

SENATE BILL NO. 367

Introduced: 02/05/83

Referred to Committee on Local Government: 02/05/83

Hearing: 2/8/83

Died in Committee.

1 Senate BILL NO. 367
2 INTRODUCED BY Martini
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE METHOD
5 FOR FUNDING LOCAL PUBLIC LIBRARIES; TO ESTABLISH A COUNTY
6 LIBRARY BUDGET BOARD COMPOSED OF TWO MEMBERS FROM LIBRARY
7 BOARDS OF TRUSTEES IN THE COUNTY AND THE COUNTY
8 SUPERINTENDENT OF SCHOOLS; TO PROVIDE THAT THE COUNTY
9 LIBRARY BUDGET BOARD SET A COUNTYWIDE MILL LEVY NOT TO
10 EXCEED 5 MILLS FOR THE SUPPORT OF PUBLIC LIBRARIES WITHIN
11 THE COUNTY; TO DELETE THE PRESENT CITY AND COUNTY MILL
12 LEVIES FOR LIBRARIES; AMENDING SECTIONS 22-1-304, 22-1-305,
13 AND 22-1-309, MCA; REPEALING SECTIONS 22-1-315 AND 22-1-316,
14 MCA, RELATING TO JOINT LIBRARY BOARDS; AND PROVIDING AN
15 EFFECTIVE DATE."
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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18 NEW SECTION. Section 1. County library budget board.
19 (1) There is a county library budget board in each county of
20 the state that has a public library.
21 (2) The county library budget board consists of the
22 county superintendent of schools and two members appointed
23 by the library boards of trustees in the county. The board
24 may elect officers from among its members. A majority vote
25 of all of the members of the county library budget board is

1 necessary to set the mill levy provided in subsection (3).
2 (3) The county library budget board shall determine a
3 mill levy, not to exceed 5 mills, for a countywide property
4 tax mill levy for the support of all public libraries within
5 the county. No later than August 15 of each year, the
6 county library budget board shall determine and certify to
7 the board of county commissioners the amount of mills to be
8 levied. Prior to determining the mill levy, the county
9 library budget board must conduct two public hearings on the
10 amount of the mill levy. The public hearings must be held
11 not later than 15 days and not earlier than 45 days prior to
12 the date the mill levy is determined.
13 (4) The county library budget board must determine the
14 allocation of the proceeds of the mill levy that each public
15 library in the county shall receive. Each library board of
16 trustees must budget the funds for its library.
17 Section 2. Section 22-1-304, MCA, is amended to read:
18 "22-1-304. Tax levy -- special library fund -- bonds.
19 (1) The governing body of ~~any city or~~ a county which has
20 established a public library ~~or in which a city within the~~
21 ~~county has established a public library may shall~~ levy in
22 the same manner and at the same time as other taxes are
23 levied a special tax in the amount ~~necessary to maintain~~
24 ~~adequate public library service certified to them by the~~
25 ~~county library budget board~~, not to exceed 3 1/2 mills on the

dollar, upon all property in such county which may be levied by the governing body of such county ~~and not to exceed 4-1/2 mills on the dollar upon all property in such city which may be levied by the governing body of such city.~~

(2) The proceeds of such tax shall constitute a separate fund called the public library fund and shall not be used for any purpose except those of the public library.

(3) No money shall 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.

(4) Bonds may be issued by the governing body in the manner prescribed by law for the erection and equipment of public library buildings and the purchase of land therefor."

Section 3. Section 22-1-305, MCA, is amended to read:

"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 county library budget board 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."

Section 4. Section 22-1-309, MCA, is amended to read:

"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) meet annually with the boards of trustees of all other public libraries in the county, if any, to select two members from such boards to be appointed to the county library budget board. For the purposes of appointing~~

~~members to the county library budget board, each board of trustees has one vote. If the county has only one public library, the board of trustees of that library shall appoint two of its members to the county library budget board.~~

~~(9)(10) exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library."~~

~~NEW SECTION. Section 5. Repealer. Sections 22-1-315 and 22-1-316, MCA, are repealed.~~

~~NEW SECTION. Section 6. Effective date. This act is effective July 1, 1983.~~

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