

Memo

To: Montana Land Information Advisory Council

From: Jennie Stapp, State Librarian
Erin Fashoway, State GIS Coordinator

Date: September 13, 2022

Re: Red Tape Relief review of relevant laws and administrative rules

Fifteen years ago, in 2005, the Montana Legislature passed the Montana Land Information Act (MLIA), [90-1-401, Montana Code Annotated](#). That act, and the MLIA recordation fee, has served Montana well as we worked to create and sustain a mature model of GIS coordination and data development for Montana.

The MLIA was most recently reviewed by the Legislature in 2013. At that time the law was changed so that the Montana State Library assumed responsibility for the act from the State Department of Administration.

As with any legislation, laws, and related administrative rules, prove to be more or less useful over time. As such, under the leadership and guidance of the Governor's office, the State Library is undertaking a review of the MLIA to modernize the statutes. It is our intent to keep those portions of the act that ensure that, as a state, we effectively support continued GIS coordination, and to amend or remove those portions of the act that do to further that legislative intent.

Timeline and next steps:

- September 15, 2022 – initial review and Council discussion; subcommittee appointed
- September – October, 2022 – Council subcommittee reviews and makes recommendations for legislative amendments
- November 17, 2022 – Council considers recommendations and finalizes recommendations to the State Library Commission
- December 7, 2022 – State Library Commission considers legislative recommendations
- January – April, 2023 – Legislative session

- May 2023 – State Library initiates administrative rules process to amend related administrative rules.

Supporting information resources:

- [Montana Land Information Plans](#) (2007-present)
- [MLIA Legislative Reports](#) (2007-present)
- [Montana Spatial Data Infrastructure](#)
- [MLIA Grant Awards](#) (2013-present)

Current statutes:

Chapter 1 Montana Code Annotated 2021

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 1. DEVELOPMENT COORDINATION

Chapter 2 Part 4. Montana Land Information Act

- 90-1-401 [Short title](#)
- 90-1-402 [Purpose](#)
- 90-1-403 [Definitions](#)
- 90-1-404 [Land information -- management -- duties of state library](#)
- 90-1-405 [Land information advisory council -- appointments -- terms -- vacancies -- compensation](#)
- 90-1-406 [Land information advisory council -- duties -- advisory only](#)
- 90-1-407 [and 90-1-408 reserved](#)
- 90-1-409 [Montana land information account](#)
- 90-1-410 [Montana land information account -- distribution of funds](#)
- 90-1-411 [Montana land information account -- use of funds -- action by state library -- hearing](#)
- 90-1-412 [reserved](#)
- 90-1-413 [Rulemaking](#)

Current administrative rules:

10.102.9101 INTRODUCTION

- (1) The following rules define the development of an annual land information plan, the application and granting processes, the grant monitoring process, and the process for coordination of technological standards for creating land information as provided in [90-1-404](#), MCA.

10.102.9102 DEFINITIONS

In addition to the definitions found in [90-1-403](#), MCA, the following definitions apply:

(1) "Available grant funds" means the balance of the Montana land information account on March 31 of each fiscal year, plus an estimate of not-yet-deposited state funds held by counties as of that date, less the state library's budget associated with duties and responsibilities defined in [90-1-404](#), MCA, for the fiscal year and any funds committed to grants.

(2) "Grant criteria" mean any specific grant conditions set forth by the state library, with the advice of the council, pertaining to subject matter of grant applications, applicable standards, or other conditions that define the nature of applications that will be accepted.

(3) "Grant review subcommittee" means a subcommittee established by the council that, together with the state library, will formulate grant criteria consistent with the purpose of the Montana Land Information Act, and review grant applications.

(4) "Land information plan subcommittee" means a subcommittee established by the council that, together with the state library, will formulate land information plans.

(5) "Montana spatial data infrastructure" or "MSDI" means digitally formatted land information that is identified by the council as necessary to meet the land information needs of the state of Montana and its citizens. The MSDI can and does include data themes identified in the National Spatial Data Infrastructure and where collaborative opportunities exist, presents an opportunity to support framework data for the nation.

(6) "State agency" means any entity of the executive branch, including the university system as defined in [2-15-102](#), MCA.

(7) "Statement of work" means a description of scope of a project including any background statements, a comprehensive listing of responsibilities for buyers and sellers, deliverables and their schedules, acceptance criteria, and special terms and conditions of performance.

(8) "Theme stewards" means those agencies or organizations recognized by the council as having responsibility for promoting land information that is considered part of the Montana spatial data infrastructure.

10.102.9103 APPOINTMENT OF LAND INFORMATION PLAN AND GRANT REVIEW SUBCOMMITTEES

(1) Each fiscal year, the council will appoint a land information plan subcommittee and grant review subcommittee from existing council members to advise the state library, on behalf of the council, on the land information plan, grant criteria, and prioritization of grant submittals.

(2) The subcommittees will minimally consist of:

(a) a state agency representative;

(b) a federal agency representative;

(c) a tribal representative;

(d) a local government representative;

(e) a private sector representative;

(f) a member representing a Montana association of geographic information systems (GIS) professionals; and

(g) one of the legislative members.

(3) The subcommittees shall elect a chair from their membership.

(4) The subcommittees shall gather and distribute materials to the entire council in a manner determined by the council.

10.102.9104 ANNUAL LAND INFORMATION PLAN

(1) Annual land information plans will be developed to meet the purpose of the Montana Land Information Act, including the coordination, creation, collection, maintenance, integration, or dissemination of MSDI themes, or other associated work.

(2) Theme stewards may provide to the land information plan subcommittee suggested specific goals and objectives relating to the theme they represent for the next fiscal year.

(3) The state library shall prepare its suggested goals and objectives for the same time period, and shall provide the land information plan subcommittee the budget necessary to carry out these duties and responsibilities. During the same period the state library will ask for public comment on goals and objectives for the next fiscal year's land plan. By November 1 of each fiscal year, the state library with advice from the land information plan subcommittee, shall develop a draft land information plan for the next fiscal year. The plan shall include specific goals and objectives based upon input from theme stewards, the state library and comments received during the public comment period along with a budget for the state library's duties and responsibilities as defined in [90-1-404](#), MCA. The state library shall submit the draft plan to the council and the council shall advise the state library on recommended changes to the draft plan and the library's budget.

(4) By December 15 of each fiscal year, the state library shall complete the land information plan and submit the plan to the state library commission for approval. Upon approval by the library commission the state library shall publish the final plan on the library's web site.

10.102.9105 ESTABLISHING THE GRANT APPLICATION AND GRANTING PROCESS

(1) By January 15 of each fiscal year, the state library, with advice from the grant review subcommittee, shall develop the grant criteria for the fiscal year beginning on the following July 1, based upon the goals and objectives from the land information plan, and shall publish the grant criteria, grant application forms, and instructions for submitting grant applications to the library's web site. Grant criteria may allow for funding multiyear projects.

(2) Grant applications received by the state library before 5:00 p.m. on February 15 will be considered.

(3) Upon receipt, the state library will advise applicants of incomplete grant applications. Applications initially incomplete, but completed and received by March 1, will be evaluated for possible funding.

(4) By May 1 of each fiscal year, the state library, based on grant criteria and with advice of the grant review subcommittee, shall identify grant applications that meet the grant criteria and warrant approval and shall rank them in priority order. Previously approved multiyear projects may be placed at the top of the priority list. The grant review subcommittee chair shall distribute the results to the council, consider additional comments, and report those comments to the state library if necessary.

(5) By May 15 of each fiscal year, the state library commission, with advice of the grant review subcommittee, shall finalize the priority order of the grants.

(6) The state library shall disburse available grant funds to grant applicants in the order of priority set forth under (5). Available grant funds in excess of the funding necessary for the applications that meet the grant criteria shall be added to the available grant funds for the subsequent grant period.

10.102.9106 MONITORING THE MONTANA LAND INFORMATION ACCOUNT FUNDS

(1) The state library shall monitor each grant, contracted service, or federal matching fund. Depending upon the deliverables or types of services, the state library may require additional quarterly or other reports that verify the deliverables or services are meeting documented specifications.

(2) The state library will notify the council of actions the state library takes when any grants or contracted services do not meet the specific deliverables or timelines defined in the statement of work.

10.102.9107 OFF-CYCLE GRANTS

(1) The state library commission, with advice of the council, may approve requests for funding that fall outside of the regular grant cycle.