

1 SENATE BILL NO. 98

2 INTRODUCED BY J. TROPILA

3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA LAND INFORMATION ACT; STATING
6 THE PURPOSES OF THE MONTANA LAND INFORMATION ACT; DEFINING CERTAIN TERMS;
7 ESTABLISHING CERTAIN DUTIES FOR THE DEPARTMENT OF ADMINISTRATION REGARDING LAND
8 INFORMATION; CREATING THE LAND INFORMATION ADVISORY COUNCIL AND DESCRIBING
9 APPOINTMENTS, TERMS, VACANCIES, AND COMPENSATION OF COUNCIL MEMBERS; CREATING THE
10 MONTANA LAND INFORMATION ACCOUNT AND PROVIDING FOR ADMINISTRATION OF THE ACCOUNT;
11 REQUIRING EACH COUNTY GOVERNING BODY TO CREATE A COUNTY LAND INFORMATION ACCOUNT
12 AND DESCRIBING THE PURPOSES AND ALLOWABLE USES OF THE ACCOUNT; REQUIRING THE
13 DEPARTMENT OF ADMINISTRATION TO ADOPT RULES TO ADMINISTER THE MONTANA LAND
14 INFORMATION ACT; REVISING CERTAIN FEES CHARGED FOR RECORDING CERTAIN DOCUMENTS AND
15 REVISING THE DISTRIBUTION OF THE FEES COLLECTED; AMENDING SECTIONS 7-4-2632 AND
16 7-4-2637, MCA; AND PROVIDING AN EFFECTIVE DATE."

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19
20 NEW SECTION. **Section 1. Short title.** [Sections 1 through 10] may be cited as the "Montana Land
21 Information Act".

22
23 NEW SECTION. **Section 2. Purpose.** The purpose of [sections 1 through 10] is to develop a
24 standardized, sustainable method to collect, maintain, and disseminate information in digital formats about the
25 natural and artificial land characteristics of Montana. Land information changes continuously and is needed by
26 businesses, citizens, governmental entities, and others in digital formats to be most effective and productive.
27 [Sections 1 through 10] will ensure that digital land information is collected consistently, maintained accurately
28 in accordance with standards, and made available in common ways for all potential uses and users, both private
29 and public. [Sections 1 through 10] prioritize consistent collection, accurate maintenance, and common
30 availability of land information to provide needed, standardized, and uniform land information in digital formats.

1
2 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 10], unless the context requires
3 otherwise, the following definitions apply:

- 4 (1) "Account" means the Montana land information account created in [section 7].
5 (2) "Council" means the land information advisory council established in [section 5].
6 (3) "Department" means the department of administration provided for in 2-15-1001.
7 (4) "Digital format" means information that is scanned, electronically drawn, layered through the GIS,
8 or digitized by other electronic methods.
9 (5) "Geographic information system" or "GIS" means an organized collection of computer hardware,
10 software, land information, and other resources, including personnel, that is designed to or assists to efficiently
11 collect, maintain, and disseminate all forms of geographically referenced information.
12 (6) "Land information" means data that describes the geographic location and characteristics of natural
13 or constructed features and boundaries within or pertaining to Montana.

14
15 **NEW SECTION. Section 4. Land information -- management -- duties of department.** (1) The
16 department shall:

- 17 (a) serve as the administrator of the account;
18 (b) work with all federal, state, local, private, and tribal entities to develop and maintain land information;
19 (c) annually develop a land information plan that describes the priority needs to collect, maintain, and
20 disseminate land information. The land information plan must have as a component a proposed budget
21 designed to accomplish the goals and objectives of the plan.
22 (d) present the land information plan to the council for review and endorsement;
23 (e) establish, by administrative rule, an application process and a granting process that must be used
24 to distribute funds in the account. The granting process must give preference to interagency or
25 intergovernmental grant requests whenever multiple state agencies, local governments or agencies, or Indian
26 tribal governments or tribal entities have partnered together to meet a requirement of the land information plan.
27 (f) review all grant applications from state agencies, local governments or agencies, and Indian tribal
28 governments or tribal entities for the purpose of implementing the land information plan;
29 (g) monitor the use of grant funds distributed to a state agency, a local government or agency, or an
30 Indian tribal government or tribal entity or to any combination of state, local, and Indian tribal governments or

- 1 entities to ensure that the use of the funds complies with the purposes of [sections 1 through 10];
- 2 (h) coordinate the development of technological standards for creating land information;
- 3 (i) serve as the primary point of contact for national, regional, state, and other GIS coordinating groups
- 4 for the purpose of channeling issues and projects to the appropriate individual, organization, agency, or other
- 5 entity;
- 6 (j) provide administrative and staff support to the council, including paying the expenses of the council;
- 7 (k) annually prepare a budget to carry out the department's responsibilities described in this section;
- 8 and
- 9 (l) report to the governor and the legislature, as provided for in 5-11-210, on the progress made in the
- 10 ongoing collection, maintenance, standardization, and dissemination of land information.
- 11 (2) To fulfill the responsibilities described in subsection (1), the department or any recipient of funds
- 12 granted pursuant to [sections 1 through 10] may contract with a public or private entity.

13

14 **NEW SECTION. Section 5. Land information advisory council -- appointments -- terms --**

- 15 **vacancies -- compensation.** (1) There is a land information advisory council.
- 16 (2) The council is composed of the following members:
- 17 (a) the director of the department or the director's designee who shall:
- 18 (i) serve as the presiding officer of the council; or
- 19 (ii) appoint the presiding officer from among the other members of the council.
- 20 (b) the state librarian or the state librarian's designee;
- 21 (c) to be appointed by the governor:
- 22 (i) the directors of four other departments established in Title 2, chapter 15. A director may designate
- 23 a person to act in the director's absence.
- 24 (ii) three persons who represent county or municipal government, at least one of whom is active in land
- 25 information systems;
- 26 (iii) two persons who are employed by the U.S. department of agriculture;
- 27 (iv) two persons who are employed by the U.S. department of the interior;
- 28 (v) two persons who are active in land information systems and represent public utilities or private
- 29 businesses;
- 30 (vi) one person who represents Indian tribal interests;

- 1 (vii) one person who represents the Montana university system;
- 2 (viii) two persons who are members of a Montana association of GIS professionals; and
- 3 (ix) one person who represents the interests of a Montana association of registered land surveyors;
- 4 (d) one member of the Montana state senate, appointed by the committee on committees, who must
- 5 be appointed prior to the appointment of the member described in subsection (2)(e); and
- 6 (e) one member of the Montana house of representatives, appointed by the speaker of the house of
- 7 representatives, who may not be a member of the same political party as the member of the senate appointed
- 8 under subsection (2)(d).
- 9 (3) Each council member is appointed for a 2-year term that begins on July 1 of the odd-numbered year
- 10 and ends on June 30 of the succeeding odd-numbered year. A member may be reappointed to the council.
- 11 (4) A vacancy on the council must be filled in the same manner as the original appointment, and the
- 12 person appointed to fill the vacancy shall serve for the remainder of the unexpired term.
- 13 (5) (a) A member of the council who is not a legislator or an employee of the state or a political
- 14 subdivision of the state is eligible to be reimbursed and compensated, as provided in 2-15-124.
- 15 (b) A member of the council who is not a legislator but is an employee of the state or a political
- 16 subdivision of the state is not entitled to compensation but is entitled to be reimbursed for expenses, as provided
- 17 in 2-18-501 through 2-18-503.
- 18 (c) A legislator who is a member of the council is eligible to be compensated and reimbursed, as
- 19 provided in 5-2-302.

20

21 **NEW SECTION. Section 6. Land information advisory council -- duties -- advisory only.** (1) The

22 council shall:

- 23 (a) advise the department with regard to issues relating to the geographic information system and land
- 24 information;
- 25 (b) advise the department on the priority of land information, including data layers, to be developed;
- 26 (c) review the land information plan described in [section 4] and advise the department on any element
- 27 of the plan;
- 28 (d) advise the department on the development and management of the granting process described in
- 29 [section 4(1)(e)];
- 30 (e) advise the department on the management of and the distribution of funds in the account;

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

4 (g) promote coordination of programs, policies, technologies, and resources to maximize opportunities,
5 minimize duplication of effort, and facilitate the documentation, distribution, and exchange of land information;
6 and

7 (h) advocate for the development of consistent policies, standards, and guidelines for land information.

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

9

10 **NEW SECTION. Section 7. Montana land information account.** (1) There is established in the state
11 special revenue fund a Montana land information account.

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

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

16

17 **NEW SECTION. Section 8. Montana land information account -- distribution of funds.** (1) The
18 department shall annually prepare a budget to carry out the department's responsibilities described in [section
19 4]. Money in the account may be used to fund all or a portion of the budget or to otherwise accomplish the
20 purposes of [sections 1 through 10].

21 (2) A state agency, a local government, or an Indian tribal government entity may apply to the
22 department for funds in the account for the purposes described in [sections 1 through 10].

23 (3) The department shall ensure that funds distributed under this section are managed by the recipient
24 of the funds according to standards and practices established by the department to allow for the greatest use
25 and sharing of the land information.

26

27 **NEW SECTION. Section 9. Montana land information account -- use of funds -- action by**
28 **department -- hearing.** (1) Money in the account may be used only for the purposes of [sections 1 through 10],
29 including purchasing technology to assist in collecting, maintaining, or disseminating land information and
30 funding the budget required under [section 8].

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

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

7
 8 **NEW SECTION. Section 10. Rulemaking.** (1) The department shall adopt rules regarding:
 9 (a) designing and implementing the process to develop the land information plan described in [section
 10 4(1)(c)];
 11 (b) the application and granting processes provided for in [section 4(1)(e)];
 12 (c) the monitoring process provided for in [section 4(1)(g)]; and
 13 (d) the process for coordinating technological standards for creating land information provided for in
 14 [section 4(1)(h)].

15 (2) The department may adopt other rules considered to be necessary for the effective administration
 16 of [sections 1 through 10].

17
 18 **NEW SECTION. Section 11. County land information account -- creation -- purposes -- uses.** (1)
 19 The governing board of each county shall establish a county land information account.

20 (2) The governing body of each county is responsible for deposits to and expenditures from the account.

21 (3) Subject to the provisions of subsection (4), a county may use the funds in the county land
 22 information account:

23 (a) for local geographic information system projects to meet the local operations needs of the county
 24 or a municipality within the county;

25 (b) for local land information data collection, maintenance, and dissemination projects;

26 (c) for intergovernmental or interagency geographic information system and land information data
 27 collection, maintenance, or dissemination projects with any other county, city, state, federal, or Indian tribal
 28 agency; or

29 (d) as matching funds for other state, federal, private, or other fund sources to accomplish the purposes
 30 of this section.

1 (4) (a) Except as provided in subsection (4)(b), use of funds in the county land information accounts
 2 must comply with applicable, existing state standards for the geographic information system and land
 3 information.

4 (b) A county may, upon approval of the county governing board, use funds in the county land
 5 information account for projects that collect, maintain, disseminate, or otherwise use the geographic information
 6 system or land information for which state standards do not exist.

7 (5) Funds deposited to and expended from the county land information account are subject to audit
 8 pursuant to Title 2, chapter 7, part 5.

9

10 **Section 12.** Section 7-4-2632, MCA, is amended to read:

11 **"7-4-2632. Fee when recording done by mechanical means.** ~~Where~~ Whenever recording is done
 12 by a photographic or similar process, the county clerk and recorder shall charge ~~\$6~~ \$7 for each page or fraction
 13 of a page of the instrument for recording."

14

15 **Section 13.** Section 7-4-2637, MCA, is amended to read:

16 **"7-4-2637. (Effective July 1, 2005) Fees for recording standard documents.** (1) Except as provided
 17 in 7-4-2631 and subsection (2) of this section, the fee for recording a standard document that meets the
 18 requirements of 7-4-2636 is ~~\$6~~ \$7 for each page or fraction of a page.

19 (2) The fee for recording a document that does not meet the requirements of 7-4-2636 is ~~\$10~~ \$11 for
 20 each page or fraction of a page for the first five pages or fractions of the pages and ~~\$6~~ \$7 for each subsequent
 21 page.

22 (3) (a) Of the fees collected under subsection (1);

23 (i) \$1 must be deposited in the records preservation fund, provided for in 7-4-2635;

24 (ii) 25 cents must be deposited in the county land information account provided for in [section 11];

25 (iii) 75 cents must be transmitted each month to the department of revenue in the manner prescribed
 26 by the department of revenue for deposit to the Montana land information account created in [section 7]; and

27 (iv) the remainder must be deposited as provided for in 7-4-2511.

28 (b) Of the fees collected under subsection (2) for nonstandard documents, each ~~\$6~~ \$7 amount for a
 29 page or fraction of a page must be deposited as provided for in subsection (3)(a). The remaining \$4 of each ~~\$10~~
 30 \$11 charge for a page or fraction of a page must be deposited in the records preservation fund, provided for in

1 7-4-2635, and, notwithstanding 7-4-2635(3), each \$4 amount from a ~~\$10~~ \$11 charge for a page or a fraction
2 of a page may be used only for maintaining, upgrading, or installing systems to digitally record and retrieve
3 documents."

4
5 **NEW SECTION. Section 14. Notification to tribal governments.** The secretary of state shall send
6 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
7 band of Chippewa.

8
9 **NEW SECTION. Section 15. Codification instruction.** (1) [Sections 1 through 10] are intended to
10 be codified as an integral part of Title 90, chapter 1, and the provisions of Title 90 apply to [sections 1 through
11 10].

12 (2) [Section 11] is intended to be codified as an integral part of Title 7, chapter 6, part 22, and the
13 provisions of Title 7, chapter 6, apply to [section 11].

14
15 **NEW SECTION. Section 16. Effective date.** [This act] is effective July 1, 2005.

16 - END -