



MEMO

To: Montana State Library Commission
From: Jennie Stapp, State Librarian
Subject: Montana Land Information Act legislative update
Date: November 26, 2022

As discussed at the October 12 Commission meeting, the State Library and the Governor's Office are working to modernize and improve the Montana Land Information Act (MLIA). The Montana Land Information Advisory Council endorsed the following changes to the act at the November 17, 2022 Council meeting. Notable changes to the statutes include:

- Replacing word "land" with "geospatial." At the time the act was passed, citizens were less familiar with the term "geospatial" so the term "land" was used in its place. This change both modernizes the language of the act and better reflects the focus of the work of the State Library.
- Reducing the size of the Council to thirteen members and creating staggered terms for Council members to make the size of the Council more manageable and to minimize the loss of institutional memory and the Council make-up changes over time.
- Eliminating the need for an annual plan, while maintaining planning as a responsibility of the State Library. In practice, staff and the Council found that annual planning does not allow for adequate reporting and evaluation on work completed or in progress before the planning cycle begins again.
- Clarifying requirements for both planning and the grant program through Administrative Rules.

Staff recommend that the Commission approve the update as presented. Once approved the staff will work with the Governor's Office to introduce the legislation and to carry it through the 2023 legislative session.



Montana Code Annotated 2021

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

Part 4. Montana ~~Land~~ Geospatial Information Act

Short Title

90-1-401. Short title. This part may be cited as the "Montana ~~Land~~ Geospatial Information Act".

History: En. Sec. 1, Ch. 135, L. 2005.

Purpose

90-1-402. Purpose. The purpose of this part is to develop a standardized, sustainable method to collect, maintain, and disseminate information in digital formats about the natural and artificial land characteristics of Montana. ~~Land~~ Geospatial information changes continuously and is needed by businesses, citizens, governmental entities, and others in digital formats to be most effective and productive. This part will ensure that digital ~~land~~ geospatial information is collected consistently, maintained accurately in accordance with standards, and made available in common ways for all potential uses and users, both private and public. Through planning and grant making, ~~This part~~ prioritizes consistent collection, accurate maintenance, and common availability of ~~land~~ geospatial information to provide needed, standardized, and uniform ~~land~~ geospatial information in digital formats.

History: En. Sec. 2, Ch. 135, L. 2005.

Definitions

90-1-403. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

- (1) "Account" means the Montana ~~land~~ geospatial information account created in **90-1-409**.
- (2) "Council" means the ~~land~~ geospatial information advisory council established in **90-1-405**.
- (3) "Digital format" means information that is scanned, electronically drawn, layered through the GIS, or digitized by other electronic methods.
- (4) "Geographic information system" or "GIS" means an organized collection of computer hardware, software, ~~land~~ geospatial information, and other resources, including personnel, that is



designed to or assists to efficiently collect, maintain, and disseminate all forms of geographically referenced information.

(5) "~~Land~~ Geospatial information" means data that describes the geographic location and characteristics of natural or constructed features on the land and spatial representation of boundaries within or pertaining to Montana.

(6) "State librarian" means the executive officer of the state library commission provided for in **22-1-102**.

(7) "State library" means the state library provided for in **22-1-201**.

History: En. Sec. 3, Ch. 135, L. 2005; amd. Sec. 4, Ch. 175, L. 2013.

~~Land~~ Geospatial Information -- Management -- Duties Of State Library

90-1-404. ~~Land~~ Geospatial information -- management -- duties of state library. (1) The state library shall:

(a) serve as the administrator of the account;

(b) work with all vested partners, including, but not limited to, federal, state, local, private, and tribal entities to prioritize needs, collect, develop, and maintain, and disseminate land information geographic information systems, geospatial information, and land information geospatial technologies;

(c) ~~annually develop prepare a land geospatial information plan that describes the priority needs to collect, maintain, and disseminate land information including, but not limited to . The land information plan must have as a component a proposed budget designed to accomplish the goals and objectives of the plan. and must operate according to the provisions of the plan. A plan:~~

(i) must be created in consultation with the Geospatial Information Advisory Council established as provided for in 90-1-406.

(ii) may include, but is not limited to

(a) the priority needs to collect, maintain, and disseminate geospatial information;

(b) the priorities for geospatial coordination;

(c) priorities for grant awards;

~~(d) present the land information plan to the council for review and endorsement;~~

(d) establish, by administrative rule, an application process and a granting process that must be used to distribute funds in the account. ~~The granting process must give preference to interagency or intergovernmental grant requests whenever multiple state agencies, local governments or agencies, or Indian tribal governments or tribal entities have partnered together to meet a requirement of the land information plan.~~

(e) review all grant applications from state agencies, local governments or agencies, and Indian tribal governments or tribal entities ~~for the purpose of implementing the land information plan;~~



(g) consider grant recommendations by the council:

(gh) monitor the use of grant funds distributed to a state agency, a local government or agency, or an Indian tribal government or tribal entity or to any combination of state, local, and Indian tribal governments or entities to ensure that the use of the funds complies with the purposes of this part;

(hi) coordinate the development of standards for geospatial information, geographic information systems, and geospatial technologies; ~~standards for creating land information;~~

(ij) serve as the primary point of contact for national, regional, state, and other GIS coordinating groups for the purpose of channeling issues and projects to the appropriate individual, organization, agency, or other entity;

(jk) provide administrative and staff support to the council, including paying the expenses of the council;

(kl) annually prepare a budget to carry out the state library's responsibilities described in this section;

~~(lm) report to the governor and the legislature, as provided for in **5-11-210**, on the progress made in the ongoing collection, maintenance, standardization, and dissemination of land information geographic information systems, geospatial information or land information geospatial technologies; and~~

(m) implement the conservation easement information requirements as provided for in **76-6-212**.

(2) To fulfill the responsibilities described in subsection (1), the state library or any recipient of funds granted pursuant to this part may contract with a public or private entity.

History: En. Sec. 4, Ch. 135, L. 2005; amd. Sec. 4, Ch. 352, L. 2007; amd. Sec. 5, Ch. 175, L. 2013.

~~Land Geospatial~~ Information Advisory Council -- Appointments -- Terms -- Vacancies -- Compensation

90-1-405. ~~Land Geospatial~~ information advisory council -- appointments -- terms -- vacancies -- compensation. (1) There is a ~~land~~ geospatial information advisory council.

(2) The council is composed of the following members:

(a) the state librarian or the state librarian's designee who shall:

(i) serve as the presiding officer of the council; or

(ii) appoint the presiding officer from among the other members of the council;



(b) the chief information officer provided for in **2-17-506** or the chief information officer's designee;

(c) to be appointed by the governor:

(i) ~~two~~ ~~four~~ directors of departments established in Title 2, chapter 15. A director may designate a person to act in the director's absence.

(ii) ~~two~~ ~~three~~ persons who represent county or municipal government, at least one of whom is active in ~~land~~ geographic information systems;

(iii) two persons who are employed by the U.S. ~~department of agriculture~~ Federal government;

(iv) ~~two persons who are employed by the U.S. department of the interior~~;

(v) ~~two~~ one persons who ~~are~~ is active in ~~land~~ geographic information systems and represents ~~public utilities or private businesses~~;

(vi) one person who represents Indian tribal interests;

(vii) one person who represents the Montana university system;

(viii) one ~~two~~ persons who are members of a Montana association of GIS professionals; and

(ix) one person who represents the interests of a Montana association of registered land surveyors;

~~(d) one member of the Montana state senate, appointed by the committee on committees, who must be appointed prior to the appointment of the member described in subsection (2)(c); and~~

~~(e) one member of the Montana house of representatives, appointed by the speaker of the house of representatives, who may not be a member of the same political party as the member of the senate appointed under subsection (2)(d).~~

(3) ~~Each council member is appointed for a 2-year term that begins on July 1 of the odd-numbered year and ends on June 30 of the succeeding odd-numbered year. A member may be reappointed to the council. The members shall serve staggered 3-year terms and take office on the day they are appointed.~~

(4) A vacancy on the council must be filled in the same manner as the original appointment, and the person appointed to fill the vacancy shall serve for the remainder of the unexpired term.

(5) (a) A member of the council who is not a legislator or an employee of the state or a political subdivision of the state is eligible to be reimbursed and compensated, as provided in **2-15-124**.

(b) A member of the council who is ~~not a legislator~~ but is an employee of the state or a political subdivision of the state is not entitled to compensation but is entitled to be reimbursed for expenses, as provided in **2-18-501** through **2-18-503**.

~~(c) A legislator who is a member of the council is eligible to be compensated and reimbursed, as provided in **5-2-302**.~~

(6) Temporary Within 60 days of [the effective date of this act], the council membership must reflect [section 1]. All terms of all council members appointed under the previous composition of the council terminate 60 days following [the effective date of this act], and all appointments made, and vacancies filled after [the effective date of this act] must be in accordance with [section 1]. The appointments must consist of 1, 2, or 3-year terms at the governor's discretion, so the initial terms of the newly composed council members are staggered in accordance with [section 1].

History: En. Sec. 5, Ch. 135, L. 2005; amd. Sec. 6, Ch. 175, L. 2013.

~~Land Geospatial~~ Information Advisory Council -- Duties -- Advisory Only

90-1-406. ~~Land Geospatial~~ information advisory council -- duties -- advisory only. (1) The council shall:

(a) advise the state library with regard to issues relating to the geographic information systems, geospatial information, and ~~land information~~ geospatial technologies;

(b) advise the state library on the priority of ~~land~~ geospatial information, including data layers, to be developed;

(c) review the ~~land~~ geospatial information plan described in **90-1-404** and advise the state library on any element of the plan;

(d) ~~advise the state library on the development and management of the granting process described in 90-1-404(1)(e)~~ provide recommendations to the state library in determining grants awarded in accordance with **Title 90, Chapter 1, Part 4.**

(e) ~~advise the state library on the management of and the distribution of funds in the account;~~

(f) assist in identifying, evaluating, and prioritizing requests received from state agencies, local governments, and Indian tribal government entities to provide development of and maintenance of services relating to the GIS and ~~land~~ geospatial information and geospatial technologies;

(g) promote coordination of programs, policies, technologies, and resources to maximize opportunities, minimize duplication of effort, and facilitate the documentation, distribution, and exchange of ~~land information~~ geographic information systems, geospatial information, and geospatial technologies; and

(h) advocate for the development of consistent policies, standards, and guidelines for ~~land information~~ geographic information systems, geospatial information, and geospatial technologies.

(2) The council functions in an advisory capacity, as defined in **2-15-102**.



Montana ~~Land~~ Geospatial Information Account

90-1-409. Montana ~~land~~ geospatial information account. (1) There is established in the state special revenue fund a Montana ~~land~~ geospatial information account.

(2) All money received by the department of revenue pursuant to **7-4-2637(3)(a)(iii)** must be deposited in the account.

(3) Funds in the account must be invested pursuant to Title 17, chapter 6, part 2. All interest and income earned on funds in the account accrue to and must be deposited in the account.

(4) the state library may grant money from the Montana geospatial information account, pursuant to the provisions of **90-1-413**.

Montana ~~Land~~ Geospatial Information Account -- Distribution Of Funds

90-1-410. Montana ~~land~~ geospatial information account -- distribution of funds. (1) The state library shall annually prepare a budget to carry out the state library's responsibilities described in **90-1-404**. Money in the account may be used to fund all or a portion of the budget or to otherwise accomplish the purposes of this part.

(2) The state library may grant money from the Montana geospatial information account to a state agency, a local government, or an Indian tribal government entity ~~may apply to the state library for funds in the account~~ for the purposes described in this part.

(3) The state library shall ensure that funds distributed under this section are managed by the recipient of the funds according to standards and practices established by the state library to allow for the greatest use and sharing of ~~the land information~~ geographic information systems, geospatial information or geospatial technologies.

History: En. Sec. 8, Ch. 135, L. 2005; amd. Sec. 8, Ch. 175, L. 2013.

Montana ~~Land~~ Geospatial Information Account -- Use Of Funds -- Action By State Library -- Hearing

90-1-411. Montana ~~land~~ geospatial information account -- use of funds -- action by state library -- hearing. (1) Money in the account may be used only for the purposes of this part, including purchasing technology to assist in collecting, maintaining, or disseminating ~~land information~~ geographic information systems, geospatial information or geospatial technologies and funding the budget required under **90-1-410**.



(2) If the state library determines that a recipient of funds from the account has not used or is not using funds in the manner prescribed by the state library, the state library may, after notice and hearing as provided for in Title 2, chapter 4, suspend further payment to the recipient.

(3) A recipient to whom the state library has suspended payments under this section is not eligible to receive further funds from the account until the state library determines that the recipient is using funds in the manner prescribed by the state library.

History: En. Sec. 9, Ch. 135, L. 2005; amd. Sec. 9, Ch. 175, L. 2013.

Geospatial Information Grants

90-1-413. Geospatial Information -- Grants: (1) The state library shall develop reporting procedures to ensure that awarded grants are used for the specified purposes.

(2) All applicants shall complete an application and provide financial information as established by rule.

(3) The state library may provide assistance to applicants during the application process.

(4) Grants are contingent on the funds being used for the specified purpose.

(5) The state library may make a grant only if the state library determines that:

(a) the grant is consistent with the findings and purposed of Title 90, Chapter 1, Part 4 because it primarily adds value to Montana's geospatial information;

(b) the grant is primarily intended to be used for collecting, developing, maintaining, and disseminating geographic information systems, geospatial information and geospatial technologies;

(c) the project for which the grant is made has prospects for achieving success given the current personnel, experience, and resources of the applicant; and

(d) the applicant has a management structure that allows the council to reasonably conclude that the applicant will comply with ongoing reporting requirements and post-disbursement monitoring activities established by the council.

Rulemaking

90-1-414. Rulemaking. The state library shall adopt rules regarding necessary to implement the provisions of Title 90, Chapter 1, Part 4, including, but not limited to, rules:

(a) (1) establishing procedures designing and implementing the process to develop the land geospatial information plan described in 90-1-404(1)(c);

(b) the application and granting processes provided for in 90-1-404(1)(e); (2) establishing application procedures for grants authorized in 90-1-404;



~~(c) the monitoring process provided for in **90-1-404(1)(g)**~~ (3) establishing procedures to be followed by the state library in its review process prior to making a grant;

(2) establishing post-award activities to monitor the use of a grant provided for in **90-1-404(1)(g)** by its recipient, including:

(a) any reporting requirements; and

(b) procedures for repayment of a grant upon failure of a recipient to meet the terms and conditions of that grant;

(3) establishing procedures to be followed for the process for coordinating geographic information system standards for creating land information geographic information systems, geospatial information or land information geospatial technologies provided for in **90-1-404(1)(h)**.

~~(2) (4)~~ The state library may adopt other rules considered to be necessary for the effective administration of this part, within the requirements and purposes of this chapter.