - (b) road, street, and highway maintenance;
 - (c) libraries;
 - (d) jails;
 - (e) dog control programs;
 - (f) ambulance service;
 - (g) dispatch service;
 - (h) protection of human health and the environment, including scenic concerns and recreational activities for areas requiring or involving environmental reclamation;
 - (i) health services and health department functions; and
 - (j) maintenance or provision of any public infrastructure facility, project, or service.

History: En. Sec. 2, Ch. 425, L. 1985; amd. Sec. 8, Ch. 425, L. 1985; amd. Sec. 1, Ch. 193, L. 1991; amd. Sec. 1, Ch. 116, L. 1993; amd. Sec. 1, Ch. 114, L. 1997; amd. Sec. 8, Ch. 459, L. 1997; amd. Sec. 3, Ch. 86, L. 1999; amd. Sec. 26, Ch. 286, L. 2009.

Provided by the Montana Legislative Services

7-11-1105. Creation of district.

Sec. 39, Ch. 286, L. 2009.

History: En. Sec. 5, Ch. 425, L. 1985.

Provided by the Montana Legislative Services

7-11-1106. Ordinance and petition requirements.

Sec. 39, Ch. 286, L. 2009.

History: En. Sec. 6, Ch. 425, L. 1985; amd. Sec. 30, Ch. 584, L. 1999.

Provided by the Montana Legislative Services

7-11-1107. Adoption of ordinance — protest.

Sec. 39, Ch. 286, L. 2009.

History: En. Sec. 7, Ch. 425, L. 1985.

Provided by the Montana Legislative Services

7-11-1111. Administration.

Sec. 39, Ch. 286, L. 2009.

History: En. Sec. 3, Ch. 425, L. 1985.

Provided by the Montana Legislative Services

7-11-1112. Financing.

- (1) Subject to 15-10-420, local governments organizing a multijurisdictional service district are authorized to levy property taxes in an amount not to exceed that authorized for the district in accordance with 7-11-1007 and to appropriate funds derived from other than general tax revenue for the operation of the district. Subject to 15-10-420, property taxes levied for a library established under this part as a multijurisdictional service must be added to taxes levied under 22-1-304.
- (2) A property tax levied for the purpose of financing the district may, for all agricultural property having an area greater than 10 acres, be levied only on the principal residential dwelling, if any, on the property.

History: En. Sec. 4, Ch. 425, L. 1985; amd. Sec. 31, Ch. 584, L. 1999; amd. Sec. 27, Ch. 286, L. 2009.

Provided by the Montana Legislative Services

Title 15

Tax Administration

General Provisions

15-1-121. Entitlement share payment -- appropriation.

- (1) The amount calculated pursuant to this subsection, as adjusted pursuant to subsection (3)(a)(i), is each local government's base entitlement share. The department shall estimate the total amount of revenue that each local government received from the following sources for the fiscal year ending June 30, 2001:
 - (a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;
 - (b) vehicle, boat, and aircraft taxes and fees pursuant to:
 - (i) Title 23, chapter 2, part 5;
 - (ii) Title 23, chapter 2, part 6;
 - (iii) Title 23, chapter 2, part 8;
 - (iv) 61-3-317;
 - (v) 61-3-321;
 - (vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;
 - (vii) Title 61, chapter 3, part 7;
 - (viii) 5% of the fees collected under 61-10-122;
 - (ix) 61-10-130;
 - (x) 61-10-148; and
 - (xi) (<http://data.opi.mt.gov/bills/mca/67/3/67-3-205.htm>);
 - (c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);
 - (d) district court fees pursuant to:
 - (i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);
 - (ii) 25-1-202;
 - (iii) 25-9-506; and
 - (iv) 27-9-103;
 - (e) certificate of title fees for manufactured homes pursuant to 15-1-116;
 - (f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;
 - (g) all beer, liquor, and wine taxes pursuant to:
 - (i) 16-1-404;
 - (ii) 16-1-406; and
 - (iii) 16-1-411;
 - (h) late filing fees pursuant to 61-3-220;
 - (i) title and registration fees pursuant to 61-3-203;
 - (j) veterans' cemetery license plate fees pursuant to 61-3-459;
 - (k) county personalized license plate fees pursuant to 61-3-406;
 - (l) special mobile equipment fees pursuant to 61-3-431;

Laws : 15-1-121. Entitlement share payment -- appropriation.

- (m) single movement permit fees pursuant to 61-4-310;
 - (n) state aeronautics fees pursuant to 67-3-101; and
 - (o) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5.
- (2) (a) From the amounts estimated in subsection (1) for each county government, the department shall deduct fiscal year 2001 county government expenditures for district courts, less reimbursements for district court expenses, and fiscal year 2001 county government expenditures for public welfare programs to be assumed by the state in fiscal year 2002.
- (b) The amount estimated pursuant to subsections (1) and (2)(a) is each local government's base year component. The sum of all local governments' base year components is the base year entitlement share pool. For the purpose of calculating the sum of all local governments' base year components, the base year component for a local government may not be less than zero.
- (3) (a) The base year entitlement share pool must be increased annually by a growth rate as provided for in this subsection (3). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year. By October 1 of each even-numbered year, the department shall calculate the growth rate of the entitlement share pool for each year of the next biennium in the following manner:
- (i) Before applying the growth rate for fiscal year 2007 to determine the fiscal year 2007 entitlement share payments, the department shall subtract from the fiscal year 2006 entitlement share payments the following amounts:

Beaverhead	\$6,972
Big Horn	\$52,551
Blaine	\$13,625
Broadwater	\$2,564
Carbon	\$11,537
Carter	\$407
Cascade	\$100,000
Chouteau	\$3,536
Custer	\$7,011
Daniels	\$143
Dawson	\$3,893
Fallon	\$1,803
Fergus	\$9,324
Flathead	\$100,000
Gallatin	\$160,000
Garfield	\$91
Glacier	\$3,035
Golden Valley	\$2,282
Granite	\$4,554
Hill	\$31,740
Jefferson	\$5,700
Judith Basin	\$1,487
Lake	\$38,314
Lewis and Clark	\$160,000
Liberty	\$152
Lincoln	\$3,759
Madison	\$8,805

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McCone	\$1,651
Meagher	\$2,722
Mineral	\$2,361
Missoula	\$200,000
Musselshell	\$23,275
Park	\$6,582
Petroleum	\$36
Phillips	\$653
Pondera	\$10,270
Powder River	\$848
Powell	\$5,146
Prairie	\$717
Ravalli	\$93,090
Richland	\$3,833
Roosevelt	\$9,526
Rosebud	\$19,971
Sanders	\$30,712
Sheridan	\$271
Stillwater	\$12,117
Sweet Grass	\$2,463
Teton	\$5,560
Toole	\$7,113
Treasure	\$54
Valley	\$6,899
Wheatland	\$918
Wibaux	\$72
Yellowstone	\$270,000
Anaconda-Deer Lodge	\$20,707
Butte-Silver Bow	\$53,057
Alberton	\$675
Bainville	\$258
Baker	\$2,828
Bearcreek	\$143
Belgrade	\$11,704
Belt	\$1,056
Big Sandy	\$1,130
Big Timber	\$2,910
Billings	\$163,499
Boulder	\$2,340
Bozeman	\$52,805
Bridger	\$1,303
Broadus	\$766

Laws : 15-1-121. Entitlement share payment -- appropriation.

Broadview	\$258
Brockton	\$414
Browning	\$1,830
Cascade	\$1,374
Chester	\$1,430
Chinook	\$2,275
Choteau	\$3,050
Circle	\$1,018
Clyde Park	\$572
Colstrip	\$4,090
Columbia Falls	\$6,805
Columbus	\$3,245
Conrad	\$4,562
Culbertson	\$1,216
Cut Bank	\$5,316
Darby	\$1,348
Deer Lodge	\$5,708
Denton	\$503
Dillon	\$6,928
Dodson	\$194
Drummond	\$561
Dutton	\$661
East Helena	\$2,888
Ekalaka	\$689
Ennis	\$1,518
Eureka	\$1,733
Fairfield	\$1,120
Fairview	\$1,152
Flaxville	\$143
Forsyth	\$3,286
Fort Benton	\$2,579
Fort Peck	\$393
Froid	\$328
Fromberg	\$855
Geraldine	\$457
Glasgow	\$5,361
Glendive	\$8,099
Grass Range	\$254
Great Falls	\$96,422
Hamilton	\$7,148
Hardin	\$5,920
Harlem	\$1,422

Laws : 15-1-121. Entitlement share payment -- appropriation.

Harlowton	\$1,678
Havre	\$16,223
Helena	\$45,877
Hingham	\$263
Hobson	\$397
Hot Springs	\$912
Hysham	\$482
Ismay	\$43
Joliet	\$1,006
Jordan	\$606
Judith Gap	\$263
Kalispell	\$28,144
Kevin	\$304
Laurel	\$10,804
Lavina	\$361
Lewistown	\$10,170
Libby	\$4,475
Lima	\$397
Livingston	\$12,145
Lodge Grass	\$889
Malta	\$3,389
Manhattan	\$2,485
Medicine Lake	\$410
Melstone	\$234
Miles City	\$14,152
Missoula	\$104,264
Moore	\$319
Nashua	\$536
Neihart	\$149
Opheim	\$180
Outlook	\$125
Philipsburg	\$1,612
Pinesdale	\$1,413
Plains	\$2,007
Plentywood	\$3,185
Plevna	\$225
Polson	\$7,722
Poplar	\$1,544
Red Lodge	\$3,903
Rexford	\$263
Richey	\$309
Ronan	\$3,262

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Roundup	\$3,280
Ryegate	\$465
Saco	\$354
Scobey	\$1,798
Shelby	\$5,677
Sheridan	\$1,150
Sidney	\$7,747
Stanford	\$737
Stevensville	\$3,063
St. Ignatius	\$1,367
Sunburst	\$709
Superior	\$1,521
Terry	\$1,011
Thompson Falls	\$2,272
Three Forks	\$3,130
Townsend	\$3,286
Troy	\$1,654
Twin Bridges	\$695
Valier	\$817
Virginia City	\$223
Walkerville	\$1,183
West Yellowstone	\$2,083
Westby	\$263
White Sulphur Springs	\$1,734
Whitefish	\$9,932
Whitehall	\$1,889
Wibaux	\$893
Winifred	\$259
Winnett	\$314
Wolf Point	\$4,497

- (ii) The department shall calculate the average annual growth rate of the Montana gross state product, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:
- (A) the last 4 calendar years for which the information has been published; and
 - (B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection (3)(a)(ii)(A).
- (iii) The department shall calculate the average annual growth rate of Montana personal income, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:
- (A) the last 4 calendar years for which the information has been published; and
 - (B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection (3)(a)(iii)(A).
- (b) (i) The entitlement share pool growth rate for the first year of the biennium must be the following percentage of the average of the growth rates calculated in subsections (3)(a)(ii)(B) and (3)(a)(iii)(B):
- (A) for counties, 54%;
 - (B) for consolidated local governments, 62%; and

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- (C) for incorporated cities and towns, 70%.
- (ii) The entitlement share pool growth rate for the second year of the biennium must be the following percentage of the average of the growth rates calculated in subsections (3)(a)(ii)(A) and (3)(a)(iii)(A):
 - (A) for counties, 54%;
 - (B) for consolidated local governments, 62%; and
 - (C) for incorporated cities and towns, 70%.
- (4) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (6). For purposes of calculating the base year component for a county or consolidated local government, the department shall include the revenue listed in subsection (1) for all special districts within the county or consolidated local government. The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources listed in subsection (1).
- (5)
 - (a) The entitlement share pools calculated in this section and the block grants provided for in subsection (6) are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments. Each local government is entitled to a pro rata share of each year's entitlement share pool based on the local government's base component in relation to the base year entitlement share pool. The distributions must be made on a quarterly basis.
 - (b)
 - (i) The growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. For the purposes of subsection (5)(b)(ii)(A), a county with a negative base year component has a base year component of zero. The growth factor in the entitlement share must be calculated separately for:
 - (A) counties;
 - (B) consolidated local governments; and
 - (C) incorporated cities and towns.
 - (ii) In each fiscal year, the growth amount for counties must be allocated as follows:
 - (A) 50% of the growth amount must be allocated based upon each county's percentage of the base year entitlement share pool for all counties; and
 - (B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.
 - (iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:
 - (A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the base year entitlement share pool for all consolidated local governments; and
 - (B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.
 - (iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:
 - (A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the base year entitlement share pool for all incorporated cities and towns; and
 - (B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.
 - (v) In each fiscal year, the amount of the entitlement share pool not represented by the growth amount is distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

- (6) (a) If a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any block grant. If a tax increment financing district referred to in subsection (6)(b) terminates, then the block grant provided for in subsection (6)(b) terminates.
- (b) One-half of the payments provided for in this subsection (6)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection (6)(a), the entitlement share for tax increment financing districts is as follows:

Cascade	Great Falls - downtown	\$468,966
Deer Lodge	TIF District 1	3,148
Deer Lodge	TIF District 2	3,126
Flathead	Kalispell - District 1	758,359
Flathead	Kalispell - District 2	5,153
Flathead	Kalispell - District 3	41,368
Flathead	Whitefish District	164,660
Gallatin	Bozeman - downtown	34,620
Lewis and Clark	Helena - #2	731,614
Missoula	Missoula - 1-1B and 1-1C	1,100,507
Missoula	Missoula - 4-1C	33,343
Silver Bow	Butte - uptown	283,801
Yellowstone	Billings	436,815

- (7) The estimated base year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from countywide transportation block grants.
- (8) (a) If revenue that is included in the sources listed in subsections (1)(b) through (1)(o) is significantly reduced, except through legislative action, the department shall deduct the amount of revenue loss from the entitlement share pool beginning in the succeeding fiscal year and the department shall work with local governments to propose legislation to adjust the entitlement share pool to reflect an allocation of the loss of revenue.
- (b) For the purposes of subsection (8)(a), a significant reduction is a loss that causes the amount of revenue received in the current year to be less than 95% of the amount of revenue received in the base year.
- (9) A three-fifths vote of each house is required to reduce the amount of the entitlement share calculated pursuant to subsections (1) through (3).
- (10) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.
- (11) A local government may appeal the department's estimation of the base year component, the entitlement share pool growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.
- (12) A payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1.

History: En. Sec. 1, Ch. 574, L. 2001; amd. Sec. 4, Ch. 13, Sp. L. August 2002; amd. Sec. 1, Ch. 236, L. 2003; amd. Sec. 1, Ch. 252, L. 2003; amd. Sec. 4, Ch. 399, L. 2003; amd. Sec. 16, Ch. 477, L. 2003; amd. Sec. 2, Ch. 114, L. 2005; amd. Sec. 14, Ch. 130, L. 2005; amd. Sec. 2, Ch. 163, L. 2005; amd. Secs. 21, 77, Ch. 449, L. 2005; amd. Sec. 12, Ch. 596, L. 2005; amd. Sec. 1, Ch. 210, L. 2007; amd. Sec. 19, Ch. 2, L. 2009.

Provided by the Montana Legislative Services

15-1-122. Fund Transfers.

- (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, a base amount of \$59,209, and the amount of the transfer must be increased by 10% in each succeeding fiscal year.
- (2) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

- (a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5, 1.48% of the motor vehicle revenue deposited in the state general fund in each fiscal year. The amount of 9.48% of the allocation in each fiscal year must be used for the purpose of reimbursing the hired removal of abandoned vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as provided in 75-10-532.
 - (b) to the noxious weed state special revenue account provided for in 80-7-816, 1.50% of the motor vehicle revenue deposited in the state general fund in each fiscal year;
 - (c) to the department of fish, wildlife, and parks:
 - (i) 0.46% of the motor vehicle revenue deposited in the state general fund, with the applicable percentage to be:
 - (A) used to:
 - (I) acquire and maintain pumpout equipment and other boat facilities, 4.8% in each fiscal year;
 - (II) administer and enforce the provisions of Title 23, chapter 2, part 5, 19.1% in each fiscal year;
 - (III) enforce the provisions of 23-2-804, 11.1% in each fiscal year; and
 - (IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use, 16.7% in each fiscal year; and
 - (B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to 48.3% in each fiscal year;
 - (ii) 0.10% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-618, 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and
 - (iii) 0.16% of the motor vehicle revenue deposited in the state general fund in each fiscal year to be deposited in the motorboat account to be used as provided in 23-2-533;
 - (d) 0.64% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 24.55% to be deposited in the state veterans' cemetery account provided for in 10-2-603 and with 75.45% to be deposited in the veterans' services account provided for in 10-2-112(1);
 - (e) 0.30% of the motor vehicle revenue deposited in the state general fund in each fiscal year for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112; and
 - (f) to the search and rescue account provided for in 10-3-801, 0.04% of the motor vehicle revenue deposited in the state general fund in each fiscal year.
- (3) For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means revenue received from:
- (a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;
 - (b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered pursuant to 61-3-321 and 61-3-562;
 - (c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and
 - (d) all money collected pursuant to 15-1-504(3).
- (4) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes.

History: En. Sec. 3, Ch. 574, L. 2001; amd. Sec. 1, Ch. 9, Sp. L. August 2002; amd. Sec. 1, Ch. 48, L. 2003; amd. Sec. 5, Ch. 399, L. 2003; amd. Sec. 17, Ch. 477, L. 2003; amd. Sec. 12, Ch. 491, L. 2003; amd. Sec. 2, Ch. 534, L. 2003; amd. Sec. 47(3)(a), Ch. 592, L. 2003; amd. Sec. 1, Ch. 601, L. 2003; amd. Sec. 15, Ch. 130, L. 2005; amd. Sec. 1, Ch. 325, L. 2005; amd. Sec. 2, Ch. 464, L. 2005; amd. Sec. 4, Ch. 542, L. 2005; amd. Sec. 131, Ch. 596, L. 2005; amd. Sec. 6, Ch. 329, L. 2007; amd. Sec. 1, Ch. 183, L. 2009; amd. Sec. 6, Ch. 486, L. 2009.

Provided by the Montana Legislative Services

Property Subject to Taxation

Tax-Exempt Property

15-6-201. Governmental, charitable, and educational categories -- exempt property.

- (1) The following categories of property are exempt from taxation:
 - (a) except as provided in 15-24-1203, the property of:
 - (i) the United States, except:
 - (A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or
 - (B) as provided in 15-24-1103;
 - (ii) the state, counties, cities, towns, and school districts;
 - (iii) irrigation districts organized under the laws of Montana and not operated for gain or profit;
 - (iv) municipal corporations;
 - (v) public libraries;
 - (vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33; and
 - (vii) special districts created pursuant to Title 7, chapter 11, part 10;
 - (b) buildings and furnishings in the buildings that are owned by a church and used for actual religious worship or for residences of the clergy, not to exceed one residence for each member of the clergy, together with the land that the buildings occupy and adjacent land reasonably necessary for convenient use of the buildings, which must be identified in the application, and all land and improvements used for educational or youth recreational activities if the facilities are generally available for use by the general public but may not exceed 15 acres for a church or 1 acre for a clergy residence after subtracting any area required by zoning, building codes, or subdivision requirements;
 - (c) property owned and used exclusively for agricultural and horticultural societies not operated for gain or profit;
 - (d) property, not to exceed 80 acres, which must be legally described in the application for the exemption, used exclusively for educational purposes, including dormitories and food service buildings for the use of students in attendance and other structures necessary for the operation and maintenance of an educational institution that:
 - (i) is not operated for gain or profit;
 - (ii) has an attendance policy; and
 - (iii) has a definable curriculum with systematic instruction;
 - (e) property used exclusively for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.
 - (f) property that is:
 - (i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;
 - (ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and
 - (iii) not maintained and not operated for gain or profit;
 - (g) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;
 - (h) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;
 - (i) public museums, art galleries, zoos, and observatories that are not operated for gain or profit;
 - (j) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or non-profit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;
 - (k) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;
 - (l) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical

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- or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and
- (ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit; and
- (m) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(m), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.
- (2) (a) For the purposes of subsection (1)(b), the term "clergy" means, as recognized under the federal Internal Revenue Code:
- (i) an ordained minister, priest, or rabbi;
 - (ii) a commissioned or licensed minister of a church or church denomination that ordains ministers if the person has the authority to perform substantially all the religious duties of the church or denomination;
 - (iii) a member of a religious order who has taken a vow of poverty; or
 - (iv) a Christian Science practitioner.
- (b) For the purposes of subsection (1)(g):
- (i) the term "institutions of purely public charity" includes any organization that meets the following requirements:
 - (A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.
 - (B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.
 - (ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.
 - (iii) up to 15 acres of property owned by a purely public charity is exempt at the time of its purchase even if the property must be improved before it can directly be used for its intended charitable purpose. If the property is not directly used for the charitable purpose within 8 years of receiving an exemption under this section or if the property is sold or transferred before it entered direct charitable use, the exemption is revoked and the property is taxable. In addition to taxes due for the first year that the property becomes taxable, the owner of the property shall pay an amount equal to the amount of the tax due that year times the number of years that the property was tax-exempt under this section. The amount due is a lien upon the property and when collected must be distributed by the treasurer to funds and accounts in the same ratio as property tax collected on the property is distributed. At the time the exemption is granted, the department shall file a notice with the clerk and recorder in the county in which the property is located. The notice must indicate that an exemption pursuant to this section has been granted. The notice must describe the penalty for default under this section and must specify that a default under this section will create a lien on the property by operation of law. The notice must be on a form prescribed by the department.
 - (iv) not more than 160 acres may be exempted by a purely public charity under any exemption originally applied for after December 31, 2004. An application for exemption under this section must contain a legal description of the property for which the exemption is requested.
- (c) For the purposes of subsection (1)(i), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property owned by the public museum, art gallery, zoo, or observatory that is reasonably nec-

essary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:

- (i) actually used by the governmental entity or nonprofit organization as a part of its public display;
- (ii) held for future display; or
- (iii) used to house or store a public display.

History: En. Sec. 2, p. 73, L. 1891; re-en. Sec. 3671, Pol. C. 1895; re-en. Sec. 2499, Rev. C. 1907; amd. Sec. 1, Ch. 97, L. 1911; amd. Sec. 1, Ch. 24, L. 1919; re-en. Sec. 1998, R.C.M. 1921; Cal. Pol. C. Secs. 3607 and 3611; amd. Sec. 1, Ch. 98, L. 1931; re-en. Sec. 1998, R.C.M. 1935; amd. Sec. 1, Ch. 85, L. 1965; amd. Sec. 1, Ch. 266, L. 1973; amd. Sec. 1, Ch. 361, L. 1973; amd. Sec. 1, Ch. 376, L. 1974; Clarified Sec. 1, Ch. 8, L. 1975; amd. Sec. 1, Ch. 325, L. 1975; amd. Sec. 1, Ch. 341, L. 1975; amd. Sec. 1, Ch. 442, L. 1975; amd. Sec. 3, Ch. 507, L. 1975; amd. Sec. 7, Ch. 548, L. 1975; amd. Sec. 2, Ch. 52, L. 1977; amd. Sec. 1, Ch. 87, L. 1977; amd. Sec. 2, Ch. 112, L. 1977; amd. Sec. 2, Ch. 126, L. 1977; amd. Sec. 2, Ch. 393, L. 1977; amd. Sec. 1, Ch. 413, L. 1977; amd. Sec. 1, Ch. 492, L. 1977; amd. Sec. 2, Ch. 576, L. 1977; R.C.M. 1947, 84-202(1), (3), (8); amd. Sec. 1, Ch. 508, L. 1979; amd. Sec. 1, Ch. 616, L. 1979; amd. Sec. 1, Ch. 639, L. 1979; amd. Sec. 21, Ch. 712, L. 1979; amd. Sec. 1, Ch. 478, L. 1981; amd. Sec. 11, Ch. 614, L. 1981; amd. Sec. 1, Ch. 170, L. 1983; amd. Sec. 2, Ch. 323, L. 1983; amd. Sec. 1, Ch. 523, L. 1983; amd. Sec. 2, Ch. 463, L. 1985; amd. Sec. 5, Ch. 516, L. 1985; amd. Sec. 1, Ch. 455, L. 1987; amd. Sec. 1, Ch. 545, L. 1987; amd. Sec. 1, Ch. 556, L. 1987; amd. Sec. 5, Ch. 611, L. 1987; amd. Sec. 2, Ch. 649, L. 1987; amd. Sec. 2, Ch. 59, L. 1989; amd. Sec. 3, Ch. 576, L. 1989; amd. Sec. 1, Ch. 617, L. 1989; amd. Sec. 3, Ch. 713, L. 1989; amd. Sec. 1, Ch. 71, L. 1991; amd. Sec. 1, Ch. 123, L. 1991; amd. Sec. 1, Ch. 271, L. 1991; amd. Sec. 1, Ch. 467, L. 1991; amd. Sec. 9, Ch. 783, L. 1991; amd. Sec. 1, Ch. 54, L. 1993; amd. Sec. 1, Ch. 80, L. 1993; amd. Sec. 2, Ch. 575, L. 1993; amd. Sec. 1, Ch. 88, L. 1995; amd. Sec. 21, Ch. 255, L. 1995; amd. Sec. 2, Ch. 257, L. 1995; amd. Sec. 40, Ch. 418, L. 1995; amd. Sec. 43, Ch. 546, L. 1995; amd. Sec. 1, Ch. 585, L. 1995; amd. Sec. 3, Ch. 121, L. 1997; amd. Sec. 13, Ch. 472, L. 1997; amd. Sec. 3, Ch. 496, L. 1997; amd. Sec. 13, Ch. 285, L. 1999; amd. Sec. 1, Ch. 438, L. 1999; amd. Sec. 5, Ch. 515, L. 1999; amd. Sec. 1, Ch. 539, L. 1999; amd. Sec. 3, Ch. 555, L. 1999; amd. Sec. 84, Ch. 584, L. 1999; amd. Sec. 3, Ch. 11, Sp. L. May 2000; amd. Sec. 2, Ch. 438, L. 2001; amd. Sec. 2, Ch. 577, L. 2003; amd. Secs. 4, 10, Ch. 606, L. 2003; amd. Sec. 1, Ch. 2, L. 2005; amd. Sec. 2, Ch. 531, L. 2005; amd. Sec. 3, Ch. 532, L. 2005; amd. Sec. 7, Ch. 542, L. 2005; amd. Sec. 7, Ch. 563, L. 2005; amd. Sec. 3, Ch. 584, L. 2005; amd. Sec. 35, Ch. 286, L. 2009.

Provided by the Montana Legislative Services

Property Tax Levies

Limitation on Property Taxes

15-10-401. Declaration of policy.

- (1) The state of Montana's reliance on the taxation of property to support education and local government has placed an unreasonable burden on the owners of all classes of property described in Title 15, chapter 6, part 1.
- (2) Except as provided in 15-10-420, the people of the state of Montana declare that it is the policy of the state of Montana that no further property tax increases be imposed on property. In order to reduce volatility in property taxation and in order to reduce taxpayer uncertainty, it is the policy of the legislature to develop alternatives to market value for purposes of taxation.

History: En. Sec. 1, I.M. No. 105, approved Nov. 4, 1986; amd. Sec. 5, Ch. 463, L. 1997; amd. Sec. 92, Ch. 584, L. 1999.

Provided by the Montana Legislative Services

15-10-402. Property tax limited to 1996 levels.

Except as provided in (<http://data.opi.mt.gov/bills/mca/15/10/15-10-420.htm>), the amount of taxes levied on property described in Title 15, chapter 6, part 1, may not, for any taxing jurisdiction, exceed the amount levied for tax year 1996.

History: En. Sec. 2, I.M. No. 105, approved Nov. 4, 1986; amd. Sec. 6, Ch. 10, Sp. L. June 1989; amd. Sec. 2, Ch. 11, Sp. L. June 1989; amd. Sec. 3, Ch. 745, L. 1991; amd. Sec. 11, Ch. 773, L. 1991; amd. Sec. 7, Ch. 267, L. 1993; amd. Sec. 6, Ch. 463, L. 1997; amd. Sec. 93, Ch. 584, L. 1999.

Provided by the Montana Legislative Services

15-10-406. Limitation of applicability.

The minimum tax imposed by (<http://data.opi.mt.gov/bills/mca/15/16/15-16-118.htm>) is not affected by the provisions of this part.

History: En. Sec. 2, Ch. 474, L. 1991.

Provided by the Montana Legislative Services

15-10-420. Procedure for calculating levy.

- (1)
 - (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property, plus one-half of the average rate of inflation for the prior 3 years.
 - (b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.
 - (c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.
- (2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.
- (3)
 - (a) For purposes of this section, newly taxable property includes:
 - (i) annexation of real property and improvements into a taxing unit;
 - (ii) construction, expansion, or remodeling of improvements;
 - (iii) transfer of property into a taxing unit;
 - (iv) subdivision of real property; and
 - (v) transfer of property from tax-exempt to taxable status.
 - (b) Newly taxable property does not include an increase in value that arises because of an increase in the incremental value within a tax increment financing district.
- (4)
 - (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:
 - (i) a change in the boundary of a tax increment financing district;
 - (ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or
 - (iii) the termination of a tax increment financing district.
 - (b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.
 - (c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.
 - (d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).
- (5) Subject to subsection (8), subsection (1)(a) does not apply to:
 - (a) school district levies established in Title 20; or
 - (b) a mill levy imposed for a newly created regional resource authority.
- (6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

Laws : 15-10-420. Procedure for calculating levy.

- (7) In determining the maximum number of mills in subsection (1)(a), the governmental entity may increase the number of mills to account for a decrease in reimbursements.
- (8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-108, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.
- (9)
 - (a) The provisions of subsection (1) do not prevent or restrict:
 - (i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;
 - (ii) a levy to repay taxes paid under protest as provided in 15-1-402;
 - (iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;
 - (iv) a levy for the support of a study commission under 7-3-184;
 - (v) a levy for the support of a newly established regional resource authority; or
 - (vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703.
 - (b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.
- (10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.
- (11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable property in a governmental unit.

History: En. Sec. 1, Ch. 584, L. 1999; amd. Secs. 6, 16(1), Ch. 11, Sp. L. May 2000; amd. Sec. 1, Ch. 191, L. 2001; amd. Sec. 1, Ch. 220, L. 2001; amd. Sec. 3, Ch. 361, L. 2001; amd. Sec. 3, Ch. 511, L. 2001; amd. Sec. 7, Ch. 571, L. 2001; amd. Sec. 94, Ch. 574, L. 2001; amd. Sec. 1, Ch. 115, L. 2003; amd. Sec. 1, Ch. 476, L. 2003; amd. Sec. 3, Ch. 376, L. 2005; amd. Sec. 3, Ch. 545, L. 2005; amd. Sec. 20, Ch. 521, L. 2007; amd. Sec. 26, Ch. 2, L. 2009; amd. Sec. 3, Ch. 57, L. 2009; amd. Sec. 27, Ch. 351, L. 2009; amd. Sec. 3, Ch. 412, L. 2009; amd. Sec. 9, Ch. 483, L. 2009.

Provided by the Montana Legislative Services

15-10-425. Mill levy election.

- (1) A county, consolidated government, incorporated city, incorporated town, school district, or other taxing entity may impose a new mill levy, increase a mill levy that is required to be submitted to the electors, or exceed the mill levy limit provided for in 15-10-420 by conducting an election as provided in this section.
- (2) An election conducted pursuant to this section may be held in conjunction with a regular or primary election or may be a special election. The governing body shall pass a resolution, shall amend its self-governing charter, or must receive a petition indicating an intent to impose a new levy, increase a mill levy, or exceed the current statutory mill levy provided for in 15-10-420 on the approval of a majority of the qualified electors voting in the election. The resolution, charter amendment, or petition must include:
 - (a) the specific purpose for which the additional money will be used;
 - (b) either:
 - (i) the specific amount of money to be raised and the approximate number of mills to be imposed; or
 - (ii) the specific number of mills to be imposed and the approximate amount of money to be raised;
 and
 - (c) whether the levy is permanent or the durational limit on the levy.
- (3) Notice of the election must be prepared by the governing body and given as provided by law. The form of the ballot must reflect the content of the resolution or charter amendment and must include a statement of the impact of the election on a home valued at \$100,000 and a home valued at \$200,000 in the district in terms of actual dollars in additional property taxes that would be imposed on residences with those values if the mill levy were to pass. The ballot may also include a statement of the impact of the election on homes of any other value in the district, if appropriate.
- (4) If the majority voting on the question are in favor of the additional levy, the governing body is authorized to impose the levy in either the amount or the number of mills specified in the resolution or charter amendment.

Laws : 15-10-425. Mill levy election.

- (5) A governing body, as defined in 7-6-4002, may reduce an approved levy in any fiscal year without losing the authority to impose in a subsequent fiscal year up to the maximum amount or number of mills approved in the election. However, nothing in this subsection authorizes a governing body to impose more than the approved levy in any fiscal year or to extend the duration of the approved levy.

History: En. Sec. 1, Ch. 495, L. 2001; en. Sec. 2, Ch. 574, L. 2001; amd. Sec. 1, Ch. 170, L. 2007.

Provided by the Montana Legislative Services

Coal Severance Taxes

General Provisions

15.35.108. Disposal of severance taxes.

Severance taxes collected under this chapter must, in accordance with the provisions of (<http://data.opi.mt.gov/bills/mca/17/2/17-2-124.htm>), be allocated as follows:

- (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.
- (2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.
- (3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.
- (4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.
- (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.
- (6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.
- (7) The amount of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).
- (8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.
- (9)
 - (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.
 - (b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:
 - (i) \$65,000 to the cooperative development center;
 - (ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;
 - (iii) \$3.65 million to the research and commercialization state special revenue account created in 90-3-1002;
 - (iv) to the department of commerce:
 - (A) \$125,000 for a small business development center;
 - (B) \$50,000 for a small business innovative research program;
 - (C) \$425,000 for certified regional development corporations;
 - (D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and
 - (E) \$300,000 for export trade enhancement. (Effective July 1, 2010)

Laws : 15.35.108. Disposal of severance taxes.

15-35-108. (Effective July 1, 2010) . Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of (<http://data.opi.mt.gov/bills/mca/17/2/17-2-124.htm>), be allocated as follows:

- (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.
- (2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.
- (3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.
- (4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.
- (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.
- (6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.
- (7) The amount of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).
- (8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.
- (9)
 - (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.
 - (b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:
 - (i) \$65,000 to the cooperative development center;
 - (ii) \$625,000 for the growth through agriculture program provided for in Title 90, chapter 9;
 - (iii) \$1.275 million to the research and commercialization state special revenue account created in 90-3-1002;
 - (iv) to the department of commerce:
 - (A) \$125,000 for a small business development center;
 - (B) \$50,000 for a small business innovative research program;
 - (C) \$425,000 for certified regional development corporations;
 - (D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and
 - (E) \$300,000 for export trade enhancement. (Effective July 1, 2013)

15-35-108. (Effective July 1, 2013) . Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of (<http://data.opi.mt.gov/bills/mca/17/2/17-2-124.htm>), be allocated as follows:

- (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.
- (2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.
- (3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

Laws : 15.35.108. Disposal of severance taxes.

- (4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.
- (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.
- (6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.
- (7) The amount of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).
- (8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.
- (9)
 - (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.
 - (b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:
 - (i) \$65,000 to the cooperative development center;
 - (ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;
 - (iii) \$3.65 million to the research and commercialization state special revenue account created in 90-3-1002;
 - (iv) to the department of commerce:
 - (A) \$125,000 for a small business development center;
 - (B) \$50,000 for a small business innovative research program;
 - (C) \$425,000 for certified regional development corporations;
 - (D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and
 - (E) \$300,000 for export trade enhancement. (Effective July 1, 2019)

15-35-108. (Effective July 1, 2019) . **Disposal of severance taxes.** Severance taxes collected under this chapter must, in accordance with the provisions of (<http://data.opi.mt.gov/bills/mca/17/2/17-2-124.htm>), be allocated as follows:

- (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.
- (2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.
- (3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.
- (4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.
- (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.
- (6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.
- (7) The amount of 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).
- (8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.
- (9) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the gen-

eral fund of the state.

History: En. 84-1309.1 by Sec. 2, Ch. 432, L. 1973; amd. Sec. 1, Ch. 250, L. 1974; amd. Sec. 4, Ch. 501, L. 1975; amd. Sec. 3, Ch. 502, L. 1975; amd. and redes. 84-1319 by Sec. 8, Ch. 525, L. 1975; amd. Sec. 2, Ch. 156, L. 1977; amd. Sec. 1, Ch. 540, L. 1977; amd. Sec. 2, Ch. 549, L. 1977; R.C.M. 1947, 84-1319; amd. Sec. 1, Ch. 653, L. 1979; amd. Sec. 1, Ch. 694, L. 1979; amd. Sec. 1, Ch. 479, L. 1981; amd. Sec. 43, Ch. 505, L. 1981; amd. Sec. 3, Ch. 281, L. 1983; amd. Sec. 5, Ch. 541, L. 1983; amd. Sec. 1, Ch. 246, L. 1985; amd. Sec. 1, Ch. 715, L. 1985; amd. Sec. 1, Ch. 3, Sp. L. June 1986; amd. Sec. 1, Ch. 19, Sp. L. June 1986; amd. Sec. 1, Ch. 662, L. 1987; amd. Sec. 17, Ch. 83, L. 1989; amd. Sec. 1, Ch. 626, L. 1989; amd. Sec. 4, Ch. 11, Sp. L. June 1989; amd. Sec. 13, Ch. 16, L. 1991; amd. Sec. 3, Ch. 191, L. 1991; amd. Sec. 1, Ch. 615, L. 1991; amd. Sec. 1, Ch. 8, Sp. L. January 1992; amd. Sec. 1, Ch. 16, Sp. L. January 1992; amd. Sec. 5, Ch. 455, L. 1993; amd. Sec. 1, Ch. 536, L. 1993; amd. Sec. 12, Ch. 18, L. 1995; amd. Sec. 1, Ch. 442, L. 1995; amd. Sec. 1, Ch. 456, L. 1995; amd. Sec. 7, Ch. 509, L. 1995; amd. Sec. 9, Ch. 422, L. 1997; amd. Sec. 10, Ch. 469, L. 1997; amd. Sec. 8, Ch. 389, L. 1999; amd. Secs. 1, 2, Ch. 10, Sp. L. May 2000; amd. Secs. 3, 38, Ch. 34, L. 2001; amd. Sec. 1, Ch. 61, L. 2001; amd. Sec. 41, Ch. 483, L. 2001; amd. Sec. 2, Ch. 9, Sp. L. August 2002; amd. Sec. 1, Ch. 12, Sp. L. August 2002; amd. Sec. 7, Ch. 13, Sp. L. August 2002; amd. Sec. 1, Ch. 32, L. 2003; amd. Sec. 2, Ch. 351, L. 2003; amd. Secs. 1, 4, Ch. 481, L. 2003; amd. Sec. 1, Ch. 589, L. 2005; amd. Secs. 2, 8(1), Ch. 603, L. 2005; amd. Sec. 1, Ch. 280, L. 2007; amd. Sec. 2, Ch. 475, L. 2007; amd. Sec. 1, Ch. 33, L. 2009; amd. Sec. 1, Ch. 425, L. 2009; amd. Sec. 1, Ch. 459, L. 2009; amd. Sec. 7, Ch. 486, L. 2009.

Provided by the Montana Legislative Services

Title 20

State Boards and Commissions

Board of Public Education

20-2-121. Board of public education — powers and duties.

The board of public education shall:

- (1) effect an orderly and uniform system for teacher certification and specialist certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and 20-4-111;
- (2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of 20-4-110;
- (3) administer and order the distribution of BASE aid in accordance with the provisions of 20-9-344;
- (4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of 20-10-111;
- (5) adopt policies prescribing the conditions when school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for those days in accordance with the provisions of 20-1-303 and 20-1-304;
- (6) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102;
- (7) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of 20-7-201;
- (8) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;
- (9) adopt rules for issuance of documents certifying equivalency of completion of secondary education in accordance with 20-7-131;
- (10) adopt policies for the conduct of programs for gifted and talented children in accordance with the provisions of 20-7-903 and 20-7-904;
- (11) adopt rules for student assessment in the public schools; and
- (12) perform any other duty prescribed from time to time by this title or any other act of the legislature.

History: En. 75-5607 by Sec. 8, Ch. 5, L. 1971; (amd. Sec. 15, Ch. 434, L. 1975 -- [unconstitutional, 167 M 261]; Sec. 15, Ch. 434, L. 1975 repealed by Sec. 1, Ch. 4, L. 1977); amd. Sec. 1, Ch. 266, L. 1977; R.C.M. 1947, 75-5607; amd. Sec. 1, Ch. 511, L. 1979; amd. Sec. 9, Ch. 598, L. 1979; amd. Sec. 1, Ch. 94, L. 1983; amd. Sec. 1, Ch. 312, L. 1983; amd. Sec. 1, Ch. 377, L. 1987; amd. Sec. 40, Ch. 633, L. 1993; amd. Sec. 7, Ch. 138, L. 2005.

Provided by the Montana Legislative Services

Laws : 20-2-121. Board of public education — powers and duties.

Elected Officials

Superintendent of Public Instruction

20-3-104. Discretionary staff.

In addition to the positions of employment listed in (<http://data.opi.mt.gov/bills/mca/20/3/20-3-103.htm>), the superintendent of public instruction may employ:

- (1) one or more assistant superintendents, one of whom may be designated as assistant superintendent for K-12 career and vocational/technical education;
- (2) a high school supervisor who is the holder of a class 3 teacher certificate with a district superintendent endorsement;
- (3) an elementary supervisor who is the holder of a valid teacher certificate;
- (4) a competent person to develop economy and efficiency in school transportation and to otherwise supervise the transportation program;
- (5) a music supervisor who is a graduate of an accredited institution of higher education in music education and who has not less than 5 years of teaching experience;
- (6) an educational media supervisor who is a graduate of an accredited institution of higher education and who has experience in the field of educational media; and
- (7) any other supervisors or assistants that may be required to carry out the duties of the office.

History: En. 75-5705 by Sec. 14, Ch. 5, L. 1971; R.C.M. 1947, 75-5705; amd. Sec. 11, Ch. 598, L. 1979; amd. Sec. 3, Ch. 133, L. 2001.

Provided by the Montana Legislative Services

Teachers, Superintendents, and Principals

District Superintendent and Principal

20-4-402. Duties of district superintendent or county high school principal.

The district superintendent or county high school principal is the executive officer of the trustees and, subject to the direction and control of the trustees, the executive officer shall:

- (1) have general supervision of all schools of the district and the personnel employed by the district;
- (2) implement and administer the policies of the trustees of the district;
- (3) develop and recommend courses of instruction to the trustees for their consideration and approval in accordance with the provisions of 20-7-111;
- (4) select all textbooks and submit the selections to the trustees for their approval in accordance with the provisions of 20-7-602;
- (5) select all reference and library books and submit the selections to the trustees for their approval in accordance with provisions of 20-7-204;
- (6) have general supervision of all pupils of the district, enforce the compulsory attendance provisions of this title, and have the authority to suspend for good cause a pupil of the district;
- (7) report the pupil attendance, absence, and enrollment of the district and other pupil information required by the report form prescribed by the superintendent of public instruction to the county superintendent, or county superintendents when reporting for a joint district; and
- (8) perform other duties in connection with the district as the trustees may prescribe.

History: En. 75-6113 by Sec. 94, Ch. 5, L. 1971; R.C.M. 1947, 75-6113; amd. Sec. 2, Ch. 135, L. 1981; amd. Sec. 2, Ch. 337, L. 1989; amd. Sec. 3, Ch. 343, L. 1999.

Provided by the Montana Legislative Services

20-4-403. Powers and duties of principal.

- (1) Whenever the trustees of a district employ and appoint a school principal but do not employ and appoint a district superintendent, such principal shall perform the duties of a district superintendent as prescribed in subsections (4), (5), (6), (7), and (8) of 20-4-402 and shall have general supervision of such school and the personnel assigned to such school.

Laws : 20-4-403. Powers and duties of principal.

- (2) If granted authority by the board of trustees, a school principal in a district that does employ and appoint a district superintendent may suspend for good cause any pupil of the school where the principal is employed.

History: En. 75-6114 by Sec. 95, Ch. 5, L. 1971; R.C.M. 1947, 75-6114; amd. Sec. 3, Ch. 135, L. 1981.

Provided by the Montana Legislative Services

School Instruction and Special Programs

Accreditation and Curriculum

20-7-112. Sectarian publications prohibited and prayer permitted.

A publication of a sectarian or denominational character may not be distributed in any school. Instruction may not be given advocating sectarian or denominational doctrines. However, any teacher, principal, or superintendent may open the school day with a prayer. This section does not prohibit a school library from including the Bible or other religious material having cultural, historical, or educational significance.

History: En. 75-7521 by Sec. 392, Ch. 5, L. 1971; R.C.M. 1947, 75-7521; amd. Sec. 1, Ch. 367, L. 1989.

Provided by the Montana Legislative Services

Libraries

20-7-201. State visual, aural, and other educational media library.

A library of visual, aural, and other educational media shall be established and maintained by the superintendent of public instruction. The media shall be selected by the superintendent of public instruction on the basis of their usefulness as teaching aids and resources for schools and other educational groups within the state and shall be made available to such schools and groups on a rental fee basis. The rental fees for the use of the materials in the library shall be set by the superintendent of public instruction and shall be deposited in the audiovisual and media library account in the state special revenue fund. The superintendent of public instruction may use these funds, as well as any other funds advanced by a legislative appropriation to the audiovisual and media library account, for the operation, maintenance, enlargement, and other related costs of the library.

History: En. 75-7511 by Sec. 382, Ch. 5, L. 1971; amd. Sec. 1, Ch. 193, L. 1974; R.C.M. 1947, 75-7511; amd. Sec. 3, Ch. 277, L. 1983; amd. Sec. 2, Ch. 470, L. 1987.

Provided by the Montana Legislative Services

20-7-202. School library required.

The trustees of each district shall establish and maintain a school library in each school of the district. Each school library shall comply with at least the minimum requirements of the standards of accreditation adopted by the board of public education.

History: En. 75-7517 by Sec. 388, Ch. 5, L. 1971; R.C.M. 1947, 75-7517.

Provided by the Montana Legislative Services

20-7-203. Trustees' policies for school library.

The trustees shall adopt those policies necessary for regulating the use and operation of school libraries. These policies may provide for the use of school libraries by the residents of the district, provided that such use does not interfere with the regular school use of the library.

History: En. 75-7518 by Sec. 389, Ch. 5, L. 1971; R.C.M. 1947, 75-7518.

Provided by the Montana Legislative Services

20-7-204. School library book selection.

School library books shall be selected by the district superintendent or a principal if there is no district superintendent, subject to the approval of the trustees. In districts not employing a superintendent or principal, the trustees shall select the school library books on the basis of recommendations of the county superintendent.

Laws : 20-7-204. School library book selection.

History: En. 75-7519 by Sec. 390, Ch. 5, L. 1971; R.C.M. 1947, 75-7519.

Provided by the Montana Legislative Services

20-7-205. Reporting school library information.

The trustees shall report school library information requested by the superintendent of public instruction, by the board of public education, or when there is no district superintendent or principal, by the county superintendent.

History: En. 75-7520 by Sec. 391, Ch. 5, L. 1971; R.C.M. 1947, 75-7520.

Provided by the Montana Legislative Services

University System

University Units

20-25-212. Bureau of mines and geology — purpose.

The bureau of mines and geology shall:

- (1) compile and publish statistics relative to Montana geology, mining, milling, and metallurgy;
- (2) collect:
 - (a) typical geological and mineral specimens;
 - (b) samples of products;
 - (c) photographs, models, and drawings of appliances used in the mines, mills, and smelters of Montana; and
 - (d) a library and a bibliography of literature relative to the progress of geology, mining, milling, and smelting in Montana;
- (3) study the geological formations of Montana, with special reference to their economic mineral resources and ground water;
- (4) examine the topography and physical features of Montana relative to their bearing upon the occupation of the people;
- (5) study the mining, milling, and smelting in Montana relative to their improvement;
- (6) publish bulletins and reports of a general and detailed description of the natural resources, geology, mines, mills, and reduction plants of Montana;
- (7) make qualitative examinations of rocks and mineral samples;
- (8) consider scientific and economic problems that the regents consider valuable to the people of Montana;
- (9) communicate special information on Montana geology, mining, and metallurgy;
- (10) cooperate with:
 - (a) departments of the university system;
 - (b) the state mine inspector;
 - (c) departments of the state;
 - (d) the United States geological survey; and
 - (e) the United States bureau of mines;
- (11) make examinations of state land regarding its geology and mineral value at the request of the department of natural resources and conservation and make investments. These services are limited to the time available for the services after all other duties of the bureau of mines and geology are served. Written reports must be made. Travel expenses incurred by the examiner must be paid, as provided for in 2-18-501 through 2-18-503, by the agency requesting the examination upon the presentation of claims in the ordinary form.
- (12) deposit all material collected in the state museums or at Montana tech of the university of Montana after completed use by the bureau of mines and geology;
- (13) distribute duplicates of representative material to the units of the university system to their best educational advantage; and
- (14) print the regular and special reports with illustrations and maps and distribute them on direction of the board of regents.

History: En. 75-8408 by Sec. 8, Ch. 2, L. 1971; amd. Sec. 17, Ch. 453, L. 1977; R.C.M. 1947, 75-8408; amd. Sec. 36, Ch. 308, L. 1995; amd. Sec. 51, Ch. 418, L. 1995.

Laws : 20-25-212. Bureau of mines and geology — purpose.

Provided by the Montana Legislative Services

Montana Educational Telecommunications Network

General

20-32-101. Purpose — definition.

- (1) The purpose of this part is to establish a Montana educational telecommunications network.
- (2) For the purposes of this part, “network” means the Montana educational telecommunications network (METNET).
- (3) The aims of the network are to provide:
 - (a) instructional and educational coursework and materials through telecommunications delivery to students in kindergarten through 12th grade in the Montana public school system;
 - (b) instructional and educational coursework and materials through telecommunications delivery to students enrolled in units of the Montana university system and the community colleges;
 - (c) instructional and professional development or other appropriate inservice training for teachers in the schools of the state; and
 - (d) telecommunications capabilities to agencies, subdivisions of state government, and public libraries in order to improve their ability to perform their responsibilities and duties.

History: En. Sec. 1, Ch. 622, L. 1991; amd. Sec. 21, Ch. 308, L. 1995.

Provided by the Montana Legislative Services

20-32-102. Agency cooperation — responsibilities.

- (1) To meet the objectives of the network, the following entities shall cooperate with one another:
 - (a) the department of administration, with its responsibilities for telecommunications for agencies of state government;
 - (b) the superintendent of public instruction, with a supervisory role over the public system of elementary and high schools; and
 - (c) the commissioner of higher education, with responsibilities to the Montana university system and the community colleges.
- (2) The responsibilities of the superintendent of public instruction to the network include but are not limited to:
 - (a) general supervision of delivery of educational materials through telecommunications to elementary and high school districts in the state;
 - (b) compilation, maintenance, and dissemination to participating school districts of information that identifies the educational programming available from within and from outside the state;
 - (c) training of teachers and other school personnel in the use of telecommunications technologies for instructional purposes;
 - (d) assistance to school districts in identifying and procuring the telecommunications technologies needed to interface with the network;
 - (e) identification of production capability for telecommunication of educational materials;
 - (f) assistance to participating school districts with group purchases of instructional and educational materials;
 - (g) coordination with the commissioner of higher education and the units of the Montana university system to offer advanced placement courses, teacher inservice training, and other instruction through the network;
 - (h) payment of the superintendent’s share of the network costs to the department of administration, as provided in 20-32-104;
 - (i) coordination with the department of administration to ensure compatibility of network components, to minimize duplication of efforts on behalf of the network, and to maximize use of the network by school districts; and
 - (j) determination of kinds of equipment, inservice, and district accounting necessary to implement the provisions of this part for school districts.
- (3) The responsibilities of the department of administration to the network include but are not limited to:
 - (a) provision of technical support to the coordinating agencies referred to in subsection (1);
 - (b) development of standards of compatibility for the network;
 - (c) procurement and management of network equipment and facilities that have shared use by multiple users or agencies;

Laws : 20-32-102. Agency cooperation — responsibilities.

- (d) assistance with procurement, installation, maintenance, and operation of end-terminal equipment and facilities of the network;
 - (e) minimizing any duplication of equipment and facilities within the network and in conjunction with the department of administration's other networking capabilities;
 - (f) coordination of use of the network by state agencies, subdivisions of the state, and public libraries in a manner that does not interfere with the delivery of the primary network function of providing educational services to school districts and state units of higher education;
 - (g) studying the use of the network by Native American tribal colleges and other nonpublic education institutions in the state, with the long-range goal of coordinating the use of the network with those entities; and
 - (h) maintenance of cost and usage records and a billing system for user agencies for services rendered that incur marginal costs for the network.
- (4) The responsibilities of the commissioner of higher education to the network include but are not limited to:
- (a) coordination of the use of the network among the units of higher education and with the superintendent of public instruction and the department of administration;
 - (b) assistance to the units of the Montana university system to provide college credit courses through the network to students throughout the state;
 - (c) coordination with the superintendent of public instruction to develop advance placement courses for high school students in Montana, teacher inservice training, and other services and instruction through the network;
 - (d) assistance to the units of the Montana university system and the community colleges in defining their specific needs for interfacing with the network;
 - (e) assistance to participating units, centers, and colleges with group purchases of instructional and educational materials; and
 - (f) determination of the kinds of equipment, inservice, and accounting necessary to implement the provisions of this part for the university system and community colleges.

History: En. Sec. 2, Ch. 622, L. 1991; amd. Sec. 22, Ch. 308, L. 1995.

Provided by the Montana Legislative Services

20-32-103. Fee collection and disposition for operational costs.

As a condition of participation in the network, the Montana university system and community colleges shall collect from appropriate discretionary funds in a manner approved by the board of regents an amount not to exceed \$5 for each full-time equivalent student enrolled in the units or colleges. The funds collected must be deposited with the commissioner of higher education for the purposes of (<http://data.opi.mt.gov/bills/mca/20/32/20-32-102.htm>)(4). The commissioner of higher education shall pay the department of administration the commissioner's share of the network costs.

History: En. Sec. 3, Ch. 622, L. 1991; amd. Sec. 1, Ch. 547, L. 1993; amd. Sec. 23, Ch. 308, L. 1995; amd. Sec. 15, Ch. 243, L. 1997.

Provided by the Montana Legislative Services

20-32-104. Apportionment of costs.

The superintendent of public instruction and the commissioner of higher education shall share on a prorated basis according to the related student counts any costs incurred by the department of administration for the purposes of (<http://data.opi.mt.gov/bills/mca/20/32/20-32-102.htm>)(3).

History: En. Sec. 4, Ch. 622, L.

Provided by the Montana Legislative Services

Title 22

Libraries

Free Public Libraries

22-1-301. Definitions.

Unless otherwise provided, the following definitions apply in this part:

- (1) "City" means city or town.
- (2) "Commission" means the state library commission.
- (3) "Public library" means a library created under:
 - (a) 22-1-303 through 22-1-317 that provides library services to the public by means of central facilities, branch facilities, or bookmobiles; or
 - (b) Title 7.

History: En. Sec. 11, Ch. 260, L. 1967; R.C.M. 1947, 44-227; amd. Sec. 8, Ch. 670, L. 1989; amd. Sec. 1, Ch. 356, L. 1991; amd. Sec. 1, Ch. 47, L. 2009.

Provided by the Montana Legislative Services

22-1-302. Purpose.

It is the purpose of this part to encourage the establishment, adequate financing, and effective administration of free public libraries in this state to give the people of Montana the fullest opportunity to enrich and inform themselves through reading.

History: En. Sec. 1, Ch. 260, L. 1967; R.C.M. 1947, 44-218.

Provided by the Montana Legislative Services

22-1-303. Creation of public library.

A public library may be established in any county or city in any of the following ways:

- (1) The governing body of any county or city desiring to establish and maintain a public library may pass and enter upon its minutes a resolution to the effect that a free public library is established under the provision of Montana laws relating to public libraries.
- (2) A public library may be established by a petition that is signed by not less than 10% of the resident taxpayers whose names appear upon the last-completed assessment roll of the city or county and that is filed with the governing body requesting the establishment of a public library. The governing body of a city or county shall set a time of meeting at which it may by resolution establish a public library. The governing body shall give notice of the contemplated action in a newspaper of general circulation for 2 consecutive weeks giving the date and place of the meeting at which the contemplated action is proposed to be taken.
- (3)
 - (a) Upon a petition being filed with the governing body and signed by not less than 5% of the resident taxpayers of any city or county requesting an election, the governing body shall submit to a vote of the qualified electors at the next general election the question of whether a free public library is to be established.
 - (b) If a petition is submitted for a city, the petition must be signed by resident taxpayers of the city.
 - (c) If a petition is submitted to the county commissioners of a county asking for the establishment of a county library, the petition must be signed by resident taxpayers of the county who reside outside the corporate limits of an incorporated city that is located in the county and that may already have established a free public library for the city.
 - (d) If the petition specifically asks that a special election be called and the petition is signed by 35% of the resident freeholders affected by the petition, then the governing body shall, upon receipt of the petition, immediately set a date for a special election. The special election must be held in conjunction with a regular or primary election.
 - (e) If at the election a majority of the electors voting on the question vote in favor of the establishment of a library, the governing body shall immediately take the necessary steps to establish and maintain the library or to contract with any city or county for library service to be rendered to the inhabitants of the city or county.

History: En. Sec. 2, Ch. 260, L. 1967; amd. Sec. 1, Ch. 263, L. 1969; R.C.M. 1947, 44-219; amd. Sec. 65, Ch. 387, L. 1995.

Laws : 22-1-303. Creation of public library.

Provided by the Montana Legislative Services

22-1-304. Tax levy — special library fund — bonds.

- (1) Subject to 15-10-420, the governing body of a city or county that has established a public library may levy in the same manner and at the same time as other taxes are levied a tax in the amount necessary to maintain adequate public library service.
- (2)
 - (a) The governing body of a city or county may by resolution submit the question of imposing a tax levy to a vote of the qualified electors at an election as provided in 15-10-425. The resolution must be adopted at least 75 days prior to the election at which the question will be voted on.
 - (b) Upon a petition being filed with the governing body and signed by not less than 5% of the resident taxpayers of any city or county requesting an election for the purpose of imposing a mill levy, the governing body shall submit to a vote of the qualified electors at the next election or at a special election, as provided in 15-10-425, the question of imposing the mill levy. The petition must be delivered to the governing body at least 90 days prior to the election at which the question will be voted on.
- (3) The proceeds of the tax constitute a separate fund called the public library fund and may not be used for any purpose except those of the public library.
- (4) Money may not be paid out of the public library fund by the treasurer of the city or county except by order or warrant of the board of library trustees.
- (5) Bonds may be issued by the governing body in the manner prescribed by law for the following purposes:
 - (a) building, altering, repairing, furnishing, or equipping a public library or purchasing land for the library;
 - (b) buying a bookmobile or bookmobiles; and
 - (c) funding a judgment against the library.

History: En. Sec. 3, Ch. 260, L. 1967; R.C.M. 1947, 44-220; amd. Sec. 1, Ch. 431, L. 1983; amd. Sec. 39, Ch. 250, L. 1985; amd. Sec. 1, Ch. 333, L. 1999; amd. Sec. 123, Ch. 584, L. 1999; amd. Sec. 31, Ch. 495, L. 2001; amd. Sec. 128, Ch. 574, L. 2001; amd. Sec. 16, Ch. 453, L. 2005.

Provided by the Montana Legislative Services

22-1-305. Library depreciation reserve fund authorized.

The governing body of any city or county or a combination of city and county in Montana may establish a library depreciation reserve fund for the replacement and acquisition of property, capital improvements, and equipment necessary to maintain and improve city, county, or city-county library services.

History: En. 44-229 by Sec. 1, Ch. 78, L. 1975; R.C.M. 1947, 44-229.

Provided by the Montana Legislative Services

22-1-306. Moneys for library depreciation reserve fund.

Moneys for the library depreciation reserve fund are those funds which have been allocated to the library in any year but which have not been expended by the end of the year. Such moneys include but are not limited to city or county or city-county appropriations, federal revenue sharing funds, and public and private grants.

History: En. 44-230 by Sec. 2, Ch. 78, L. 1975; R.C.M. 1947, 44-230.

Provided by the Montana Legislative Services

22-1-307. Investment of fund.

The moneys held in the library depreciation reserve fund may be invested as provided by law. All interest earned on the fund must be credited to the library depreciation reserve fund.

History: En. 44-231 by Sec. 3, Ch. 78, L. 1975; R.C.M. 1947, 44-231.

Provided by the Montana Legislative Services

Laws : 22-1-307. Investment of fund.

22-1-308. Public library — board of trustees.

- (1) Upon the establishment of a public library under the provisions of this part, the mayor, with the advice and consent of the city council or city commissioners, shall appoint a board of trustees for the city library and the presiding officer of the board of county commissioners, with the advice and consent of the board, shall appoint a board of trustees for the county library.
- (2) The library board must consist of five trustees. Not more than one member of the governing body may be, at any one time, a member of the board.
- (3) Trustees shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.
- (4) Trustees shall hold their office for 5 years from the date of appointment and until their successors are appointed. Initially, appointments must be made for 1-, 2-, 3-, 4-, and 5-year terms. Annually thereafter, there must be appointed before July 1 of each year, in the same manner as the original appointments for a 5-year term, a trustee to take the place of the retiring trustee. Trustees may not serve more than two full terms in succession.
- (5) Following the appointments, in July of each year, the trustees shall meet and elect a presiding officer and other officers that they consider necessary, for 1-year terms. Vacancies in the board of trustees must be filled for the unexpired term in the same manner as original appointments.

History: En. Sec. 4, Ch. 260, L. 1967; R.C.M. 1947, 44-221; amd. Sec. 348, Ch. 56, L. 2009.

Provided by the Montana Legislative Services

22-1-309. Trustees — powers and duties.

The library board of trustees shall have exclusive control of the expenditure of the public library fund, of construction or lease of library buildings, and of the operation and care of the library. The library board of trustees of every public library shall:

- (1) adopt bylaws and rules for its own transaction of business and for the government of the library, not inconsistent with law;
- (2) establish and locate a central public library and may establish branches thereof at such places as are deemed necessary;
- (3) have the power to contract, including the right to contract with regions, counties, cities, school districts, educational institutions, the state library, and other libraries, to give and receive library service, through the boards of such regions, counties, and cities and the district school boards, and to pay out or receive funds to pay costs of such contracts;
- (4) have the power to acquire, by purchase, devise, lease or otherwise, and to own and hold real and personal property in the name of the city or county or both, as the case may be, for the use and purposes of the library and to sell, exchange or otherwise dispose of property real or personal, when no longer required by the library and to insure the real and personal property of the library;
- (5) pay necessary expenses of members of the library staff when on business of the library;
- (6) prepare an annual budget, indicating what support and maintenance of the public library will be required from public funds, for submission to the appropriate agency of the governing body. A separate budget request shall be submitted for new construction or for capital improvement of existing library property.
- (7) make an annual report to the governing body of the city or county on the condition and operation of the library, including a financial statement. The trustees shall also provide for the keeping of such records as shall be required by the Montana state library in its request for an annual report from the public libraries and shall submit such an annual report to the state library.
- (8) have the power to accept gifts, grants, donations, devises, or bequests of property, real or personal, from whatever source and to expend or hold, work, and improve the same for the specific purpose of the gift, grant, donation, devise, or bequest. These gifts, grants, donations, devises, and bequests shall be kept separate from regular library funds and are not subject to reversion at the end of the fiscal year.
- (9) exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library.

History: Ap. p. Sec. 5, Ch. 260, L. 1967; Sec. 44-222, R.C.M. 1947; Ap. p. Sec. 1, Ch. 47, L. 1927; re-en. Sec. 5668.17, R.C.M. 1935; Sec. 11-1006, R.C.M. 1947; R.C.M. 1947, 11-1006(part), 44-222.

Provided by the Montana Legislative Services

Laws : 22-1-309. Trustees — powers and duties.

22-1-310. Chief librarian — personnel — compensation.

The board of trustees of each library shall appoint and set the compensation of the chief librarian who shall serve as the secretary of the board and shall serve at the pleasure of the board. With the recommendation of the chief librarian, the board shall employ and discharge such other persons as may be necessary in the administration of the affairs of the library, fix and pay their salaries and compensation, and prescribe their duties.

History: En. Sec. 6, Ch. 260, L. 1967; R.C.M. 1947, 44-223.

Provided by the Montana Legislative Services

22-1-311. Use of library — privileges.

Every library established under the provisions of this part shall be free to the use of the inhabitants of the city or the county supporting such library. The board may exclude from the use of the library any and all persons who shall willfully violate the rules of the library. The board may extend the privileges and use of the library to persons residing outside of the city or county upon such terms and conditions as it may prescribe by its regulations.

History: En. Sec. 7, Ch. 260, L. 1967; R.C.M. 1947, 44-224.

Provided by the Montana Legislative Services

22-1-312. Cooperation and merger.

Library boards of trustees, boards of other educational institutions, library agencies, and local political subdivisions are hereby empowered to cooperate, merge, or combine in providing library service.

History: En. Sec. 8, Ch. 260, L. 1967; R.C.M. 1947, 44-225.

Provided by the Montana Legislative Services

22-1-313. Existing tax-supported libraries — notification — exemption from county taxes.

After the establishment of a county free library as provided in this part, the governing body of any city which has an existing tax-supported public library may notify the board of county commissioners that such city does not desire to be a part of the county library system. Such notification shall exempt the property in such city from liability for taxes for county library purposes.

History: En. Sec. 9, Ch. 260, L. 1967; R.C.M. 1947, 44-226.

Provided by the Montana Legislative Services

22-1-314. Continued existence of all public libraries.

All public libraries heretofore established shall continue in existence, subject to the changes in administration provided herein.

History: En. Sec. 12, Ch. 260, L. 1967; R.C.M. 1947, 44-228.

Provided by the Montana Legislative Services

22-1-315. City library may assume functions of county library.

- (1) Instead of establishing a separate county free library, the board of county commissioners may enter into a contract with the board of library trustees or other authority in charge of the free public library of any incorporated city, and the board of library trustees or other authority in charge of such free public library is hereby authorized to make such a contract.
- (2) Such contract may provide that the free public library of such incorporated city shall assume the functions of a county free library within the county with which such contract is made, and the board of county commissioners may agree to pay out of the county free library fund into the library fund of such incorporated city such sum as may be agreed upon.
- (3) Either party to such contract may terminate the same by giving 6 months' notice of intention to do so.

History: En. Sec. 11, Ch. 45, L. 1915; re-en. Sec. 4573, R.C.M. 1921; re-en. Sec. 4573, R.C.M. 1935; R.C.M. 1947, 44-211.

Provided by the Montana Legislative Services

Laws : 22-1-315. City library may assume functions of county library.

22-1-316. Joint city-county library.

- (1) A county and any city or cities within the county, by action of their respective governing bodies, may join in establishing and maintaining a joint city-county library under the terms of a contract agreed upon by all parties.
- (2) The expenses of a joint city-county library must be apportioned between or among the county and cities on the basis agreed upon in the contract.
- (3) Subject to 15-10-420, the governing body of any city or county entering into a contract may levy a special tax as provided in 22-1-304 for the establishment and operation of a joint city-county library.
- (4) The treasurer of the county or of a participating city within the county, as provided in the contract, has custody of the funds of the joint city-county library, and the other treasurers of the county or cities joining in the contract shall transfer quarterly to the designated treasurer all money collected for the joint city-county library.
- (5) The contract must provide for the disposition of property upon dissolution of the joint city-county library.

History: En. Sec. 1, Ch. 273, L. 1973; R.C.M. 1947, 44-219.1; amd. Sec. 124, Ch. 584, L. 1999.

Provided by the Montana Legislative Services

22-1-317. City-county library — board of trustees.

- (1) A joint city-county library must be governed by a board of trustees composed of five members chosen as specified in the contract, with terms not to exceed 5 years.
- (2) Trustees may not serve more than two full terms in succession.
- (3) Trustees shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.
- (4) Trustees shall meet and elect a presiding officer and other officers that they consider necessary, for 1-year terms.
- (5) The board of trustees has the same powers and duties as the board of trustees of a city library or a county library.

History: En. Sec. 2, Ch. 273, L. 1973; amd. Sec. 3, Ch. 3, L. 1977; R.C.M. 1947, 44-219.2; amd. Sec. 349, Ch. 56, L. 2009.

Provided by the Montana Legislative Services

22-1-325. Short title.

Sections (<http://data.opi.mt.gov/bills/mca/22/1/22-1-325.htm>) through (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>) may be cited as the "Information Access Montana Act".

History: En. Sec. 1, Ch. 670, L. 1989.

Provided by the Montana Legislative Services

22-1-326. State aid to public libraries.

- (1) As used in 22-1-326 through 22-1-331, "public library" means a library created under Title 7 or under 22-1-301 through 22-1-317.
- (2) As provided in 22-1-325 through 22-1-329, the commission shall administer state aid to public libraries and public library districts created and operated under part 7 of this chapter. The purposes of state aid are to:
 - (a) broaden access to existing information by strengthening public libraries and public library districts;
 - (b) augment and extend services provided by public libraries and public library districts; and
 - (c) permit new types of library services based on local need.
- (3) Money appropriated for the purposes of this section may not be used to supplant general operating funds of recipient public libraries or public library districts. The commission may withhold a distribution to a library or district that receives less support from a mill levy or local government appropriation than its average for the preceding 3 fiscal years if the decrease may reasonably be linked to money received or expected to be received under 22-1-325 through 22-1-329.

History: En. Sec. 2, Ch. 670, L. 1989; amd. Sec. 2, Ch. 356, L. 1991; amd. Sec. 1, Ch. 203, L. 2005.

Provided by the Montana Legislative Services

22-1-327. State aid — per capita — per square mile.

The commission shall distribute grants to public libraries and public library districts on a per capita and per square mile basis.

Laws : 22-1-327. State aid — per capita — per square mile.

History: En. Sec. 3, Ch. 670, L. 1989; amd. Sec. 2, Ch. 203, L. 2005.

Provided by the Montana Legislative Services

22-1-328. Statewide interlibrary resource-sharing program.

The commission shall establish a statewide interlibrary resource-sharing program. The purpose of the program is to administer funds appropriated by the legislature to support and facilitate resource-sharing among libraries in Montana, including but not limited to public libraries, public library districts, libraries operated by public schools or school districts, libraries operated by public colleges or universities, tribal libraries, libraries operated by public agencies for institutionalized persons, and libraries operated by nonprofit, private medical, educational, or research institutions.

History: En. Sec. 4, Ch. 670, L. 1989; amd. Sec. 1, Ch. 183, L. 1999; amd. Sec. 2, Ch. 47, L. 2009.

Provided by the Montana Legislative Services

22-1-329. Statewide Library Access Program.

The commission shall develop a voluntary statewide library access program whereby a participating library may allow access to the library's materials and services by patrons registered and in good standing with another library.

History: En. Sec. 5, Ch. 670, L. 1989; amd. Sec. 3, Ch. 47, L. 2009.

Provided by the Montana Legislative Services

22-1-330. Commission rulemaking authority.

The commission may adopt rules and procedures for:

- (1) the distribution of state aid to public libraries and public library districts on a per capita and per square mile basis, as provided in 22-1-327;
- (2) the statewide library access program provided for in 22-1-329;
- (3) the statewide interlibrary resource-sharing program provided for in 22-1-328;
- (4) distribution of base grants provided for in 22-1-331; and
- (5) the composition of the library federation board of trustees, as provided in 22-1-404.

History: En. Sec. 6, Ch. 670, L. 1989; amd. Sec. 2, Ch. 183, L. 1999; amd. Sec. 3, Ch. 203, L. 2005; amd. Sec. 4, Ch. 47, L. 2009.

Provided by the Montana Legislative Services

22-1-331. Base grants.

The commission shall provide a base grant for each public library to support the cooperative activities and services of the six library federations in the state.

History: En. Sec. 7, Ch. 670, L. 1989.

Provided by the Montana Legislative Services

Interstate Library Compact

22-1-601. Library compact.

The Interstate Library Compact is approved, enacted into law, and entered into by the state of Montana. The compact is in full as follows:

INTERSTATE LIBRARY COMPACT

Article I. Policy and Purpose

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained

Laws : 22-1-601. Library compact.

on a cooperative basis; and to authorize cooperation and sharing among localities, states, and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

Article II. Definitions

As used in this compact:

- (1) "public library agency" means any unit or agency of local or state government operating or having power to operate a library;
- (2) "private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library;
- (3) "library agreement" means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

Article III. Interstate Library Districts

- (1) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain, and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities, and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.
- (2) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.
- (3) If a library agreement provides for joint establishment, maintenance, or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:
 - (a) undertake, administer, and participate in programs or arrangements for:
 - (i) securing, lending, or servicing books and other publications, any other materials suitable to be kept or made available by libraries, or library equipment; or
 - (ii) for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof;
 - (b) accept for any of its purposes under this compact any and all donations and grants of money, equipment, supplies, materials, and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof or interstate agency or from any institution, person, firm, or corporation and receive, utilize, and dispose of the same;
 - (c) operate mobile library units or equipment for the purpose of rendering bookmobile service within the district;
 - (d) employ professional, technical, clerical, and other personnel and fix terms of employment, compensation, and other appropriate benefits; and where desirable, provide for the in-service training of such personnel;
 - (e) sue and be sued in any court of competent jurisdiction;
 - (f) acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service;
 - (g) construct, maintain, and operate a library, including any appropriate branches thereof;
 - (h) do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

Article IV. Interstate Library Districts, Governing Board

- (1) An interstate library district which establishes, maintains, or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.
- (2) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

Article V. State Library Agency Cooperation

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing, and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services, or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district, and an agreement embodying any such program, service, or arrangement shall contain provisions covering the subjects detailed in Article VI of this compact for interstate library agreements.

Article VI. Library Agreements

- (1) In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:
 - (a) detail the specific nature of the services, programs, facilities, arrangements, or properties to which it is applicable;
 - (b) provide for the allocation of costs and other financial responsibilities;
 - (c) specify the respective rights, duties, obligations, and liabilities of the parties;
 - (d) set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.
- (2) No public or private library agency shall undertake to exercise, itself or jointly with any other library agency, by means of a library agreement, any power prohibited to such agency by the constitution or statutes of its state.
- (3) No library agreement shall become effective until filed with the compact administrator of each state involved and approved in accordance with Article VII of this compact.

Article VII. Approval of Library Agreements

- (1) Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of that state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.
- (2) In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by the officer or it as to all matters within the officer's or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to paragraph (1) of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

Article VIII. Other Laws Applicable

Nothing in this compact or in any library agreement shall be construed to supersede, alter, or otherwise impair any obligation imposed on any library by otherwise applicable law nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

Article IX. Appropriations and Aid

- (1) Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.
- (2) Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

Article X. Compact Administrator

Each state shall designate a compact administrator with whom copies of all library agreements to which the administrator's state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon the administrator by the laws of that state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

Article XI. Entry into Force and Withdrawal

- (1) This compact shall enter into force and effect immediately upon its enactment into law by any two states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.
- (2) This compact shall continue in force with respect to a party state and remain binding upon such state until 6 months after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this compact from any obligation of that agreement prior to the end of its duration as provided therein.

Article XII. Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

History: En. Sec. 1, Ch. 119, L. 1967; R.C.M. 1947, 44-601; amd. Sec. 351, Ch. 56, L. 2009.

Provided by the Montana Legislative Services

22-1-602. Executive officer of state library commission as administrator.

The executive officer of the state library commission shall be the compact administrator of the Interstate Library Compact.

History: En. Sec. 2, Ch. 119, L. 1967; R.C.M. 1947, 44-602.

Provided by the Montana Legislative Services

Laws : 22-1-602. Executive officer of state library commission as administrator.

Law Library

22-1-501. State law library created.

The library formerly known as a department of the state library of Montana and called “the law library” is a separate and distinct library designated the “state law library of the state of Montana”. The collections of laws, decisions of courts, law reports, textbooks, legal periodicals, and miscellaneous books and journals together with pamphlets, papers, maps, charts, and manuscripts in the law library or belonging to the law library or acquired by or donated to the law library constitute the law library, and the title to all of the property constituting the law library must be in the state of Montana, subject to the custody and control of the library board established in (<http://data.opi.mt.gov/bills/mca/22/1/22-1-502.htm>).

History: En. Sec. 1, Ch. 153, L. 1949; R.C.M. 1947, 44-401; amd. Sec. 20, Ch. 16, L. 1991.

Provided by the Montana Legislative Services

22-1-502. Location — control by board of trustees.

The state law library of the state of Montana shall be located in Helena, Montana, and shall be in the immediate custody and subject to the control of a board of trustees consisting of the chief justice and the justices of the supreme court of the state of Montana.

History: En. Sec. 2, Ch. 153, L. 1949; amd. Sec. 1, Ch. 142, L. 1977; R.C.M. 1947, 44-402; amd. Sec. 1, Ch. 252, L. 1981.

Provided by the Montana Legislative Services

22-1-503. Authority of board.

The powers and duties of said board are as follows:

- (1) to make rules, not inconsistent with law, for the government of the board and for the government and administration of the state law library, including rules designating when and for what periods of time the library shall be open to the public and the office hours of the library;
- (2) to appoint a librarian and prescribe the duties of such librarian when not otherwise provided for by law;
- (3) to sell or exchange duplicate copies of books and pay the moneys arising therefrom into the state law library fund;
- (4) to see that the books and other properties of the library are maintained in good order and repair and are protected from theft or injury;
- (5) to draw from the state treasury, at any time when needed for the legitimate expenses in maintaining and operating the library and acquiring books, reports, journals, and other works and properties therefor, including complete sets of statutory laws and codified laws of the United States of America, of the several states of the union, and of other jurisdictions, any moneys in the fund and available for such purposes;
- (6) to establish such lawful relations and working arrangements with the library of congress of the United States, with the copyright office therein, and with the superintendent of documents of the United States as may be for the benefit and advantage of the state law library and promote the acquisition of books and other works from such sources as may be useful to those resorting to the facilities of the state law library.

History: En. Sec. 3, Ch. 153, L. 1949; amd. Sec. 14, Ch. 93, L. 1969; R.C.M. 1947, 44-403; amd. Sec. 8, Ch. 125, L. 1983.

Provided by the Montana Legislative Services

22-1-504. Duties of librarian -- library staff state employees.

- (1) The librarian shall develop and maintain an adequate collection and services to fulfill the needs of library users and shall establish procedures for the maintenance and control of the collection.
- (2) The members of the staff of the state law library, except the librarian, are employees of the judicial branch of state government, are subject to classification and compensation as determined by the judicial branch personnel plan adopted by the supreme court under 3-1-130, and must receive state employee benefits and expenses as provided in Title 2, chapter 18.

History: En. Sec. 5, Ch. 153, L. 1949; amd. Sec. 2, Ch. 142, L. 1977; R.C.M. 1947, 44-405(2); amd. Sec. 25, Ch. 585, L. 2001.

Provided by the Montana Legislative Services

Laws : 22-1-504. Duties of librarian -- library staff state employees.

22-1-505. Use of library.

The state law library shall be maintained and operated for the use of the members of the supreme court, the members of the legislature, the several officers of the senate and of the house of representatives, for state officers and employees, for members of the bar of the supreme court of Montana, for members of the bar of supreme courts of other states while in attendance before the supreme court of Montana, and members of the general public agreeing to the rules established by the librarian.

History: En. Sec. 5, Ch. 153, L. 1949; amd. Sec. 2, Ch. 142, L. 1977; R.C.M. 1947, 44-405(1).

Provided by the Montana Legislative Services

22-1-506. Liability for injury to books or failure to return.

A person who defaces, tears, or otherwise injures any book or other work or who fails to return any book taken by the person is liable to the state in three times the value of the book if the book is not replaced by a new one or another book of identical title, in good order and condition. A statute of limitations may not ever be effective against the claim of the state under this section.

History: En. Sec. 6, Ch. 153, L. 1949; R.C.M. 1947, 44-406; amd. Sec. 350, Ch. 56, L. 2009.

Provided by the Montana Legislative Services

Library Records Confidentiality Act**22-1-1101. Short title.**

This part may be cited as the "Montana Library Records Confidentiality Act".

History: En. Sec. 1, Ch. 476, L. 1985.

Provided by the Montana Legislative Services

22-1-1102. Definitions.

As used in (<http://data.opi.mt.gov/bills/mca/22/1/22-1-1103.htm>), the following definitions apply:

- (1) "Library" means a library that is established by the state, a county, city, town, school district, or a combination of those units of government, a college or university, or any private library open to the public.
- (2) "Library records" means any document, record, or any other method of storing information retained, received, or generated by a library that identifies a person as having requested, used, or borrowed library material or other records identifying the names or other personal identifiers of library users. Library records does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general or records that are not retained or retrieved by personal identifier.

History: En. Sec. 2, Ch. 476, L. 1985.

Provided by the Montana Legislative Services

22-1-1103. Nondisclosure of library records.

- (1) No person may release or disclose a library record or portion of a library record to any person except in response to:
 - (a) a written request of the person identified in that record, according to procedures and forms giving written consent as determined by the library; or
 - (b) an order issued by a court of competent jurisdiction, upon a finding that the disclosure of such record is necessary because the merits of public disclosure clearly exceed the demand for individual privacy.
- (2) A library is not prevented from publishing or making available to the public reasonable statistical reports regarding library registration and book circulation if those reports are presented so that no individual is identified therein.
- (3) Library records may be disclosed to the extent necessary to return overdue or stolen materials or collect fines.

History: En. Sec. 3, Ch. 476, L. 1985.

Provided by the Montana Legislative Services

22-1-1111. Penalty.

Any person who violates (<http://data.opi.mt.gov/bills/mca/22/1/22-1-1103.htm>) is guilty of a misdemeanor and is liable to the person identified in a record that is improperly released or disclosed. The person identified may bring a civil action for actual damages or \$100, whichever is greater. Reasonable attorney fees and the costs of bringing the action may be awarded to the prevailing party.

History: En. Sec. 6, Ch. 476, L. 1985.

Provided by the Montana Legislative Services

Library Systems**22-1-401. Policy.**

It is the policy of the legislature to encourage the most efficient delivery of library services to the people of Montana. To that end the state should be divided into regions within which libraries desiring to participate in the distribution of such state funding to libraries as may be available from time to time shall organize into library federations to pool resources and information and avoid duplication of effort.

History: En. Sec. 2, Ch. 215, L. 1965; amd. Sec. 1, Ch. 357, L. 1974; R.C.M. 1947, 44-131(part).

Provided by the Montana Legislative Services

22-1-402. Library systems — definition.

- (1) A library federation is a combination of libraries serving a multicounty, multicity, or city-county area within a federation area designated by the state library commission. Any other public, school, special, college, or university library or town, city, or county within the federation area may participate in a federation.
- (2) The governing body of any library may agree to participate in the federation. The participating entities may retain the autonomy over their respective libraries.
- (3) The expense of providing library services for the library federation must be based on funds received from the state or participating libraries.
- (4) A participating entity may withdraw from a federation according to the terms for withdrawal provided in the federation's bylaws.
- (5) A federation may contract with other federations, libraries, or the state library to provide federation services.

History: En. Sec. 1, Ch. 132, L. 1939; amd. Sec. 2, Ch. 357, L. 1974; R.C.M. 1947, 44-212; amd. Sec. 1, Ch. 374, L. 1981; amd. Sec. 66, Ch. 387, L. 1995; amd. Sec. 3, Ch. 183, L. 1999; amd. Sec. 1, Ch. 80, L. 2001; amd. Sec. 3, Ch. 73, L. 2005.

Provided by the Montana Legislative Services

22-1-404. Board of trustees — coordinator.

- (1) In a library federation, there must be a board of trustees, with advisory powers only, appointed according to the federation's bylaws. The state library commission, provided for in 22-1-101, shall adopt rules governing the composition of the federation board of trustees. A majority of the members of each federation board of trustees must be trustees of a public library, as defined in 22-1-326.
- (2) The federation membership shall appoint a coordinator of the federation who shall serve as a nonvoting member of the federation board of trustees.

History: (1)En. Sec. 3, Ch. 132, L. 1939; amd. Sec. 10, Ch. 260, L. 1967; amd. Sec. 4, Ch. 357, L. 1974; Sec. 44-214, R.C.M. 1947; (2)En. Sec. 2, Ch. 215, L. 1965; amd. Sec. 1, Ch. 357, L. 1974; Sec. 44-131, R.C.M. 1947; R.C.M. 1947, 44-131(part), 44-214; amd. Sec. 4, Ch. 183, L. 1999; amd. Sec. 3, Ch. 80, L. 2001; amd. Sec. 4, Ch. 73, L. 2005.

Provided by the Montana Legislative Services

22-1-405. Boards of trustees — authority — resolution of disagreements.

- (1) The board of trustees of a library federation shall act as an advisor to the participating libraries and their boards of trustees.
- (2) Control over the budgets and administrative policies of participating libraries shall remain in their boards of trustees as provided in 22-1-309.

Laws : 22-1-405. Boards of trustees — authority — resolution of disagreements.

- (3) Any disagreement among participants in a library federation regarding the apportionment of funds or grants received from the state library commission shall be resolved by the state library commission.

History: En. 44-214.1 by Sec. 5, Ch. 357, L. 1974; R.C.M. 1947, 44-214.1.

Provided by the Montana Legislative Services

22-1-412. Purpose.

It is the purpose of (<http://data.opi.mt.gov/bills/mca/22/1/22-1-413.htm>) and this section to establish a program whereby state funds may be appropriated to the Montana state library commission to provide the benefits of quality public library service to all residents of Montana by developing and strengthening local public libraries through library federations as defined in (<http://data.opi.mt.gov/bills/mca/22/1/22-1-402.htm>).

History: En. 44-304 by Sec. 1, Ch. 416, L. 1975; R.C.M. 1947, 44-304; amd. Sec. 1, Ch. 373, L. 1981; amd. Sec. 119, Ch. 42, L. 1997.

Provided by the Montana Legislative Services

22-1-413. Administration by Montana state library commission.

The Montana state library commission must receive and shall administer the appropriation for state funding to public library federations. The commission shall allocate the appropriation among grant programs and shall allocate funds among federations according to formulas for distribution as the commission establishes in rules adopted pursuant to (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>). Federations receiving state funds from the commission shall submit annual plans for the expenditure of state funds and report annually to the commission concerning the progress of the various projects for which state funding was received. The reports must contain an accounting for all state funds received.

History: En. 44-305 by Sec. 2, Ch. 416, L. 1975; R.C.M. 1947, 44-305; amd. Sec. 2, Ch. 373, L. 1981; amd. Sec. 5, Ch. 183, L. 1999; amd. Sec. 4, Ch. 80, L. 2001.

Provided by the Montana Legislative Services

Public Library Districts

22-1-701. Public library districts -- purpose -- territory.

- (1) The purpose of this part is to provide a method for:
 - (a) establishing, equipping, administering, and funding public libraries; and
 - (b) contracting for library services from existing public libraries.
- (2) A public library district may contain the entire territory of a county, the territory of part of a county, or territory in more than one county. A public library district may include incorporated municipalities within a county.
- (3) The territory included in a public library district must contain a taxable value of at least \$5 million.

History: En. Sec. 1, Ch. 92, L. 2001.

Provided by the Montana Legislative Services

22-1-702. Creation or enlargement of public library district.

- (1) Proceedings for the creation or enlargement of a public library district or the conversion of a public library to a public library district may be initiated by:
 - (a) a petition signed by not less than 15% of the qualified electors who reside within the proposed district or the area to be added to an existing district; or
 - (b) a resolution of intent adopted by the county governing body, calling for the creation of a district.
- (2) The petition must contain:
 - (a) the boundaries of the proposed public library district;
 - (b) a map showing the boundaries;
 - (c) subject to 15-10-420, the proposed maximum property tax mill levy that could be levied on property owners within the district for the operation of the district; and

Laws : 22-1-702. Creation or enlargement of public library district.

- (d) the proposed number of members on the board of trustees. The number of members must be five or seven.
- (3) When the territory to be included in the proposed public library district lies in more than one county, a petition must be presented to the governing body of each county in which the territory lies. Each petition must be signed by not less than 15% of the qualified electors of the territory within the county proposed for inclusion in the district.
- (4) Upon receipt of a petition to create a public library district, the county clerk shall examine the petition and within 15 days either reject the petition if it is insufficient under the provisions of subsection (1), (2), or (3) or certify that the petition is sufficient and present it to the county governing body at its next meeting.
- (5) The text of the petition must be published as provided in 7-1-2121 in each county in which territory of the proposed public library district lies.
- (6) At a hearing on the proposed public library district, the county governing body shall hear testimony:
- (a) of all interested persons on whether a district should be created;
 - (b) regarding the proposed boundary, the property tax mill levy, and the number of members of the board of trustees; and
 - (c) on any other matter relating to the petition.
- (7) After the hearing, if the county governing body determines that the proposed public library district should be created, it shall by resolution:
- (a) set the boundaries of the proposed district;
 - (b) set the maximum mill levy for the proposed district;
 - (c) set the number of members to be on the board of trustees; and
 - (d) call for an election on the question of whether to create the district. The election may be:
 - (i) held in conjunction with a regular or primary election; or
 - (ii) conducted by mail ballot in accordance with the provisions of Title 13, chapter 19.

History: En. Sec. 2, Ch. 92, L. 2001; amd. Sec. 4, Ch. 203, L. 2005.

Provided by the Montana Legislative Services

22-1-703. Election on creation of district.

- (1) The election on the question of whether to create a public library district must be conducted as provided in Title 13.
- (2) Only qualified electors residing within the proposed public library district may vote on the question of whether to create the district.
- (3) The question of creating a public library district must be submitted to the electors in substantially the following form:

FOR the creation of a public library district that may levy not more than ... mills of property tax for the operation of the district.

AGAINST the creation of a public library district.

History: En. Sec. 3, Ch. 92, L. 2001.

Provided by the Montana Legislative Services

22-1-704. Formation of public library district -- appointment of initial board of trustees.

- (1) If a majority of the votes cast at the election in the territory of each county included in the proposed public library district approve the formation of the district, the governing body of each county shall, within 10 days of the receipt of the official canvass of the result, certify that the district is formed.
- (2) Within 30 days after the certification of the formation of the public library district, the governing body of each county with territory included in the district shall jointly appoint the initial members of the district's board of trustees. The members shall serve until their successors are elected and qualified.

History: En. Sec. 4, Ch. 92, L. 2001.

Provided by the Montana Legislative Services

22-1-705. Consolidation of existing public libraries or public library districts.

- (1) (a) If all or part of the territory served by an existing public library, as defined in 22-1-326, is included within the boundaries of a public library district, the governing body of each county with territory included in the district shall notify the governing body of the city or county that established the public library that the territory served by the library is included in the district boundaries. The governing body of the city or county

Laws : 22-1-705. Consolidation of existing public libraries or public library districts.

that established the public library shall hold a public hearing on the question of whether the territory served by the library should be included in the district. If the governing body determines that the territory served by the public library should be consolidated into the district, it shall adopt a resolution, following the public hearing, to that effect. If the governing body of the city or county that established the public library determines that the territory served by the library should not be included in the district, it shall adopt a resolution to that effect and the boundaries of the district must be adjusted to exclude the territory served by the public library.

- (b) Any existing bonded indebtedness against the territory served by the public library or the library district remains the indebtedness of the original territory and must be paid by levies on the original territory.
- (2) The territory of an existing public library district may be consolidated into a contiguous district upon the adoption of a resolution, following a public hearing, by the board of trustees of each district. The governing board of the county containing the largest percentage of territory in the district shall appoint the board of trustees for the consolidated district. The appointed trustees shall serve until their successors are elected, in accordance with the provisions of 22-1-706.

History: En. Sec. 5, Ch. 92, L. 2001; amd. Sec. 5, Ch. 203, L. 2005.

Provided by the Montana Legislative Services

22-1-706. Election of board of trustees -- compensation -- removal -- single-member trustee districts.

- (1) After appointment of the initial members of the board of trustees, all members must be elected by the electors of the public library district.
- (2) The election of members to the board of trustees must be held in conjunction with the annual school elections held pursuant to 20-3-304.
- (3)
 - (a) A candidate for the office of trustee of the public library district must be a resident of the district and must be nominated by petition, signed by at least five electors of the district and filed with the office of the election administrator not earlier than 135 days or later than 75 days prior to the election day.
 - (b) If the district lies in more than one county, the petition for nomination must be presented to the election administrator whose county contains the largest percentage of territory in the district.
- (4) If the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election in accordance with 13-1-304. If an election is not held, the county governing body shall declare elected by acclamation each candidate who filed a nomination petition for a position. If a nomination petition is not filed for an office, the county governing body of the county containing the largest percentage of the territory in the public library district shall appoint a member to fill the term. A person appointed pursuant to this subsection has the same term and obligations as a person elected to fill the office.
- (5) The term of office of an elected board member begins on the date that the board member is elected and qualified. The term of office of an elected member is 4 years, except that a simple majority of the members of the first elected board shall serve a term of 2 years, with the minority of the board serving terms of 4 years. The members serving 2-year terms must be selected by lot.
- (6) A vacancy in the office of a member must be filled by appointment by the remaining members of the board. The term of the appointed member expires upon the election and qualification of an elected successor or upon the election of a member to fill the unexpired term of the vacant office. The election must be held at the next scheduled school election held pursuant to 20-3-304.
- (7) Members of the board of trustees serve without compensation.
- (8) A trustee may be removed from office by a court of competent jurisdiction pursuant to state law governing the removal of elected officials. If charges are brought against a trustee and if good cause is shown, the governing body of the county containing the largest percentage of territory in the public library district may suspend the trustee until the charges can be heard in a court of competent jurisdiction.
- (9)
 - (a) If the trustees determine that it is in the best interest of the electors of the public library district, they shall:
 - (i) propose the creation of a single-member trustee district plan with districts that are as compact in area and as equal in population as possible;
 - (ii) schedule and hold a public hearing on the plan; and
 - (iii) publish a notice of the public hearing as provided in 7-1-2121.
 - (b) After the public hearing is held, the trustees may amend, revise, approve, or disapprove the proposed plan. If the plan is adopted, the trustees shall publish notice of its adoption as provided in 7-1-2121.
 - (c) All successors to the board of trustees must be elected in accordance with the adopted single-member

Laws : 22-1-706. Election of board of trustees -- compensation -- removal -- single-member trustee districts.

trustee district plan, and the election of each member must be submitted to the electors of the trustee district in which the candidate resides.

History: En. Sec. 6, Ch. 92, L. 2001.

Provided by the Montana Legislative Services

22-1-707. Duties and powers of board of trustees.

- (1) The board of trustees of a public library district shall:
 - (a) operate and maintain library property within the district and may conduct programs relating to libraries and make improvements to district property as the board considers appropriate;
 - (b) prepare annual budgets as required by the county governing body or bodies;
 - (c) pay necessary expenses of district staff members when on business of the district; and
 - (d) prepare and submit any records required by the Montana state library.
- (2) The board has all powers necessary for the betterment, operation, and maintenance of library property within the territory of the public library district, including establishing library locations. In the exercise of this general grant of powers, the board may:
 - (a) (i) employ or contract with administrative, professional, or other personnel necessary for the operation of the district; or
 - (ii) contract with other entities to provide or receive library services and to pay out or receive funds for those library services;
 - (b) lease, purchase, or contract for the purchase of personal property, including property that after purchase constitutes a fixture on real property;
 - (c) (i) lease, purchase, or contract for the purchase of buildings and facilities on lands controlled by the district and may own and hold title to the buildings and facilities and equip, operate, and maintain the buildings and facilities; or
 - (ii) receive by transfer, conditionally or otherwise, from a county or city, the ownership or control of a library building, with all or any part of its property, provided that any existing debt of the governing body transferring the interest tied to the property must remain an obligation of the governing body and may not become an obligation of the district;
 - (d) adopt by resolution bylaws and rules for the operation and administration of the district;
 - (e) subject to 15-10-420, establish a property tax mill levy for the operation of the district as provided in 22-1-708;
 - (f) with the concurrence of the county governing body or bodies, accept donations of land or facilities within the district to be used for district purposes;
 - (g) accept donations and devises of money or personal property;
 - (h) establish a library depreciation reserve fund as authorized and described in 22-1-716; and
 - (i) exercise other powers, not inconsistent with the law, necessary for the operation and management of the district.

History: En. Sec. 7, Ch. 92, L. 2001; amd. Sec. 6, Ch. 203, L. 2005.

Provided by the Montana Legislative Services

22-1-708. Public library district budget -- property tax levy.

- (1) The board of trustees shall annually prepare a budget for the ensuing fiscal year and present the budget to the governing body of each county with territory in the public library district at the regular budget meetings as prescribed in Title 7, chapter 6, part 40, and certify the amount of money necessary for the operation of the district for the ensuing fiscal year.
- (2) Subject to 15-10-420, the county governing body shall, annually at the time of levying county taxes, fix and levy a tax on all taxable property within the public library district sufficient to raise the amount certified by the board of trustees and approved by the electors. The tax levied may not in any year exceed the maximum amount approved by the electorate in 22-1-703 or 22-1-709.

History: En. Sec. 8, Ch. 92, L. 2001.

Provided by the Montana Legislative Services

Laws : 22-1-708. Public library district budget -- property tax levy.

22-1-709. Election to change maximum property tax mill levy.

- (1) The maximum property tax mill levy authorized for the operation of a public library district may be changed by an election on the question of changing the maximum mill levy.
- (2) A vote on the question of raising or lowering the maximum property tax mill levy in the public library district may be initiated by:
 - (a) a petition signed by not less than 15% of the electorate of the district; or
 - (b) a resolution of the board of trustees.
- (3) The petition must set forth the proposed new maximum mill levy for the operation of the district.
- (4) Upon receipt of a petition for a change in the maximum mill levy, certified by the county clerk as sufficient under this section, or upon receipt of a resolution for a change adopted by the board of trustees, the county governing body shall submit to the electorate of the public library district, at the next regular or primary election, a ballot question on changing the maximum mill levy. The election must be held as provided in Title 13. The question must be submitted to the electors of the district in substantially the following form:
 - FOR changing the authorized maximum property tax mill levy for the operation of the public library district from to
 - AGAINST changing the authorized maximum property tax mill levy for the operation of the public library district.

History: En. Sec. 9, Ch. 92, L. 2001.

Provided by the Montana Legislative Services

22-1-710. Dissolution of public library district.

- (1) A public library district may be dissolved after an election on the question of dissolving the district. The process of dissolving the district may be initiated by a petition of 15% of the electorate of the district or by a resolution of intent to dissolve the district adopted by either the board of trustees or the governing body of the county in which territory of the district is located.
- (2) Upon receipt of a petition that has been certified by the county clerk as sufficient under this section or upon adoption of a resolution of intent, the county governing body shall hold a public hearing on the question of dissolving the public library district. Notice of the hearing must be published as provided in 7-1-2121.
- (3) At the public hearing, the county governing body shall hear testimony of interested persons regarding the dissolution of the public library district. After the public hearing, the county governing body may either submit the question of dissolving the district to the electorate of the district or it may call for a public hearing on the question of altering the boundaries of the district. If the county governing body calls for a public hearing on the question of altering the boundaries of the district by the withdrawal of territory, it shall publish notice of the hearing as provided in 7-1-2121. The notice must state the boundaries of the area proposed to be withdrawn from the district. After hearing testimony at the hearing, the county governing body may submit the question of either dissolving the district or altering the district by the withdrawal of specified territory from the district to the electorate of the district.
- (4) The question must be submitted by a resolution calling for an election on either dissolving the public library district or altering the boundaries of the district by the withdrawal of land from the district. The county governing body shall schedule the election in conjunction with any other regularly scheduled election. The election on the question must be conducted as provided in Title 13.
- (5) The question of withdrawal of territory under this section must be voted upon separately by the electorate of the territory to be withdrawn and the electorate of the balance of the territory of the public library district. The question fails unless a simple majority of those voting on the question in each of the two territories authorize altering the district boundary. If the question passes, the boundary alteration is effective the following January 1. If the question fails, the county governing body shall by resolution call for an election on the question of dissolving the district.

History: En. Sec. 10, Ch. 92, L. 2001.

Provided by the Montana Legislative Services

22-1-711. Effect of dissolution.

- (1) If dissolution of a public library district is authorized by a majority of the electorate of the district, the county governing body shall order the dissolution and file the order with the county clerk. The dissolution is effective upon the earlier of the following:

Laws : 22-1-711. Effect of dissolution.

- (a) 6 months after the date of the filing of the order; or
 - (b) certification by the board of trustees that all debts and obligations of the district have been paid, discharged, or irrevocably settled.
- (2) (a) If debts or obligation of the public library district remain unsatisfied after the dissolution of the district, the county governing body shall, subject to 15-10-420 and for as long as necessary, levy a property tax in an amount not to exceed the amount authorized for the district, on all taxable property that is in the territory formerly comprising the district, to be used to discharge the debts of the former district.
- (b) If the electors of the district lowered the maximum amount to be levied for the operation of the district within 2 calendar years prior to the election authorizing the dissolution, the county governing body may, subject to 15-10-420, levy a property tax not to exceed the levy authorized prior to the reduction of the maximum levy for the discharge of the district's obligations.
- (3) Any asset of the public library district remaining after all debts and obligations have been discharged becomes the property of the county in which the asset is located.

History: En. Sec. 11, Ch. 92, L. 2001.

Provided by the Montana Legislative Services

22-1-716 Library depreciation reserve fund.

- (1) The trustees of a public library district may establish a library depreciation reserve fund for the replacement and acquisition of property, capital improvements, and equipment necessary to maintain and improve district library services.
- (2) Money for the library depreciation reserve fund is those funds that have been allocated for district library services in any year but which have not been expended by the end of the year. The money includes but is not limited to county appropriations, federal reserve sharing funds, and public and private grants.
- (3) The money held in the library depreciation reserve fund may be invested as provided by law. All interest earned on the fund must be credited to the library depreciation reserve fund.

History: En. Secs. 7, 8, 9, Ch. 203, L. 2005.

Provided by the Montana Legislative Services

State Library

22-1-201. State library authorized.

The state library commission shall maintain and operate a state library to be located in Helena.

History: En. 44-126.1 by Sec. 1, Ch. 3, L. 1977; R.C.M. 1947, 44-126.1.

Provided by the Montana Legislative Services

22-1-211. Definitions.

As used in this part, the following definitions apply:

- (1) "Depository library" means a library contracted by the state library under 22-1-212(2) to provide the general public access to state publications.
- (2) "State agency" means any entity established or authorized by law to govern operations of the state, such as a state office, officer, department, division, section, bureau, board, commission, council, and agency of the state and all subdivisions of each.
- (3) (a) "State publication" means any information originating in or produced by the authority of a state agency or at the total or partial expense of a state agency that the agency intends to distribute outside the agency, regardless of format or medium, source or copyright, license, or trademark.
- (b) The term does not include information intended only for distribution to contractors or grantees of the agency, persons within the agency, or members of the public under 2-6-102 or information produced by a state agency that is intended strictly for internal administrative or operational purposes.

History: En. Sec. 1, Ch. 261, L. 1967; R.C.M. 1947, 44-132; amd. Sec. 2, Ch. 95, L. 2007.

Provided by the Montana Legislative Services

22-1-212. Administration of state publications depository library program - rulemaking.

- (1) The state library shall administer a state publications depository library program to identify, acquire, catalog, preserve, and provide access to state publications.
- (2) The state library may enter into contracts with other libraries to carry out the provisions of the state publications depository library program.
- (3) The state library commission shall adopt rules necessary to carry out the provisions of this part.

History: En. Sec. 2, Ch. 261, L. 1967; R.C.M. 1947, 44-133; amd. Sec. 3, Ch. 95, L. 2007.

Provided by the Montana Legislative Services

22-1-213. State agency publications to be deposited in state library — interlibrary loan — sale publications.

State agencies shall notify the state library of their state publications and shall make their state publications available to the state library as provided by rule. The state library shall, if requested by the agency, reimburse any state agency for state publications required to be made available when the quantity desired will necessitate unreasonable expense to the agency.

History: En. Sec. 3, Ch. 261, L. 1967; R.C.M. 1947, 44-134; amd. Sec. 4, Ch. 95, L. 2007.

Provided by the Montana Legislative Services

22-1-218. Exemptions.

- (1) This part does not apply to:
 - (a) the state law library in connection with the collection described under 22-1-501;
 - (b) the code commissioner in connection with duties under Title 1, chapter 11, as amended; and
 - (c) the legislative services division in connection with duties under 5-11-203, as amended; and
 - (d) the Montana university system.
- (2) The state library may, at its option and without causing the university system to incur expense, collect, catalog, and make available selected publications of units of the Montana university system.

History: En. Sec. 8, Ch. 261, L. 1967; amd. Sec. 2, Ch. 3, L. 1977; R.C.M. 1947, 44-139; amd. Sec. 11, Ch. 138, L. 1979; amd. Sec. 16, Ch. 79, L. 1983; amd. Sec. 61, Ch. 545, L. 1995; amd. Sec. 6, Ch. 95, L. 2007.

Provided by the Montana Legislative Services

22-1-219. Permanent public access to state publications.

The state library shall routinely notify depository libraries of recently acquired state publications. The state library shall coordinate with state agencies and depository libraries to ensure permanent public access to state publications. The state library shall offer state publications that it removes from its collection to the Montana historical society, which shall determine which state publications must be preserved as provided for in (<http://data.opi.mt.gov/bills/mca/22/3/22-3-203.htm>).

History: En. Sec. 5, Ch. 95, L. 2007.

Provided by the Montana Legislative Services

22-1-225. Montana state library trust — interest retention.

- (1) There is an account in the governmental fund category state special revenue fund type to be known as the Montana state library trust, to be used as provided in 22-1-226.
- (2) Interest and earnings of the account must be retained by the account.

History: En. Sec. 1, Ch. 339, L. 1995; amd. Sec. 15, Ch. 34, L. 2001.

Provided by the Montana Legislative Services

22-1-226. Use of Montana state library trust.

- (1) The principal of the Montana state library trust established in 22-1-225 is subject to investment by the board of investments in accordance with investment principles established for the investment of state funds in Title 17, chapter 6, part 2.
- (2) Unless otherwise provided by the donor, donations received pursuant to 22-1-103 must be placed in the Montana state library trust.
- (3) Interest earned on the principal of the Montana state library trust may be used for providing library service to Montanans, including those who, because of disability, cannot read standard print.
- (4) Revenue that is not expended on the service authorized in subsection (3) and that is not expended at the end of each fiscal year remains in the Montana state library trust for investment as provided in subsection (1).
- (5) The provisions of 17-2-108 that require the expenditure of nongeneral fund money prior to the expenditure of general fund money do not apply to the expenditure of revenue made available to the library from the Montana state library trust.

History: En. Sec. 2, Ch. 339, L. 1995; amd. Sec. 16, Ch. 34, L. 2001.

Provided by the Montana Legislative Services

State Library Commission**22-1-101. State library commission established.**

- (1) There is a state library commission.
- (2) This commission is composed of the following members:
 - (a) the state superintendent of public instruction or the superintendent's designee;
 - (b) five persons appointed by the governor, who shall serve staggered terms of 3 years; and
 - (c) a librarian appointed by the commissioner of higher education from one of the six units of the Montana university system, who shall serve a term of 3 years.
- (3) The commission shall annually elect a presiding officer from its membership.
- (4) The members of the commission must be compensated and receive travel expenses as provided for in 2-15-124.

History: En. Sec. 1, Ch. 184, L. 1929; re-en. Sec. 1575.1, R.C.M. 1935; amd. Sec. 1, Ch. 91, L. 1945; amd. Sec. 1, Ch. 55, L. 1961; amd. Sec. 1, Ch. 215, L. 1965; amd. Sec. 23, Ch. 439, L. 1975; R.C.M. 1947, 44-127; amd. Sec. 1, Ch. 172, L. 1983; amd. Sec. 7, Ch. 650, L. 1985; amd. Sec. 347, Ch. 56, L. 2009.

Provided by the Montana Legislative Services

22-1-102. Librarian and assistants.

The commission shall employ as its executive officer a librarian, who is a graduate of an accredited library school and is not a member of the commission, for such compensation as the commission considers adequate. The executive officer shall perform the duties assigned by the commission and serve at the will of the commission. The commission may also employ such other assistants as are required for the performance of the commission's work. In addition to their salaries while on commission business, the librarian and assistants shall be allowed their travel expenses, as provided for in (<http://data.opi.mt.gov/bills/mca/2/18/2-18-501.htm>) through (<http://data.opi.mt.gov/bills/mca/2/18/2-18-503.htm>), as amended.

History: En. Sec. 2, Ch. 184, L. 1929; re-en. Sec. 1575.2, R.C.M. 1935; amd. Sec. 2, Ch. 91, L. 1945; amd. Sec. 2, Ch. 55, L. 1961; amd. Sec. 7, Ch. 453, L. 1977; R.C.M. 1947, 44-128.

Provided by the Montana Legislative Services

22-1-103. State library commission — authority.

The state library commission may:

- (1) give assistance and advice to all tax-supported or public libraries in the state and to all counties, cities, towns, or regions in the state that propose to establish libraries, as to the best means of establishing and improving those libraries;
- (2) maintain and operate the state library and make provision for its housing;
- (3)
 - (a) accept and expend in accordance with the terms of a grant any grant of federal funds that is available to the

Laws : 22-1-103. State library commission — authority.

- state for library purposes;
- (b) accept, receive, and administer any gifts, donations, bequests, and legacies made to the Montana state library. Unless otherwise provided by the donor, gifts, donations, bequests, and legacies must be deposited in the Montana state library trust established in 22-1-225.
- (4) make rules and establish standards for the administration of the state library and for the control, distribution, and lending of books and materials;
- (5) serve as the agency of the state to accept and administer any state, federal, or private funds or property appropriated for or granted to it for library service or foster libraries in the state and establish regulations under which funds must be disbursed;
- (6) provide library services for the blind and for individuals with physical disabilities;
- (7) furnish, by contract or otherwise, library assistance and information services to state officials, state departments, and residents of those parts of the state inadequately serviced by libraries;
- (8) act as a state board of professional standards and library examiners, develop standards for public libraries, and adopt rules for the certification of librarians;
- (9) designate areas for and establish federations of libraries.

History: En. Sec. 2, Ch. 215, L. 1965; amd. Sec. 1, Ch. 357, L. 1974; R.C.M. 1947, 44-131(part); amd. Sec. 4, Ch. 339, L. 1995; amd. Sec. 21, Ch. 472, L. 1997; amd. Sec. 2, Ch. 73, L. 2005.

Provided by the Montana Legislative Services

Arts

Cultural and Aesthetic Projects

22-2-301. Cultural and aesthetic projects grants.

- (1) Any person, association, or representative of a governing unit seeking a grant for a cultural or aesthetic project from the income of the trust fund created in 15-35-108 must submit a grant proposal to the cultural and aesthetic projects advisory committee, in care of the Montana arts council, by August 1 of the year preceding the convening of a regular legislative session.
- (2) Grant proposals must be for the purpose of protecting works of art in the state capitol or other cultural and aesthetic projects.

History: En. Sec. 2, Ch. 653, L. 1979; amd. Sec. 1, Ch. 99, L. 1983; Sec. (<http://data.opi.mt.gov/bills/mca/22/3/22-3-112.htm>), MCA 1981; redes. (<http://data.opi.mt.gov/bills/mca/22/2/22-2-301.htm>) by Code Commissioner, 1983; amd. Sec. 1, Ch. 587, L. 1991.

Provided by the Montana Legislative Services

22-2-302. Advisory committee — powers and duties.

- (1) The cultural and aesthetic projects advisory committee provided for in 2-15-1521 shall review all proposals for cultural and aesthetic project grants before they are submitted to the legislature.
- (2) Consistent with the rules adopted in accordance with 22-2-303, the committee shall make recommendations to the legislature on each proposal submitted to the committee.
- (3) The committee's recommendations to the legislature are advisory only.
- (4) The committee shall present its recommendations to the appropriations committee of the legislature by the 15th day of any regular legislative session.

History: En. Sec. 3, Ch. 99, L. 1983.

Provided by the Montana Legislative Services

22-2-303. Rulemaking authority.

- (1) The Montana historical society and the Montana arts council shall adopt rules that specify the criteria the advisory committee shall use when evaluating and making recommendations on cultural and aesthetic grant proposals submitted to the legislature.
- (2) The Montana arts council shall adopt rules that implement the provisions of 22-2-306, 22-2-308, and 22-2-309, relating to local support, matching requirements, application procedures, and disbursements of grants.

History: En. Sec. 5, Ch. 99, L. 1983; amd. Sec. 4, Ch. 732, L. 1985.

Laws : 22-2-303. Rulemaking authority.

Provided by the Montana Legislative Services

22-2-304. Cultural and aesthetic project appropriations — administration.

- (1) The legislature must appropriate funds from the income of the trust fund created in 15-35-108 for cultural and aesthetic projects before any grant for a cultural or aesthetic project is awarded.
- (2) Costs incurred by the Montana arts council for accounting, correspondence, project visits, and solicitation of proposals related to cultural and aesthetic project grants and the costs of the advisory committee established in 2-15-1521 shall be paid from appropriations from the income of the trust fund.
- (3) Grant proposals are heard by a legislative appropriations subcommittee.
- (4) Grant proposals approved by the legislature are administered by the Montana arts council.

History: En. Sec. 4, Ch. 99, L. 1983; amd. Sec. 1, Ch. 13, L. 1985; amd. Sec. 5, Ch. 626, L. 1989; amd. Sec. 2, Ch. 8, Sp. L. January 1992.

Provided by the Montana Legislative Services

22-2-305. Allocation and disbursement of funds.

- (1) The Montana arts council shall allocate and disburse cultural and aesthetic project account funds as appropriated by the legislature.
- (2) If the funds in the cultural and aesthetic projects account are insufficient to fund projects in the amount of the legislative appropriation for the projects, the council shall allocate and disburse the account's funds in accordance with the provisions of the appropriation act.

History: En. Sec. 2, Ch. 688, L. 1983; amd. Sec. 1, Ch. 315, L. 1987.

Provided by the Montana Legislative Services

22-2-306. Grant conditions — additional funds — accounts and reports.

- (1) A grant may not be awarded unless the grantee accepts the Montana arts council's conditions of the grant and signs a contract stipulating those conditions.
- (2) A grantee must agree in writing that:
 - (a) the grantee is the official and sole agency for the administration of the project described in the grant agreement; and
 - (b) no person will, on the grounds of race, color, national origin, sex, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that results from the expenditure of grant funds.
- (3) The grantee must agree that the funds granted will be expended solely for the purpose and activities described in the approved proposal. All funds granted to the grantee must be spent or encumbered during the grant period.
- (4) Disbursements to grantees must be as follows, based upon the cash flow needs of the projects and the revenues available:
 - (a) Projects that are to receive more than \$10,000 may receive an amount not exceeding 25% of the grant award in the first 6 months of the biennium, 50% in the first year of the biennium, 75% in the first 18 months of the biennium, and the balance in the remainder of the biennium. Within the limitations contained in this subsection, the amount of each payment must be determined by the Montana arts council in its discretion. Each payment may be made only after an examination of the costs incurred in the project and the amount, if any, of the unencumbered or unexpended balance of prior grant payments for the project.
 - (b) Projects that are to receive \$10,000 or less may receive the total grant in any fiscal quarter if the Montana arts council determines that the cultural and aesthetic project account has funds available and that, after an examination of the costs incurred by the project, total payment is appropriate.
 - (c) A grant award budget may be modified in accordance with this subsection. A grantee may modify line items in an approved budget in an amount not to exceed 10% of the total grant award. A grantee may, with permission of the Montana arts council, modify line items in an approved budget in an amount not to exceed 20% of the total grant award. A modification may not increase the grant award or change the scope or purpose of the award.
- (5) The grantee must maintain accounts, records, and other pertinent material pertaining to the costs incurred and expenditures made under the grant. The system of accounting employed by the grantee must be in accordance with generally accepted accounting principles and be applied in a consistent manner so that project costs and expendi-

Laws : 22-2-306. Grant conditions — additional funds — accounts and reports.

tures can be clearly identified. Accounts, records, and other pertinent material must be maintained for 3 years from the official termination date of the grant period or until an audit, approved by the council, has been completed and any questions arising from the audit have been resolved to the satisfaction of the council.

- (6) Grantees must submit to the council semiannual reports of expenditures during the course of the project and other financial and descriptive reports that the council may require. The grantee must submit, within 30 days after completion of the project, a final financial report and a narrative report stating what was accomplished with the grant. Five percent of the total grant award must be held pending receipt of final reports by the council. With regard to grantees who in the past have submitted late reports, 30% of the grant award may be held pending receipt of final reports by the council.
- (7) The council may, at the principal place of business of the grantee and during regular business hours, examine any directly pertinent records, accounts, and documents of the grantee involving transactions related to the grant.

History: En. Sec. 1, Ch. 688, L. 1983; amd. Sec. 3, Ch. 732, L. 1985; amd. Sec. 2, Ch. 315, L. 1987; amd. Sec. 1, Ch. 656, L. 1989.

Provided by the Montana Legislative Services

22-2-308. Application procedure — grant criteria.

- (1) A grant for a facility owned and operated by a county or municipality must require financial support for the facility from the county or municipality. A grant for a facility owned by a county or municipality but operated by a nonprofit organization is expected to have financial support from the county or municipality, but must have, at a minimum, in-kind support for the facility from the county or municipality. The grant application form, which must be prescribed by the Montana arts council, must request specific information about the level of local support for the project and the facility.
- (2) An applicant for a historic preservation project shall cooperate with the state historic preservation office. A letter from the state historic preservation office, stating any agreements reached with the applicant, must be received by the Montana arts council before the grant funds may be released.

History: En. Sec. 1, Ch. 732, L. 1985; amd. Sec. 2, Ch. 587, L. 1991; amd. Sec. 1, Ch. 479, L. 1993.

Provided by the Montana Legislative Services

22-2-309. Grant categories.

- (1) The following categories are established for grant funds:
 - (a) special projects which are specific cultural and aesthetic activities, services, or events of limited duration;
 - (b) operational support for cultural institutions that have been in existence for at least 2 years and whose budgets reflect only the cost of continuing their current program;
 - (c) capital expenditures for acquisition, construction, or renovation of facilities; and
 - (d) challenge grants for permanent endowments to benefit cultural nonprofit grant recipients.
- (2) The Montana arts council may require a match in cash or donated services for special project and operational support grants. There is a presumption that the match must represent \$1 in value for each dollar of the grant. The Montana arts council may accept matches in excess of the presumed value or may in its discretion require a lesser amount.
- (3) Capital expenditures may not exceed 25% of the total grant funds appropriated. Capital expenditure grants require a match of at least \$3 in cash or donated goods and services, which goods and services must be donated specifically for the capital expenditure project, to receive each dollar of grant funds.
- (4) Challenge grants require a match of at least \$3 in cash or irrevocable planned or deferred gifts to receive each dollar of grant funds. Challenge grants are available upon meeting the specified match. Not less than one-third of the specified match must be in cash. Not more than one-third of the match may be in wills, devises, bequests, and paid-up life insurance policies. A devise may include retention of an irrevocable life estate by the donor.

History: En. Sec. 2, Ch. 732, L. 1985; amd. Sec. 3, Ch. 315, L. 1987; amd. Sec. 2, Ch. 656, L. 1989.

Provided by the Montana Legislative Services

22-2-321. Reversion of granted funds.

At the end of a grant period, any unexpended balance of the grant shall revert to the cultural and aesthetic projects account provided for in (<http://data.opi.mt.gov/bills/mca/15/35/15-35-108.htm>).

Laws : 22-2-321. Reversion of granted funds.

History: En. Sec. 3, Ch. 688, L. 1983; Sec. (<http://data.opi.mt.gov/bills/mca/22/2/22-2-307.htm>), MCA 1983; redes. (<http://data.opi.mt.gov/bills/mca/22/2/22-2-321.htm>) by Code Commissioner, 1985.

Provided by the Montana Legislative Services

Antiquities

Historical Society

22-3-103. Historical library — independence from other libraries, museums, or galleries.

- (1) There is a historical library, to be maintained and operated by the Montana historical society.
- (2) The historical library and any historical museum administered by the society in accordance with the provisions of this part shall be independent of any other library, museum, or gallery owned, maintained, or operated by the state of Montana.

History: (1)En. 44-515.1 by Sec. 4, Ch. 3, L. 1977; Sec. 44-515.1, R.C.M. 1947; (2)En. Sec. 3, Ch. 47, L. 1963; amd. Sec. 6, Ch. 3, L. 1977; Sec. 44-518, R.C.M. 1947; R.C.M. 1947, 44-515.1, 44-518.

Provided by the Montana Legislative Services

Title 45

Offenses Against Public Order

Offensive, Indecent, and Inhumane Conduct

45-8-201. Obscenity.

- (1) A person commits the offense of obscenity when, with knowledge of the obscene nature of the material, the person purposely or knowingly:
 - (a) sells, delivers, or provides or offers or agrees to sell, deliver, or provide any obscene writing, picture, record, or other representation or embodiment of the obscene to anyone under 18 years of age;
 - (b) presents or directs an obscene play, dance, or other performance, or participates in that portion of the performance that makes it obscene, to anyone under 18 years of age;
 - (c) publishes, exhibits, or otherwise makes available anything obscene to anyone under 18 years of age;
 - (d) performs an obscene act or otherwise presents an obscene exhibition of the person's body to anyone under 18 years of age;
 - (e) creates, buys, procures, or possesses obscene matter or material with the purpose to disseminate it to anyone under 18 years of age; or
 - (f) advertises or otherwise promotes the sale of obscene material or materials represented or held out by the person to be obscene.
- (2) A thing is obscene if:
 - (a) (i) it is a representation or description of perverted ultimate sexual acts, actual or simulated;
 - (ii) it is a patently offensive representation or description of normal ultimate sexual acts, actual or simulated; or
 - (iii) it is a patently offensive representation or description of masturbation, excretory functions, or lewd exhibition of the genitals; and
 - (b) taken as a whole the material:
 - (i) applying contemporary community standards, appeals to the prurient interest in sex;
 - (ii) portrays conduct described in subsection (2)(a)(i), (2)(a)(ii), or (2)(a)(iii) in a patently offensive way; and
 - (iii) lacks serious literary, artistic, political, or scientific value.
- (3) In any prosecution for an offense under this section, evidence is admissible to show:
 - (a) the predominant appeal of the material and what effect, if any, it would probably have on the behavior of people;
 - (b) the artistic, literary, scientific, educational, or other merits of the material;
 - (c) the degree of public acceptance of the material in the community;
 - (d) the appeal to prurient interest or absence of that appeal in advertising or other promotion of the material;

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or

- (e) the purpose of the author, creator, publisher, or disseminator.
- (4) A person convicted of obscenity shall be fined at least \$500 but not more than \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both.
- (5) Cities, towns, or counties may adopt ordinances or resolutions that are more restrictive as to obscenity than the provisions of 45-8-206 and this section.

History: En. (<http://data.opi.mt.gov/bills/mca/94/8/94-8-110.htm>) by Sec. 1, Ch. 513, L. 1973; amd. Sec. 1, Ch. 407, L. 1975; R.C.M. 1947, (<http://data.opi.mt.gov/bills/mca/94/8/94-8-110.htm>); amd. Sec. 1, I.M. 79, app. Nov. 7, 1978; amd. Sec. 5, Ch. 571, L. 1989; amd. Sec. 1702, Ch. 56, L. 2009.

Provided by the Montana Legislative Services

45-8-203. Certain motion picture theater employees not liable for prosecution.

- (1) (a) As used in this section, "employee" means any person regularly employed by the owner or operator of a motion picture theater if the person has no financial interest other than salary or wages in the ownership or operation of the motion picture theater, has no financial interest in or control over the selection of the motion pictures shown in the theater, and is working within the motion picture theater where the person is regularly employed.
- (b) The term does not include a manager of the motion picture theater.
- (2) An employee is not liable to prosecution under 45-8-201 and 45-8-206 or under any city or county ordinance for exhibiting or possessing with intent to exhibit any obscene motion picture provided the employee is acting within the scope of regular employment at a showing open to the public.

History: En. (<http://data.opi.mt.gov/bills/mca/94/8/94-8-110.htm>).3 by Sec. 1, Ch. 76, L. 1974; R.C.M. 1947, (<http://data.opi.mt.gov/bills/mca/94/8/94-8-110.htm>).3; amd. Sec. 6, Ch. 571, L. 1989; amd. Sec. 1703, Ch. 56, L. 2009.

Provided by the Montana Legislative Services

45-8-205. Definitions.

As used in (<http://data.opi.mt.gov/bills/mca/45/8/45-8-205.htm>) through (<http://data.opi.mt.gov/bills/mca/45/8/45-8-208.htm>), the following definitions apply:

- (1) "Display or dissemination of obscene material to minors" means that quality of a description, exhibition, presentation, or representation, in whatever form, of sexual conduct or sadomasochistic abuse when the material or performance, taken as a whole, has the following characteristics:
- its dominant theme appeals to a minor's prurient interest in sex;
 - it depicts or describes sexual conduct or sadomasochistic abuse in a manner that is patently offensive to contemporary standards in the adult community with respect to what is suitable for minors; and
 - it lacks serious literary, scientific, artistic, or political value for minors. If the court finds that the material or performance has serious literary, scientific, artistic, or political value for a significant percentage of normal older minors, the material or performance may not be found to lack such value for the entire class of minors.
- (2) "Material" means a book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, or videotape (except a motion picture or videotape rated G, PG, PG-13, or R by the motion picture association of America).
- (3) "Minor" means a person under 18 years of age.
- (4) "Newsstand" means a stand that distributes or sells newspapers or magazines.
- (5) "Performance" means any motion picture, film, or videotape (except a motion picture or videotape rated G, PG, PG-13, or R by the motion picture association of America); phonograph record; compact disk; tape recording; preview; trailer; play; show; skit; dance; or other exhibition played or performed before an audience of one or more, with or without consideration.
- (6) "Person" means any individual, partnership, association, corporation, or other legal entity of any kind.
- (7) "Prurient interest in sex" means a shameful or morbid interest in sex or excretion.
- (8) "Sexual conduct" includes:
- vaginal, anal, or oral intercourse, whether actual or simulated, normal or perverted. A sexual act is simulated when it gives the appearance of depicting actual sexual activity or the consummation of an ultimate sexual act.
 - masturbation, excretory functions, or lewd exhibition of uncovered genitals or female breasts;

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- (c) sadomasochistic abuse, meaning an act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in a revealing or bizarre costume.
- (9) "Ultimate sexual act" means vaginal or anal sexual intercourse, fellatio, cunnilingus, or bestiality.

History: En. Sec. 1, Ch. 571, L. 1989.

Provided by the Montana Legislative Services

45-8-206. Public display or dissemination of obscene material to minors.

- (1) A person having custody, control, or supervision of any commercial establishment or newsstand may not knowingly or purposely:
 - (a) display obscene material to minors in such a way that minors, as a part of the invited public, will be able to view the material. However, a person is considered not to have displayed obscene material to minors if the material is kept behind devices commonly known as blinder racks so that the lower two-thirds of the material is not exposed to view or other reasonable efforts were made to prevent view of the material by a minor.
 - (b) sell, furnish, present, distribute, or otherwise disseminate to a minor or allow a minor to view, with or without consideration, any obscene material; or
 - (c) present to a minor or participate in presenting to a minor, with or without consideration, any performance that is obscene to minors.
- (2) A person does not violate this section if:
 - (a) the person had reasonable cause to believe the minor was 18 years of age. "Reasonable cause" includes but is not limited to being shown a draft card, driver's license, marriage license, birth certificate, educational identification card, governmental identification card, tribal identification card, or other official or apparently official card or document purporting to establish that the person is 18 years of age;
 - (b) the person is, or is acting as, an employee of a bona fide public school, college, or university or a retail outlet affiliated with and serving the educational purposes of a school, college, or university and the material or performance was disseminated in accordance with policies approved by the governing body of the institution;
 - (c) the person is an officer, director, trustee, or employee of a public library or museum and the material or performance was acquired by the library or museum and disseminated in accordance with policies approved by the governing body of the library or museum;
 - (d) an exhibition in a state of nudity is for a bona fide scientific or medical purpose for a bona fide school, library, or museum; or
 - (e) the person is a retail sales clerk with no financial interest in the material or performance or in the establishment displaying or selling the material or performance.

History: En. Sec. 2, Ch. 571, L. 1989; amd. Sec. 6, Ch. 180, L. 2007.

Provided by the Montana Legislative Services

45-8-207. Notice of violation.

Before a county attorney may prosecute a person for a continuing violation of (<http://data.opi.mt.gov/bills/mca/45/8/45-8-206.htm>), the county attorney shall determine that the material or performance is obscene to minors, give the alleged violator actual notice of the determination and notice that the person will be prosecuted if the person does not desist, and determine that the violation continued for at least 3 days after notice was received. The person may seek a declaratory judgment on the question of whether the material or performance is obscene to minors. The statute of limitations for the offense is tolled while the declaratory judgment or an appeal from it is pending.

History: En. Sec. 3, Ch. 571, L. 1989; amd. Sec. 1704, Ch. 56, L. 2009.

Provided by the Montana Legislative Services

45-8-208. Penalties.

- (1) A person who is convicted of violating 45-8-206 is guilty of a misdemeanor and may be fined an amount not to exceed \$500 or be imprisoned for a term not to exceed 6 months, or both.
- (2) For purposes of 45-8-206, multiple copies of the same title, monthly issue, volume and number issue, or other identi-

cal material constitutes a single offense.

History: En. Sec. 4, Ch. 571, L. 1989.

Provided by the Montana Legislative Services

Title 50

Smoking in Public Places

Montana Clean Indoor Air Act

50-40-201. Local government buildings - smoking prohibited.

- (1) In all parts of buildings maintained by a political subdivision, smoking is prohibited as provided in this section.
- (2) Buildings owned and occupied by a political subdivision only must be smoke-free on January 1, 2006. Buildings leased and occupied by a political subdivision only must be smoke-free as soon as practicable on or after January 1, 2006, but no later than July 1, 2006. In a building leased and occupied by a political subdivision and another entity, the on-the-scene manager of the political subdivision activity located in the building shall make the portions of the building occupied by the political subdivision activity smoke-free as soon as practicable after January 1, 2006, but no later than July 1, 2006, and is encouraged to work with the building owner or other tenants to make the building smoke-free.
- (3) Restrictions contained in this section and imposed by the governing body apply uniformly to the employees of the political subdivision and the public.

History: En. Sec. 1, Ch. 505, L. 1985; amd. Sec. 1, Ch. 466, L. 1989; amd. Sec. 6, Ch. 539, L. 1991; amd. Sec. 1, Ch. 274, L. 1999; amd. Sec. 6, Ch. 268, L. 2005.

Provided by the Montana Legislative Services

Fire Safety in Public Buildings

General Provisions

50-61-101. Purpose of chapter.

The purpose and intent of this chapter are to provide for the public safety in case of fire in those occupancies specified in (<http://data.opi.mt.gov/bills/mca/50/61/50-61-103.htm>) and to allow for inspection of the buildings and premises by specified officers.

History: En. Sec. 1, Ch. 279, L. 1947; amd. Sec. 9, Ch. 229, L. 1967; R.C.M. 1947, 69-1801; amd. Sec. 14, Ch. 706, L. 1991; amd. Sec. 5, Ch. 387, L. 2003.

Provided by the Montana Legislative Services

50-61-102. Department of justice to administer chapter.

- (1) The department of justice has general charge and supervision of the enforcement of this chapter, and the officers enumerated in 50-61-114 shall act under its general charge and supervision, shall assist the department in giving effect to this chapter, and are subject to its direction and the rules adopted under 50-3-102 and 50-3-103 for the enforcement of 50-61-120, 50-61-121, and this chapter.
- (2) Upon its approval of a fire code and a plan for enforcement of the code filed by a municipality or other governmental fire agency organized under Title 7, chapter 33, the department may approve a municipal or governmental fire agency fire inspection program for local enforcement.

History: En. Sec. 8, Ch. 279, L. 1947; amd. Sec. 11, Ch. 229, L. 1967; amd. Sec. 13, Ch. 187, L. 1977; R.C.M. 1947, 69-1808(6); amd. Sec. 5, Ch. 506, L. 1989; amd. Sec. 15, Ch. 706, L. 1991; amd. Sec. 2, Ch. 212, L. 1995; amd. Sec. 21, Ch. 449, L. 2007.

Provided by the Montana Legislative Services

50-61-103. Application of chapter — definitions.

This chapter applies to the occupancies defined below:

- (1) "Assembly occupancy" means the occupancy or use of a building or a structure or any portion of a building or a

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structure by a gathering of 50 or more persons for purposes such as civic, political, religious, or social functions, recreation, education, instruction, food or drink consumption, or awaiting transportation.

- (2) "Business occupancy" means the occupancy or use of a building or a structure or any portion of a building or a structure for office, professional, or service transactions. A business occupancy includes the use of a structure for the storage of records and accounts or for an eating or drinking business establishment with an occupant load of less than 50 persons.
- (3) "Educational occupancy" means the occupancy or use of a building or a structure or any portion of a building or a structure by persons assembled for the purpose of learning or receiving educational instruction. An educational occupancy includes but is not limited to any building used for:
 - (a) educational purposes through the 12th grade for more than 12 hours a week or 4 hours in any 1 day; or
 - (b) day-care purposes for more than 12 persons.
- (4) "Industrial occupancy" means the occupancy or use of a building or a structure or any portion of a building or a structure for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repairing, or processing operations.
- (5) "Institutional occupancy" means the occupancy or use of a building or a structure or any portion of a building or a structure by more than five persons harbored or detained to receive medical, charitable, or other care or treatment or by persons involuntarily detained. An institutional occupancy includes but is not limited to:
 - (a) nurseries for the full-time care of children under the age of 6;
 - (b) hospitals, sanitariums, or nursing homes; and
 - (c) mental hospitals, mental sanitariums, jails, prisons, reformatories, or buildings where personal liberties of those harbored or detained are similarly restrained.
- (6) "Residential occupancy" means the occupancy or use of a building or a structure or any portion of a building or a structure by persons for whom sleeping accommodations are provided and who are not harbored or detained to receive medical, charitable, or other care or treatment and who are not involuntarily detained. A residential occupancy includes but is not limited to hotels, motels, apartment houses, dwellings, and lodging houses. A residential occupancy does not include a building used only for private residential purposes for a family.

History: En. Sec. 2, Ch. 279, L. 1947; amd. Sec. 10, Ch. 229, L. 1967; amd. Sec. 12, Ch. 187, L. 1977; R.C.M. 1947, 69-1802; amd. Sec. 6, Ch. 387, L. 2003.

Provided by the Montana Legislative Services

50-61-106. Unlawful to obstruct fire exit.

It is unlawful to obstruct in any manner any fire exit, or any hallway, corridor, or entranceway leading to a fire exit, required by rules adopted by the department of justice.

History: En. Sec. 5, Ch. 279, L. 1947; R.C.M. 1947, 69-1805(part); amd. Sec. 16, Ch. 706, L. 1991.

Provided by the Montana Legislative Services

50-61-114. Fire chief and fire inspector to make inspections.

For the purpose of examining the premises for violations of this chapter and rules adopted under (<http://data.opi.mt.gov/bills/mca/50/3/50-3-103.htm>) for the enforcement of this chapter, the chief or fire inspector of the governmental fire agency organized under Title 7, chapter 33, when a fire inspection program is established, or a fire inspector of the department of justice, when a fire inspection program does not exist:

- (1) shall enter into school buildings at least once each 18 months; and
- (2) may enter into all other buildings and upon all other premises within the jurisdiction, according to priority schedules established by the department for conducting inspections of buildings and premises.

History: En. Sec. 8, Ch. 279, L. 1947; amd. Sec. 11, Ch. 229, L. 1967; amd. Sec. 13, Ch. 187, L. 1977; R.C.M. 1947, 69-1808(4); amd. Sec. 1, Ch. 323, L. 1985; amd. Sec. 17, Ch. 706, L. 1991; amd. Sec. 3, Ch. 212, L. 1995; amd. Sec. 7, Ch. 387, L. 2003; amd. Sec. 22, Ch. 449, L. 2007.

Provided by the Montana Legislative Services

50-61-115. Notice of violations.

- (1) When a building is found that is not in compliance with fire safety rules promulgated by the department of justice, the person making the inspection or the department shall serve a written notice upon the party whose duty it is to maintain the safety of the building.
- (2) The notice must specify the time within which the defective conditions must be remedied.
- (3) The notice is served if delivered to the person to be notified, if left with any adult person at the usual residence or place of business of the person to be notified, or if deposited in the post office directed to the last-known address of the person to be notified. Whenever buildings are managed and controlled by a board of trustees, board of commissioners, or other governing body, the notice is served if delivered to the president, secretary, or treasurer of the board of trustees, board of commissioners, or other governing body.

History: En. Sec. 8, Ch. 279, L. 1947; amd. Sec. 11, Ch. 229, L. 1967; amd. Sec. 13, Ch. 187, L. 1977; R.C.M. 1947, 69-1808(part); amd. Sec. 18, Ch. 706, L. 1991; amd. Sec. 23, Ch. 449, L. 2007.

Provided by the Montana Legislative Services

50-61-116. Lessee who corrects violations entitled to reimbursement.

The occupant or lessee of any building who is required to erect fire escapes under the provisions of this chapter is entitled to reimbursement for the cost and expense of erecting the fire escapes out of the rent or lease money of the premises, and the reimbursement is not a breach of any existing lease, contract, or covenant or grounds for any action or damage ouster.

History: En. Sec. 8, Ch. 279, L. 1947; amd. Sec. 11, Ch. 229, L. 1967; amd. Sec. 13, Ch. 187, L. 1977; R.C.M. 1947, 69-1808(part); amd. Sec. 1863, Ch. 56, L. 2009.

Provided by the Montana Legislative Services

50-61-117. Prosecution of violations.

It is the duty of the department of justice or other authorized officer to furnish the county attorney with all evidence of violations of rules adopted by the department within the county where said violations occur, and, if the evidence discloses the fact that a violation has occurred, it is the duty of the county attorney of the county to prosecute the person committing the violation in the same manner as in other cases.

History: En. Sec. 10, Ch. 279, L. 1947; R.C.M. 1947, 69-1809(part); amd. Sec. 19, Ch. 706, L. 1991.

Provided by the Montana Legislative Services

50-61-118. Injunction authorized.

In addition to the other remedies and penalties provided in this chapter, upon the failure of any of the parties charged with the duty to maintain the safety of the building premises in accordance with rules adopted by the department of justice, the attorney general of the state or the county attorney of the county where the building is located shall bring an action against the owner, lessee, and occupants of the building for an injunction enjoining the further occupancy of it until it is in compliance with this chapter. The action may be brought in the county where the building is located.

History: En. Sec. 11, Ch. 279, L. 1947; R.C.M. 1947, 69-1810; amd. Sec. 20, Ch. 37, L. 1979; amd. Sec. 20, Ch. 706, L. 1991.

Provided by the Montana Legislative Services

50-61-119. Violation of chapter a misdemeanor.

- (1) Any person failing, neglecting, or refusing to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$50.
- (2) Each day's failure to comply with any of the provisions of this chapter, after the expiration of the time stipulated in the written notice provided for herein, shall constitute a separate offense.

History: En. Sec. 10, Ch. 279, L. 1947; R.C.M. 1947, 69-1809(part).

Provided by the Montana Legislative Services

Laws : 50-61-119. Violation of chapter a misdemeanor.

Title 69

Regulations and Utilities

Universal Access and Service

69-3-841. Universal service policies.

The legislature finds that universally available telecommunications services are essential to the health, welfare, and economic well-being of the citizens of Montana. The federal Telecommunications Act of 1996, Public Law 104-104, requires a transition to local competition. Implicit subsidies have historically been used to further the public policy of keeping local rates to customers in high-cost areas at affordable levels. The federal act and the transition to competition require that all subsidies used to keep local rates at affordable levels be explicit. Additionally, the federal act's universal service provisions establish a system of discounts for schools, libraries, and health care providers. Securing these discounts can be dependent on state actions. In order to preserve and advance the goal of universal service in the new competitive environment established by the federal act, the legislature finds that a new Montana universal service fund, supported by contributions from the telecommunications carriers operating in Montana, should be created that will:

- (1) not duplicate the federal universal service fund mandated by the Telecommunications Act of 1996 but that will complement the federal fund by providing additional funding as necessary to ensure universal service in the state of Montana;
- (2) be competitively and technologically neutral in both funding and distribution;
- (3) provide a specific, predictable, and sufficient mechanism of support for high-cost areas; and
- (4) allow for implementation of the federal support system for telecommunications services provided to schools, libraries, and health care providers.

History: En. Sec. 11, Ch. 349, L. 1997.

Provided by the Montana Legislative Services

69-3-846. Discounts for schools, libraries, and health care providers.

The commission is authorized to establish intrastate discounts to schools, libraries, and health care providers and to perform administrative functions necessary as a condition of federal universal service support if the discounts are recovered through the federal universal service fund.

History: En. Sec. 16, Ch. 349, L. 1997.

Provided by the Montana Legislative Services

Title 90

Natural Resource Information System

Advisory Committee

90-15-201. Duties of committee.

The committee shall examine the following matters and make recommendations to the library concerning:

- (1) criteria for the categories and types of data to be collected for a natural resource information system;
- (2) criteria for the format of data collection;
- (3) identification of existing sources of relevant data in the public sector;
- (4) identification of data acquisition, storage, and retrieval methodologies that are economical and efficient, that minimize or eliminate the duplication of databases, and that utilize computer networking;
- (5) probable costs to agencies furnishing required data and probable costs of managing the data;
- (6) probable benefits to be realized by the establishment of a natural resource information system;
- (7) operation of the Montana natural heritage program; and
- (8) other items the committee considers of importance to the establishment of a natural resource information system.

Laws : 90-15-201. Duties of committee.

History: En. Sec. 3, Ch. 650, L. 1983; amd. Sec. 5, Ch. 395, L. 1985.

Provided by the Montana Legislative Services

90-15-202. Committee staff.

The library shall provide staff support to the committee, within the limits of the library's available resources.

History: En. Sec. 3, Ch. 650, L. 1983; amd. Sec. 6, Ch. 395, L. 1985.

Provided by the Montana Legislative Services

90-15-203. Expenses of committee members — meetings.

(1) Committee members, while engaged in committee business, are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503. These expenses shall be borne by the agency employing the member. Each member serves at the pleasure of the respective appointing authority.

(2) The committee shall establish its own format for the conduct of meetings.

History: En. Sec. 3, Ch. 650, L. 1983.

Provided by the Montana Legislative Services

General

90-15-101. Purpose.

It is the purpose of this chapter to establish a planning framework for the development of a natural resource information system, to implement the system, and to establish an ongoing Montana natural heritage program.

History: En. Sec. 1, Ch. 650, L. 1983; amd. Sec. 2, Ch. 395, L. 1985.

Provided by the Montana Legislative Services

90-15-102. Definitions.

As used in this chapter, the following definitions apply:

- (1) "Committee" means the natural resource data system advisory committee created by 2-15-1514.
- (2) "Library" means the state library provided for in 22-1-201.
- (3) "Natural heritage program" means a program of information acquisition, storage, and retrieval for data relating to the flora, fauna, and biological community types of Montana.
- (4) "Principal data source agencies" means any of the following state agencies: the department of natural resources and conservation; the department of fish, wildlife, and parks; the department of environmental quality; the department of agriculture; the department of transportation; the state historical society; and the Montana university system.

History: En. Sec. 2, Ch. 650, L. 1983; amd. Sec. 3, Ch. 395, L. 1985; amd. Sec. 3, Ch. 512, L. 1991; amd. Sec. 498, Ch. 418, L. 1995.

Provided by the Montana Legislative Services

90-15-103. Funding.

The library and each principal data source agency may apply for and may receive funding from private and public sources for the purposes of this chapter.

History: En. Sec. 9, Ch. 650, L. 1983; amd. Sec. 4, Ch. 395, L. 1985; amd. Sec. 14, Ch. 628, L. 1989.

Provided by the Montana Legislative Services

Information System

90-15-301. Establishment of information system.

- (1) The library, in consultation with the committee, shall establish a planning framework for the implementation of a natural resource information system and shall begin implementation of the plan. This system is to be a comprehensive program for the acquisition, storage, and retrieval of existing data relating to the natural resources of Montana.
- (2) The library shall give attention to the factors listed in 90-15-201 and shall prepare any legislation necessary to imple-

Laws : 90-15-301. Establishment of information system.

ment the system.

- (3) It is not intended that the system shall require fieldwork to produce data. The system is intended to facilitate the management of data collected by state agencies in the normal course of their operations.

History: En. Sec. 4, Ch. 650, L. 1983; amd. Sec. 7, Ch. 395, L. 1985.

Provided by the Montana Legislative Services

90-15-302. Natural heritage program.

- (1) There is a Montana natural heritage program to be operated by the library. In order to establish the program, the library may contract with an independent contractor or may employ necessary staff. In order to minimize costs, the library or other state agencies may make available state resources and facilities to an independent contractor as part of a contract for services.
- (2) The Montana natural heritage program shall be designed to be compatible with similar programs in other states. This program is to be an initial step in the formulation of the comprehensive natural resource information system referred to in 90-15-301 and is to be considered a part of the system.

History: En. Sec. 5, Ch. 650, L. 1983; amd. Sec. 8, Ch. 395, L. 1985.

Provided by the Montana Legislative Services

90-15-303. Interagency cooperation.

- (1) State agencies shall cooperate with the library and the committee in the planning of the natural resource information system.
- (2) Within the limits of available resources, state agencies shall provide data requested by the library for purposes of the natural resource information system and the Montana natural heritage program. If an agency does not possess requested data or is unable to locate requested data, the agency shall inform the library. It is not necessary for an agency to conduct fieldwork or literature searches to obtain requested data.

History: En. Sec. 6, Ch. 650, L. 1983; amd. Sec. 9, Ch. 395, L. 1985; amd. Sec. 4, Ch. 45, L. 1997.

Provided by the Montana Legislative Services

90-15-304. Availability of information.

- (1) Except as provided in subsection (3), the library shall make information from the natural resource information system available to local, state, and federal agencies and to the general public.
- (2) The library may establish a fee system for information requests in order to cover the costs of providing requested information.
- (3) If necessary, the library shall establish procedures to protect confidential information in the possession of state agencies.

History: En. Sec. 7, Ch. 650, L. 1983; amd. Sec. 10, Ch. 395, L. 1985.

Provided by the Montana Legislative Services

90-15-305. Water information system.

- (1) There is a Montana water information system, to be operated within the natural resource information system referred to in 90-15-301 and that is to be considered a part of the system.
- (2) The Montana water information system 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.

History: En. Sec. 3, Ch. 45, L.

Provided by the Montana Legislative Services

Administrative Rules

Chapter 101

Organizational Rule

10.101.101 Agency Organization

- (1) The state library commission consists of five members appointed by the governor for three year terms and the state superintendent of public instruction or his designee and a librarian appointed by the commissioner of higher education from the Montana university system. The commission annually elects a chair from its membership. It employs as its executive officer a state librarian who is not a member of the commission, and who performs duties assigned by the commission.
- (2) The state library provides library service at the state level, serving state government, local libraries, and federations; it promotes the development of adequate libraries throughout the state; it provides library service to persons with visual and physical disabilities and persons in state institutions; expends funds available from federal, state, and private sources for the purpose of fostering library development; and provides for a comprehensive program for the acquisition, storage, and retrieval of data related to the natural resources of Montana.
- (3) The Montana library services advisory council is created by the governor in accordance with the provisions of 2-15-122, MCA. The commission shall submit names of recommended council members to the governor.
 - (a) The council shall advise the commission on the development, evaluation and funding of the Library Services and Technology Act (LSTA) program and other pertinent issues that may relate to or influence LSTA.
 - (b) The composition of the council shall be no more than nine members. Eight shall serve for two years and may be reappointed for two additional terms and may represent: users of public library services in eastern, central, and western Montana; public libraries; school libraries; academic or special libraries; persons who cannot use traditional library services; and a member of the legislature. The president of the Montana library association or designee may serve a one-year term on the council during the presidency of the association.
 - (c) The council shall have the authority to establish bylaws for its internal operation. These bylaws may not conflict with 22-1-103, MCA, the Library Services and Technology Act, its rules and regulations, or with policies established by the commission.
 - (d) The number of yearly meetings shall be determined by the executive committee of the council. The number shall remain flexible to include no less than two and no more than four meetings.
- (4) Inquiries regarding the functions of the state library shall be addressed to the state librarian.

Personnel Roster: Montana State Library, 1515 E. 6th Ave., Helena, Montana 59620; State Librarian, Statewide Library Resources Director, Regional Director of the Talking Book Library, and Director of the Natural Resource Information System. **Montana State Library Organizational Chart** 

History: Sec. (<http://data.opi.mt.gov/bills/mca/2/4/2-4-201.htm>), MCA; **IMP**, (<http://data.opi.mt.gov/bills/mca/2/4/2-4-102.htm>), MCA; **NEW**, Eff. 12/31/72; **AMD**, Eff. 2/1/78; **AMD**, 9/30/84; **AMD**, 1987 MAR p. 1622, Eff. 9/25/87; **AMD**, Eff. 6/30/90; **AMD**, 1993 MAR p. 2783, Eff. 11/25/93; **AMD**, 1997 MAR p. 1991, Eff. 11/4/97.

Provided by the Montana Secretary of State

Procedural Rules

10.101.201 Corporation Of Model Rules

- (1) The state library commission has adopted the attorney general's model rules of administrative procedure, as set forth in ARM Title 1, chapter 3, with the proviso that a hearing on denial of an application for a grant of Library Services and Technology Act funds may be conducted under the commission's rule ARM 10.101.202, or in the alternative, under the model rules of contested case hearing.

History: Sec. (<http://data.opi.mt.gov/bills/mca/2/4/2-4-202.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; **IMP**, (<http://data.opi.mt.gov/bills/mca/2/4/2-4-202.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; **NEW**, Eff. 12/31/72; **AMD**, Eff. 1/1/78; **AMD**, 2003 MAR p. 8, Eff. 1/17/03.

Provided by the Montana Secretary of State

10.101.203 Guidelines For Public Participation

- (1) Except for financial exigencies, the commission shall meet six times during each calendar year, at approximately equal intervals, and at such other times as may be appropriate. Special meetings may be called by the chair or at the request of two members. An agenda for each regular meeting shall be prepared by the state librarian in consultation with the chair and will be distributed in advance, with supporting documents to the members.
- (2) Agendas are available to the public from the office of the state librarian. Supporting documents may be requested from that office. Each commission agenda shall provide an open time for the public to address the commission.

History: Sec. (<http://data.opi.mt.gov/bills/mca/2/3/2-3-103.htm>), MCA; **IMP**, (<http://data.opi.mt.gov/bills/mca/2/3/2-3-103.htm>), MCA; **NEW**, Eff. 1/1/78; **AMD**, 1987 MAR p. 1624, Eff. 9/25/87; **AMD**, 1997 MAR p. 1991, Eff. 11/4/97.

Provided by the Montana Secretary of State

10.101.206 Appeals Process For Denial Of A Grant

- (1) Any person or group submitting a proposal for grant funds to the Montana state library commission shall have the right to appeal if the proposal is not funded. The request for the appeal shall be made to the Montana State Librarian at 1515 E. Sixth Ave., Helena, MT 59620 (406) 444-3115 within 12 working days of receipt of the letter denying the grant.
- (2) Upon receiving a notice of appeal, the state librarian, acting on behalf of the commission, shall convene an independent review committee. The committee shall be composed as follows:
 - (a) a representative named by the appellant who is not from the appellant's library or governing authority;
 - (b) a representative chosen by the chair of the commission, who is not a commission member; and
 - (c) a representative from the library community who is not connected to the appellant, named by the president-elect of the Montana library association.
- (3) The independent review committee shall hear the appeal based on procedures which it shall determine. Both the appellant and the state librarian shall have equal opportunity to present testimony either in writing or orally and to respond to points raised by the other party. The independent review committee shall make its findings and recommendations to the Montana state library commission which shall take final action on the appeal. The commission can affirm, deny, or modify the recommendations of the independent review committee.
- (4) The state librarian, upon final determination of the appeal by the commission, shall notify the appellant in writing. This notice shall conclude the appeals process.

History: Sec. (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; **IMP**, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; **NEW**, 1987 MAR p. 1622, Eff. 9/25/87; **AMD**, 2003 MAR p. 8, Eff. 1/17/03.

Provided by the Montana Secretary of State

Chapter 102

Substantive Rules

Rule No.	Rule Title	Latest Version	Effective Date
Subchapter 1 General Policy (http://www.mtrules.org/gateway/Subchapterhome.asp?scn=10%2E102.1)			
10.102.101	STATEMENT OF PHILOSOPHY AND OBJECTIVES	REP	11/19/1999
Subchapter 11 Public Library Development (http://www.mtrules.org/gateway/Subchapterhome.asp?scn=10%2E102.11)			
10.102.1101	STANDARDS FOR PUBLIC LIBRARIES	REP	11/19/1999
10.102.1102	STRUCTURE AND GOVERNMENT OF LIBRARIES GOVERNANCE, FUNDING AND ADMINISTRATION	REP	11/19/1999
10.102.1103	LIBRARY BOARD	REP	11/19/1999

Administrative Rules : Substantive Rules

10.102.1104	BOARD MEETINGS	REP	11/19/1999
10.102.1105	BYLAWS	REP	11/19/1999
10.102.1106	POLICIES	REP	11/19/1999
10.102.1107	PLANNING	REP	11/19/1999
10.102.1108	ANNUAL REPORTS	REP	11/19/1999
10.102.1109	BUDGET	REP	11/19/1999
10.102.1110	LEGISLATION	REP	11/19/1999
10.102.1111	FEDERATIONS	REP	11/19/1999
10.102.1112	MULTITYPE LIBRARY COOPERATION	REP	11/19/1999
10.102.1113	SERVICES	REP	11/19/1999
10.102.1114	SERVICE GOALS	REP	9/25/1987
10.102.1115	LIBRARY'S RELATIONSHIP TO COMMUNITY	REP	9/25/1987
10.102.1116	HOURS OF SERVICE	REP	11/19/1999
10.102.1117	REGULATIONS	REP	11/19/1999
10.102.1118	REFERENCE SERVICE	REP	11/19/1999
10.102.1119	PROGRAMMING	REP	11/19/1999
10.102.1120	LOCAL HISTORY	REP	11/19/1999
10.102.1121	RESOURCES	REP	11/19/1999
10.102.1122	SELECTION CRITERIA	REP	11/19/1999
10.102.1123	GUIDES TO THE SELECTION OF BOOKS	REP	9/25/1987
10.102.1124	JOURNALS WHICH INCLUDE BOOK REVIEWS	REP	9/25/1987
10.102.1125	GUIDES TO THE SELECTION OF NON-BOOK MATERIALS	REP	9/25/1987
10.102.1126	COLLECTION ORGANIZATION	REP	11/19/1999
10.102.1127	THE BOOK COLLECTION	REP	9/25/1987
10.102.1128	THE PERIODICAL COLLECTION	REP	9/25/1987
10.102.1129	EPHEMERAL PRINTED MATERIALS	REP	11/19/1999
10.102.1130	FILMS	REP	11/19/1999
10.102.1131	RECORDINGS	REP	9/25/1987
10.102.1132	COLLECTIONS FOR BOOKMOBILES	REP	9/25/1987
10.102.1133	ACCESS TO MATERIALS	REP	11/19/1999
10.102.1134	PERSONNEL	REP	11/19/1999
10.102.1135	POSITION CLASSIFICATION	REP	11/19/1999
10.102.1136	WRITTEN PERSONNEL POLICIES	REP	11/19/1999
10.102.1137	SALARIES	REP	11/19/1999
10.102.1138	STAFFING REQUIREMENTS	REP	11/19/1999
10.102.1139	PROFESSIONAL AND SUPPORT STAFF	REP	9/25/1987
10.102.1140	IN-SERVICE TRAINING AND PROFESSIONAL GUIDANCE	REP	11/19/1999
10.102.1141	PHYSICAL FACILITIES	REP	11/19/1999
10.102.1142	PLANNING FOR BUILDING	REP	11/19/1999
10.102.1143	BUILDING FLEXIBILITY	REP	11/19/1999
10.102.1144	BUILDING SITE	REP	11/19/1999
10.102.1145	BUILDING FLOOR LAYOUT	REP	11/19/1999

10.102.1146	LIBRARY FURNISHINGS	REP	11/19/1999
10.102.1147	LIBRARY LIGHTING	REP	11/19/1999
10.102.1148	BOOKMOBILE PARKING	REP	11/19/1999
10.102.1149	LIBRARY COMMUNICATION FACILITIES	REP	11/19/1999
10.102.1150	PUBLIC LIBRARY STANDARDS	REP	6/23/2006
10.102.1150A	PUBLIC LIBRARY STANDARDS: GENERAL	access file	6/25/2010
10.102.1150B	PUBLIC LIBRARY STANDARDS: POLICIES AND BYLAWS	access file	6/25/2010
10.102.1150C	PUBLIC LIBRARY STANDARDS: PLANNING AND EVALUATION	access file	6/25/2010
10.102.1150D	PUBLIC LIBRARY STANDARDS: FINANCE	access file	6/25/2010
10.102.1150E	HUMAN RESOURCES STANDARDS: LIBRARY DIRECTOR	access file	6/25/2010
10.102.1150F	HUMAN RESOURCES STANDARDS: GENERAL	access file	6/25/2010
10.102.1150G	HUMAN RESOURCES STANDARDS: ACCESS	access file	6/25/2010
10.102.1150H	MATERIALS AND COLLECTIONS STANDARDS: COLLECTION DEVELOPMENT	access file	6/25/2010
10.102.1150I	PUBLIC LIBRARY STANDARDS: ACCESS TO THE COLLECTION	access file	6/25/2010
10.102.1150J	PUBLIC LIBRARY STANDARDS: COLLECTION EVALUATION	access file	6/25/2010
10.102.1150K	PUBLIC LIBRARY FACILITIES STANDARDS	access file	6/25/2010
10.102.1150L	PUBLIC LIBRARY PUBLIC RELATIONS STANDARDS	access file	6/25/2010
10.102.1150M	PUBLIC LIBRARY SERVICES STANDARDS	access file	6/25/2010
10.102.1151	CERTIFICATION STATEMENT	access file	6/23/2006
10.102.1152	DEFERRALS	access file	6/23/2006
10.102.1153	FINAL ARBITER	access file	6/23/2006
10.102.1154	APPEALS PROCESS	access file	6/23/2006
10.102.1155	ANNUAL STATISTICAL REPORT	access file	6/23/2006
10.102.1156	EFFECTIVE DATE	access file	6/23/2006
10.102.1157	ADDITIONAL RECOMMENDED LIBRARY STANDARDS	access file	6/25/2010
Subchapter 36 Public Library Grants (http://www.mtrules.org/gateway/Subchapterhome.asp?scn=10%2E102.36)			
10.102.3601	APPLICATIONS FOR GRANTS	REP	9/25/1987
10.102.3602	PRIORITIES FOR GRANTS	REP	9/25/1987
10.102.3603	USE OF FEDERAL FUNDS TO SUPPORT LIBRARY FEDERATIONS	REP	9/25/1987
10.102.3604	ARBITRATION OF DISPUTES WITHIN FEDERATIONS	access file	5/24/1996
Subchapter 40 Interlibrary Resource Sharing (http://www.mtrules.org/gateway/Subchapterhome.asp?scn=10%2E102.40)			
10.102.4001	RESOURCE SHARING	access file	4/30/2010
	Rule 10.102.4002 reserved		
10.102.4003	DIRECT STATE AID TO PUBLIC LIBRARIES FOR PER CAPITA AND FOR PER SQUARE MILE SERVED	access file	12/27/1991
Subchapter 51 Federation Areas (http://www.mtrules.org/gateway/Subchapterhome.asp?scn=10%2E102.51)			
10.102.5101	DESCRIPTION OF FEDERATION AREAS AND HEADQUARTERS	access file	9/12/1986
10.102.5102	ALLOCATION OF FUNDING BETWEEN FEDERATIONS AND GRANT PROGRAMS	access file	4/30/2010
10.102.5103	GRANT PROGRAMS AND APPLICATION PROCEDURE (IS HEREBY REPEALED)	REP	1/17/2003

10.102.5104	PRIORITIZATION OF GRANT APPLICATIONS (IS HEREBY REPEALED)	REP	1/17/2003
10.102.5105	JOINING LIBRARY FEDERATIONS	access file	4/30/2010
10.102.5106	BASE GRANTS	access file	4/30/2010
Subchapter 52 State Library Services (http://www.mtrules.org/gateway/Subchapterhome.asp?scn=10%2E102.52)			
10.102.5201	LOAN SERVICES (IS HEREBY REPEALED)	REP	1/17/2003
10.102.5202	ADVISORY SERVICES (IS HEREBY REPEALED)	REP	1/17/2003
10.102.5203	ACCESS TO CIRCULATION RECORDS (IS HEREBY REPEALED)	REP	1/17/2003
10.102.5204	SELECTION OF MATERIALS (IS HEREBY REPEALED)	REP	1/17/2003
10.102.5205	CRITERIA FOR SELECTION OF MATERIALS (IS HEREBY REPEALED)	REP	1/17/2003
10.102.5206	PROCEDURES FOR CHALLENGING MATERIALS (IS HEREBY REPEALED)	REP	1/17/2003
10.102.5207	CHARGES FOR LOST OR DAMAGED BOOKS (IS HEREBY REPEALED)	REP	1/17/2003
10.102.5208	PHOTOCOPY SERVICE (IS HEREBY REPEALED)	REP	9/25/1987
Subchapter 80 Scholarship Program (http://www.mtrules.org/gateway/Subchapterhome.asp?scn=10%2E102.80)			
10.102.8001	GRADUATE SCHOLARSHIP PROGRAM (IS HEREBY REPEALED)	REP	1/17/2003
Subchapter 81 Depository Procedures for State Documents (http://www.mtrules.org/gateway/Subchapterhome.asp?scn=10%2E102.81)			
10.102.8101	DEPOSITORY PROCEDURES FOR STATE DOCUMENTS	REP	10/26/2007
10.102.8102	POLICIES AND GUIDELINES FOR DEPOSITORY LIBRARIES	REP	10/26/2007

Provided by the Montana Secretary of State

Public Library Development

10.102.1151 Certification Statement

- (1) The Montana State Library will send a certification statement to public libraries each fiscal year.
- This statement will provide for a status report regarding each essential standard and will require the signature of the library director and the library board chair.
 - The signed and dated certification statement will be returned to the state library by July 25th of each year.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; AMD, 2006 MAR p. 1571, Eff. 6/23/06.

Provided by the Montana Secretary of State

10.102.1152 Deferrals

- (1) Any library may request a waiver from the state librarian in writing by July 25th of each year.
- The state librarian may grant a waiver of any of the standards in ARM 10.102.1150E if:
 - the library certifies that application of these standards would cause a hardship; and
 - provides a compliance plan by which the library will meet the standard(s) within three years.
 - The state librarian shall notify the library requesting the waiver of the decision by letter by October 1.
 - Any library may request a one-year extension of the waiver from the state librarian in writing by July 25th of each year. The library shall provide the state librarian with an updated compliance plan and a statement that the application of the standard will cause a hardship.
 - The state librarian may grant an extension for one year only. No other extension is allowed.
 - Any library that employs a director without a graduate degree in library or information science or its equivalent as of July 1, 2001 is exempt from ARM 10.102.1150E.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; NEW, 1999 MAR p. 2626, Eff. 11/19/99; AMD, 2006 MAR p. 1571, Eff. 6/23/06.

Provided by the Montana Secretary of State

Administrative Rules : 10.102.1152 Deferrals

10.102.1153 Final Arbiter

- (1) For any questions arising because of ARM 10.102.1151, 10.102.1152, 10.102.1154 through 10.102.1157, 10.102.1150A through 10.102.1150M, the final arbiter is the State Library Commission.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; NEW, 1999 MAR p. 2626, Eff. 11/19/99; AMD, 2006 MAR p. 1571, Eff. 6/23/06.

Provided by the Montana Secretary of State

10.102.1154 Appeals Process

- (1) The following outlines the process that libraries need to follow if they are denied a waiver of one or more of the standards from above.
- (a) Any public library shall have the right to appeal. The request for the appeal shall be made to the State Librarian at P.O. Box 201800, Helena, MT 59620-1800 ((406) 444-3115) within 12 working days of the receipt of the letter denying payment.
 - (b) Upon receiving a notice of appeal, the state librarian, acting on behalf of the commission, shall convene an independent review committee. The committee shall consist of:
 - (i) a member named by the appellant who is not a member of the appellant's library staff, library board, or city or county commission;
 - (ii) a member chosen by the chair of the State Library Commission, who is not a commissioner or a state library staff member; and
 - (iii) a member from the library community who is not affiliated with the appellant's library, the State Library Commission, or state library staff, named by the president-elect of the Montana Library Association.
 - (c) The independent review committee shall hear the appeal based on the following procedures:
 - (i) both the appellant and the state library shall have equal opportunity to present testimony, either in writing or orally, and to respond to points raised by the other party.
 - (ii) the independent review committee shall make its findings and recommendations to the Montana State Library Commission, which shall take final action on the appeal.
 - (d) The commission can affirm, deny, or modify the findings and recommendations of the independent review committee.
 - (e) The state librarian, upon final determination of the appeal by the commission, shall notify the appellant in writing. This notice shall conclude the appeals process.
 - (f) Neither the independent review process nor any subsequent review and decision process of the commission is a contested case, and common law and statutory rules of evidence do not apply to these proceedings.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/3/22-3-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 1999 MAR p. 2626, Eff. 11/19/99; AMD, 2006 MAR p. 1571, Eff. 6/23/06.

Provided by the Montana Secretary of State

10.102.1155 Annual Statistical Report

- (1) The commission, in setting up minimum standards of free public library service and in certifying such libraries for state monies shall require the filing of an annual statistical report.
- (a) This annual report may include such types of information as the Montana State Library commissioners shall deem necessary.
 - (b) In no instance shall the commission require new cumulations of statistical data without providing to each affected public library, 60 days prior to the beginning of the period of which information will be collected, notice of the commission's intention to require such cumulations as part of the annual report.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 1999 MAR p. 2626, Eff. 11/19/99; AMD, 2006 MAR p. 1571, Eff. 6/23/06.

Administrative Rules : 10.102.1155 Annual Statistical Report

data.opi.mt.gov/bills/mca/22/1/22-1-330.htm), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 1999 MAR p. 2626, Eff. 11/19/99; AMD, 2006 MAR p. 1571, Eff. 6/23/06.

Provided by the Montana Secretary of State

10.102.1156 Effective Date

- (1) In order to give all public libraries time to meet these standards, ARM 10.102.1150A through 10.102.1150M will become effective on July 1, 2006.
- (2) The effective date for certification requirement of ARM 10.102.1150A through 10.102.1150M is July 1, 2007.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; NEW, 1999 MAR p. 2626, Eff. 11/19/99; AMD, 2006 MAR p. 1571, Eff. 6/23/06.

Provided by the Montana Secretary of State

10.102.1157 Additional Recommended Library Standards

- (1) The Montana State Library Commission has adopted additional public library standards that are not presented in these rules because they are not mandatory standards.
- (2) The commission strongly recommends that all public libraries follow as many of the recommended library standards as possible.
- (3) The full set of standards can be found on the state library's web site.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; NEW, 1999 MAR p. 2626, Eff. 11/19/99; AMD, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

10.102.1150 A - M Public Library Standards

- (1) Public libraries receiving state payments must meet the following essential standards by July 2007 and each year following.
- (2) General essential standards for public libraries are as follows:
 - (a) The library is established under Montana's laws according to 22-1-301 through 22-1-317, 22-1-701 through 22-1-1711, or Title 7, MCA;
 - (b) The board conforms to all applicable state, local, and federal laws, rules, and regulations;
 - (c) Monthly, or at least six meetings a year with no gap between meetings greater than 90 days, library board meetings are held in an accessible location at times and a place convenient to the public and according to state laws on public meetings; and
 - (d) The library submits the Montana Public Library Annual Statistical Report to the Montana State Library.
- (3) General enhanced standards for public libraries are as follows:
 - (a) In order for the board to be knowledgeable about current library issues, new board members receive an orientation by the library director, a trustee, and/or others; and
 - (b) On an annual basis, board members report on how they have promoted and supported the library, its programs, and services.
- (4) General excellent standards for public libraries are as follows:
 - (a) The library provides for continuing education for its trustees by allocating funds to support continuing education costs, including travel expenses;
 - (b) At least two members of the library board will attend a regional or statewide library related activity each year;
 - (c) Board members will discuss library issues with local government officials at least twice a year, and state and/or national government officials at least once a year;
 - (d) Every five years, the board will review, evaluate, and compare its own governance structure with different governance structures for the library. This includes districting, county library systems, etc;
 - (e) At least three library board members join any professional library association and dues are paid by the library; and
 - (f) At least two trustees are certified by the state library.

Administrative Rules : 10.102.1150 A - M Public Library Standards

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

10.102.1150 B - Public Library Standards: Policies and Bylaws

- (1) General essential standards for public libraries are as follows:
 - (a) Every three years, the board reviews and updates its bylaws as necessary;
 - (b) The board develops, studies, evaluates, reviews, updates, and adopts as necessary all library policies at least once every three years. When the board reviews library policies, the policies' effect on the library's relations with the public are evaluated; and
 - (c) The public must have easy access to written policies, procedures, and bylaws.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

10.102.1150 C - Public Library Standards: Planning and Evaluation

- (1) General essential standards for public libraries are as follows:
 - (a) The board uses the Montana Public Library Annual Statistical Report to review the library's year-to-year progress and performance; and
 - (b) The library governing authority adopts emergency response plans that ensure the safety of the public and staff as the primary priority.
- (2) General enhanced standards for public libraries are as follows:
 - (a) The library has a written three- to five-year long-range plan, and reviews it annually. The long-range plan addresses services, facilities, public relations, technology, etc;
 - (b) The board evaluates the library's performance against the stated objectives in the long-range plan; and
 - (c) The library must have a vision statement.
- (3) General excellent standards for public libraries are as follows:
 - (a) Community representatives, the board, and the director develop a long-range plan for the library; and
 - (b) At least every five years, the library conducts community studies and makes use of other needs assessment techniques to ensure community participation in the design and delivery of library service.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

10.102.1150 D - Public Library Standards: Finance

- (1) General essential standards for public libraries are as follows:
 - (a) The board and the director follow fiscal procedures consistent with state law and local government requirements in preparing, presenting, and administering its budget;
 - (b) Local tax revenues provide at least 50 percent of the support for the library. Grants, donations, and other revenue sources supplement but do not supplant local tax support;
 - (c) The director works with the board to develop an annual financial plan or budget; and
 - (d) Every three years the board and the director review the adequacy of insurance coverage for the collection and building, and update the coverage as necessary.

Administrative Rules : 10.102.1150 D - Public Library Standards: Finance

- (2) General enhanced standards for public libraries are as follows:
 - (a) The library sets aside money in a depreciation fund to meet requirements for capital expenditures; and
 - (b) Local tax revenues provide at least 60 percent of the support for the library. Grants, donations, and other revenue sources supplement but do not supplant local tax support.
- (3) General excellent standards for public libraries are as follows:
 - (a) The library has established a foundation or endowment;
 - (b) The foundation board and/or the library board develops a plan for planned giving;
 - (c) The foundation board and/or the library board establishes a policy regarding the acceptance of gifts of real and personal property, endowment funds, and planned giving;
 - (d) The library has a Friends of the Library organization; and
 - (e) Local tax revenues provide at least 70 percent of the support for the library. Grants, donations, and other revenue sources supplement but do not supplant local tax support.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

10.102.1150 E - Human Resources Standards: Library Director

- (1) General essential standards for public libraries are as follows:
 - (a) The board hires the director according to local, state, and federal regulations and delegates the day-to-day management of the library to the director;
 - (b) The board evaluates the performance of the director annually;
 - (c) Each public library has a paid director who is responsible for the administration of library services;
 - (d) Libraries that serve more than 25,000 people employ a library director with a graduate degree in library or information science or its equivalent; and
 - (e) All public library directors will be certified by the state library.
- (2) General enhanced standards for public libraries are as follows:
 - (a) The director conducts a formal performance appraisal of each staff member at least annually;
 - (b) The library director informs the board of pending legislation that affects libraries on the local, state, and national levels;
 - (c) The library director reviews and updates procedures every three years; and
 - (d) The library director joins the State Library Association.
- (3) General excellent standards for public libraries are as follows:
 - (a) The director keeps the community and funding officials aware of the library's purpose, planning, and services through the use of newspaper articles, web sites, radio programs, attending meetings, etc;
 - (b) The director forms collaborative partnerships with other agencies and organizations in the library's service area;
 - (c) Libraries that serve less than 25,000 people employ a library director who has an AA/AS or higher degree;
 - (d) In addition to the library director's annual evaluation, the library director is evaluated every three years by the board with the input of staff, library users, and/or library nonusers; and
 - (e) The board pays for the library director to join the State Library Association.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

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10.102.1150 F - Human Resources Standards: General

- (1) General essential standards for public libraries are as follows:
 - (a) The library board provides continuing education for the director and staff members by allocating funds to

Administrative Rules : 10.102.1150 F - Human Resources Standards: General

- support continuing education costs, including travel expense and salary;
 - (b) Paid staff persons are present during 90 percent of all open hours;
 - (c) The board must adopt and review a personnel policy every three years;
 - (d) The library maintains written, up-to-date job descriptions; and
 - (e) All libraries must have internet access for staff.
- (2) General enhanced standards for public libraries are as follows:
- (a) Volunteer programs have written policies, procedures, and job descriptions;
 - (b) Every staff member attends at least one continuing education eligible training program per year;
 - (c) Appropriate library staff have e-mail accounts available for communication and professional development;
 - (d) There is at least one personal computer for staff use only; and
 - (e) Staff receives in-house training or are encouraged to attend workshops.
- (3) General excellent standards for public libraries are as follows:
- (a) Regardless of population, total library staff is not less than one full-time employee;
 - (b) The library board encourages and supports staff involvement in community organizations and activities; and
 - (c) Employees have access to health insurance and retirement through the public library.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

10.102.1150 G - Human Resources Standards: Access

- (1) General essential standards for public libraries are as follows:
- (a) The board and the director determine the days of the week and the hours during the day to be open to provide maximum service;
 - (c) The library is open during the week at least the following minimum hours. Many libraries exceed this minimum because the community, the board, and the director recognize that the number of hours of public service leads to greater use by the public. A library with more than one service outlet may use the total nonoverlapping hours of all outlets to meet the minimum requirement;

Population	Minimum	Desirable
less than 3,500	15	25-40
more than 3,500	30	40-50
more than 10,000	40	50-60
more than 25,000	50	60+

Library users who wish to copy materials available from noncirculating items or from computer files must have access to a photocopy machine or printer;

- (d) The library must have a telephone and answer telephone inquiries; and
 - (e) The library must provide access to resources and services for patrons with disabilities.
- (2) General enhanced standards for public libraries are as follows:
- (a) Library customers are able to access library information from remote locations;
 - (b) When necessary, the library refers customers to other places to fulfill the customer's information needs; and
 - (c) Library has a web site where users can access electronic resources.
- (3) General excellent standards for public libraries are as follows:
- (a) The library provides appropriate access to library services for specialized populations, including, but not limited to, the homebound, the institutionalized, and non-English speaking populations.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

10.102.1150H - Materials and Collections Standards: Collection

- (1) General essential standards for public libraries are as follows:
 - (a) The board adopts a collection management policy that it reviews every three years. The policy addresses the use of electronic resources;
 - (b) The board and the director develop an annual materials budget as part of the library budget;
 - (c) The library uses at least one professionally recognized review source; and
 - (d) The library provides access to federal, state, and local government documents that are appropriate to its community.
- (2) General enhanced standards for public libraries are as follows:
 - (a) The library cooperates with other community institutions to plan and implement access to electronic resources;
 - (b) The library provides access to materials for those with disabilities and others who may have special needs; and
 - (c) The library is on the collection management honor roll.
- (3) General excellent standards for public libraries are as follows:
 - (a) The library cooperates with other local and regional libraries in collection development to provide a wide range of materials in a variety of formats to meet the needs of the community.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

10.102.1150 I Public Library Standards: Access to the Collection

- (1) General essential standards for public libraries are as follows:
 - (a) Materials are purchased to ensure a steady flow of materials for the public;
 - (b) The library catalogs and organizes its collection according to standard cataloging and classification systems and procedures. Automated records comply with the machine-readable catalog (MARC) format; and
 - (c) The library offers interlibrary loan and follows the Montana state interlibrary loan protocols.
- (2) General enhanced standards for public libraries are as follows:
 - (a) The library uses an online interlibrary loan system; and
 - (b) The library has an automated system for circulation, cataloging, and public access catalogs that has reporting features and supports MARC records.
- (3) General excellent standards for public libraries are as follows:
 - (a) The library collection is available online; and
 - (b) The library, if appropriate, has joined a shared integrated library system, also known as a shared catalog.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

10.102.1150 J Public Library Standards: Collection Evaluation

- (1) General essential standards for public libraries are as follows:
 - (a) The library's collection is continually evaluated for additions and deletions based on the library's collection management policy.
- (2) General enhanced standards for public libraries are as follows:
 - (a) The library monitors the use of the collection through analyzing statistical information, including circulation per capita and the collection's turnover rate.

Administrative Rules : 10.102.1150 J Public Library Standards: Collection Evaluation

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

10.102.1150 K Public Library Facilities Standards

- (1) General essential standards for public libraries are as follows:
 - (a) The board and the director evaluate the library building every three years to determine adequate space needs;
 - (b) The board and the director identify and attempt to address any identified facility shortcomings in a building plan;
 - (c) The library facility is safe for the public and staff; and
 - (d) The library's facilities conform to local requirements for accessibility.
- (2) General enhanced standards for public libraries are as follows:
 - (a) The library has an exterior sign visible from the nearest roadway that identifies it as the library;
 - (b) The library has a public meeting area available; and
 - (c) The library facility is evaluated for accessibility.
- (3) General excellent standards for public libraries are as follows:
 - (a) The library has adequate, well-lit parking; and
 - (b) The library's facilities conform to federal requirements for accessibility.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

10.102.1150 L Public Library Public Relations Standards

- (1) General essential standards for public libraries are as follows:
 - (a) The library cooperates in state, regional, and national efforts to promote library services; and
 - (b) The library uses basic PR/marketing tools such as brochures, flyers, bookmarks, newspaper, radio, TV, public service outlets, web sites, story times, displays, and programs in the library.
- (2) General enhanced standards for public libraries are as follows:
 - (a) The library targets special groups within the community for programs or services (seniors, ethnic populations, etc.);
 - (b) Funds are budgeted for publicity either by the library and/or the Friends of the Library; and
 - (c) Staff and board are encouraged to bring the library's message to the community at appropriate venues.
- (3) General excellent standards for public libraries are as follows:
 - (a) The library allocates funds for public relations, has a community awareness program, and actively promotes its mission;
 - (b) The library conducts a community assessment to evaluate the library's marketing efforts;
 - (c) The library establishes or works with existing community advisory groups to encourage community involvement and improve service. Examples of such groups include youth, seniors, genealogy, local history, and other identified segments of the population;
 - (d) The library has a Friends of the Library organization; and
 - (e) The library maintains an up-to-date web site.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Administrative Rules : 10.102.1150 L Public Library Public Relations Standards

Provided by the Montana Secretary of State

10.102.1150 M Public Library Services Standards

- (1) General essential standards for public libraries are as follows:
 - (a) Every two years the library gathers feedback on library services from library users and nonusers. The library can use a variety of methods, including but not limited to, surveys, focus groups, and community meetings;
 - (b) The library uses comparative statistics, annual surveys, or other methods to evaluate the services offered;
 - (c) The library offers programming for children and adults;
 - (d) The library has policies and/or procedures for services provided;
 - (e) The library programming is free and open to all;
 - (f) The library must make every effort to maintain confidentiality of library records as addressed in 22-1-1103, MCA; and
 - (g) Core library services as defined by the local community and library are provided all hours the library is open. Examples include lending circulating materials, reference, and interlibrary loan.
- (2) General enhanced standards for public libraries are as follows:
 - (a) The library provides information about the community to customers;
 - (b) The library offers programming for children, adults, and young adults; and
 - (c) The library offers or makes patrons aware of virtual reference services.
- (3) General excellent standards for public libraries are as follows:
 - (a) The library collaborates with other community organizations and educational institutions to promote library services;
 - (b) The library provides library outreach services;
 - (c) The library has a Friends of the Library organization; and
 - (d) The library has wireless internet access for patrons.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-326.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-329.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), MCA; NEW, 2006 MAR p. 1571, Eff. 6/23/06; AMD, 2010 MAR p. 1500, Eff. 6/25/10.

Provided by the Montana Secretary of State

Public Library Grants

10.102.3604 Arbitration Of Disputes Within Federations

- (1)
 - (a) Any disagreement among participants in a library federation regarding the application for or apportionment or utilization of funds or grants received from the commission shall be referred in writing by any participating library or entity to the state librarian.
 - (b) The state librarian shall assign a member of the state library staff to investigate the disagreement and to prepare a staff report to the commission with a proposed decision.
 - (c) When the staff report and proposed decision are completed, copies shall be sent to the disputing participants in the federation and the matter placed on the agenda of the next commission meeting.
 - (d) The commission shall proceed to hear the parties and staff in accordance with the procedures set forth in ARM 10.101.206, and render a decision.

History: Sec. (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>)(5) MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>)(5) MCA; NEW, 1978 MAR p. 509, Eff. 4/25/78; AMD, 1996 MAR p. 1374, Eff. 5/24/96.

Provided by the Montana Secretary of State

Interlibrary Loan Reimbursement

10.102.4001 Reimbursement To Libraries For Interlibrary Loans

- (1) The Commission has established a statewide interlibrary resource-sharing program (hereinafter resource-sharing program) to support and facilitate resource-sharing among libraries in Montana. The resource-sharing program consists of those library services provided to participating libraries pursuant to the Group Services Contract between the Montana State Library and OCLC Online Computer Library Center, Inc., and the services provided to participating libraries through the licensing and maintenance of the Montana Shared Catalog. Fifty percent of the funds appropriated by the Legislature for the resource-sharing program shall be allocated to pay a portion of the cost of the Group Services Contract between the Montana State Library and OCLC Online Computer Library Center, Inc. The remaining 50 percent of the funds appropriated by the Legislature for the resource-sharing program shall be allocated to pay a portion of the ongoing cost of licensing and maintaining the Montana Shared Catalog for participating libraries. The latter funds shall not be used for the purpose of offsetting the cost of adding new-member libraries to the Montana Shared Catalog.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), MCA; *IMP*, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), MCA; *NEW*, 1989 MAR p. 1844, Eff. 11/10/89; *AMD*, 1991 MAR p. 2604, Eff. 12/27/91; *AMD*, 1998 MAR p. 3104, Eff. 11/20/98; *AMD*, 2006 MAR p. 2405, Eff. 10/6/06; *AMD*, 2010 MAR p. 1074, Eff. 4/30/10.

Provided by the Montana Secretary of State

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) 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 popu-

Administrative Rules : 10.102.4003 Direct State Aid To Public Libraries For Per Capita And For Per Square Mile Served

lation 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) 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) 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) 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) For any questions arising because of this rule, the final arbiter is the State Library commission.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), MCA; **IMP**, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-327.htm>), MCA; **NEW**, 1991 MAR p. 2604, Eff. 12/27/91.

Provided by the Montana Secretary of State

Federation Areas

10.102.5101 Description Of Federation Areas And Headquarters

- (1) A list of federation areas and headquarters libraries is available without charge from the Montana state library.

History: Sec. (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>)(9), MCA; **IMP**, Sec. (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>)(9), MCA; **NEW**, Eff. 1/1/78; **AMD**, 1986 MAR p. 1506, Eff. 9/12/86.

Provided by the Montana Secretary of State

10.102.5102 Allocation Of Funding Between Federations And Grant Programs

- (1) At its first meeting following receipt by the library commission of the estimate of the appropriation to public library federations the commission shall allocate all funds received to library federations according to the following formulas:
- (a) Before funds are allocated among federations, the travel expenses for federation coordinators will be estimated and subtracted off the top of the funds federations receive. Each federation will receive travel funds for its coordinator. The remaining portion of the appropriation allocated to library federations shall be distributed among the six federations according to the following formula: 50 percent of the first \$250,000 shall be divided equally among the six federations and 50 percent shall be allocated on the basis of population within the six federations.
 - (b) Any appropriation in excess of \$250,000 shall be divided according to the following formula: 20 percent of

Administrative Rules : 10.102.5102 Allocation Of Funding Between Federations And Grant Programs

- the remainder shall be allocated equally among the six federations. 80 percent of the remainder shall be allocated among the six federations on the basis of population.
- (2) The state library commission has the responsibility and authority to approve federation plans of service and to approve or deny funding for the components of the plans of service.
 - (a) A federation and individual member libraries of a federation may not receive a distribution of appropriated funds from the state library commission until the federation's annual plan of service for federation activities is approved by the commission.
 - (b) Following approval of a federation's plan of service, the state library commission, through the state library, will distribute appropriated funds to libraries that are members of the federation according to the federation's approved plan of service.
 - (c) The state library commission can disapprove a plan of service only because:
 - (i) it was not prepared according to the procedures and forms established by the state library commission; or
 - (ii) it does not address the authorized purposes and/or priorities as established by the state library commission to implement its state long range plan for libraries.
 - (3) Each federation's annual plan of service shall be based upon direction given by the state library commission from its consideration of the state long range plan for libraries. The annual plan of service is submitted to the state library each spring for consideration and action by the state library commission. Changes or appeals related to the plans of service are acted upon by the state library commission in May and June of each year.
 - (4) Each federation member shall expend the federation funds according to the purposes stipulated in the federation's plan of service. Each member shall annually report how the funds were used for the stated purposes to the federation coordinator and a copy of the report will be provided to the state library commission. If the federation member does not use funds as set forth in the annual plan of service, the federation coordinator shall notify the state library commission within 30 days.
 - (5) If a federation member does not use funds in accordance with the proposals set forth in the annual plan of service, then the member will be notified by the state library commission and the member shall return the funds to the state library commission within 60 days. The state library commission shall revert such funds to the appropriate state account.
 - (6) Each federation shall ensure equal opportunity for representation of its member libraries and shall have approved bylaws that shall address approval procedures for the annual plan of service, proxy voting, quorum requirements and other procedural matters necessary for conducting federation business.
 - (7) An appeals process shall be available for any federation that is denied funding or for any member library that is required to revert funds. This appeals process shall follow the appeals process for denial of a grant as set forth in ARM 10.101.206.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-413.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-413.htm>), MCA; NEW, 1986 MAR p. 1506, Eff. 9/12/86; AMD, 1996 MAR p. 1374, Eff. 5/24/96; AMD, 2003 MAR p. 8, Eff. 1/17/03; AMD, 2004 MAR p. 1210, Eff. 5/21/04; AMD, 2010 MAR p. 1074, Eff. 4/30/10.

Provided by the Montana Secretary of State

10.102.5105 Joining Library Federations

- (1) Libraries eligible to join federations include any public, school, special, college, tribal, or university library.
- (2) Each member of the federation shall designate one person to serve as a voting delegate to the federation. Delegates shall establish in the federation bylaws the size and the composition of the federation board of trustees.
 - (a) The majority of the board shall be public library trustees and the board shall have at least one representative from each type of library that participates in the federation;
 - (b) At the spring meeting, the federation delegates shall elect the board members according to federation advisory board bylaws.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-402.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-404.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-413.htm>), MCA; NEW, 2000 MAR p. 2016, Eff. 7/28/00; AMD, 2010 MAR p. 1074, Eff. 4/30/10.

Provided by the Montana Secretary of State

10.102.5106 Base Grants

- (1) The commission receives a legislative appropriation to fund the base grants. The total distribution per federation shall remain the same as in FY 1998 unless the legislative appropriation changes.
- (2) After receiving recommendations from the advisory board, the federation shall distribute the base grants in two ways:
 - (a) The federation may use the grants to fund federation projects that maintain or improve cooperative library services and activities; or
 - (b) The federation may also allocate base grants to public libraries to support the cooperative activities and services of the federation.
 - (i) The federation shall direct these grants to meet the following objectives:
 - (A) to increase the amount and quality of unique library resources in the federation and state. Libraries may purchase library materials to accomplish goals established in the federation or state's collection development plan;
 - (B) to increase the online availability of local bibliographical information. Libraries may purchase subscriptions to bibliographic databases, add and maintain holdings in these databases, and purchase the necessary equipment and software;
 - (C) to increase the visibility of libraries in the federation or state. Libraries may use base grants to promote or market libraries through a group project involving more than one library in the federation;
 - (D) to increase the work-related knowledge, skills, and abilities of library staff and trustees. Libraries may use base grants to support education opportunities and to share this education with other federation members; or
 - (E) to support other objectives that enhance the cooperative activities and services of the federation.

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-103.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-328.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-330.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-331.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-402.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-404.htm>), (<http://data.opi.mt.gov/bills/mca/22/1/22-1-413.htm>), MCA; NEW, 2000 MAR p. 2016, Eff. 7/28/00; AMD, 2010 MAR p. 1074, Eff. 4/30/10.

Provided by the Montana Secretary of State

Depository Procedures for State Documents (Repealed)

10.102.8101 Depository Procedures For State Documents

(<http://www.mtrules.org/gateway/ruleno.asp?RN=10%2E102%2E8101>) DEPOSITORY PROCEDURES FOR STATE DOCUMENTS (REPEALED)

(<http://www.mtrules.org/gateway/xfrRep.asp>)

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm>), MCA; NEW, Eff. 12/31/72; REP, 2007 MAR p. 1661, Eff. 10/26/07.

Effective rule versions existed in ARM on or after March 31, 2007

MAR Notices	Effective From	Effective To	History Notes
10.100.12	10/26/2007	Current	History: (http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm), MCA; <u>IMP</u> , (http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm), MCA; <u>NEW</u> , Eff. 12/31/72; <u>REP</u> , 2007 MAR p. 1661, Eff. 10/26/07.

Administrative Rules : 10.102.8101 Depository Procedures For State Documents

12/31/1972 10/26/2007

History: Sec. (<http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm>) MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm>) MCA; NEW, Eff. 12/31/72.

Provided by the Montana Secretary of State

10.102.8102 Policies And Guidelines For Depository Libraries

(<http://www.mtrules.org/gateway/ruleno.asp?RN=10%2E102%2E8102>) POLICIES AND GUIDELINES FOR DEPOSITORY LIBRARIES (REPEALED)

(<http://www.mtrules.org/gateway/xfrRep.asp>)

History: (<http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm>), MCA; IMP, (<http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm>), MCA; NEW, 1977 MAR p. 1157, Eff. 1/1/78; REP, 2007 MAR p. 1661, Eff. 10/26/07.

Effective rule versions existed in ARM on or after March 31, 2007

MAR Notices	Effective From	Effective To	History Notes
10-100-12	10/26/2007	Current	History: (http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm), MCA; <u>IMP</u> , (http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm), MCA; <u>NEW</u> , 1977 MAR p. 1157, Eff. 1/1/78; <u>REP</u> , 2007 MAR p. 1661, Eff. 10/26/07.
	1/1/1978	10/26/2007	History: Sec. (http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm) MCA; <u>IMP</u> , (http://data.opi.mt.gov/bills/mca/22/1/22-1-212.htm) MCA; <u>NEW</u> , 1977 MAR p. 1157, Eff. 1/1/78.

Provided by the Montana Secretary of State