

## 1 HOUSE BILL NO. 38

2 INTRODUCED BY P. INGRAHAM

3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION AND THE STATE LIBRARY COMMISSION

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE ADMINISTRATION OF CERTAIN  
6 GEOGRAPHIC INFORMATION SYSTEMS FROM THE DEPARTMENT OF ADMINISTRATION TO THE STATE  
7 LIBRARY; AMENDING SECTIONS 7-11-1014, 7-11-1029, 76-6-212, 90-1-403, 90-1-404, 90-1-405, 90-1-406,  
8 90-1-410, 90-1-411, AND 90-1-413, MCA; AND PROVIDING AN EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 **Section 1.** Section 7-11-1014, MCA, is amended to read:

13 **"7-11-1014. Additional reporting procedures -- coordination of information collection, transfer,**  
14 **and accessibility.** (1) Within 60 days after the creation of a special district or by January 1 of the effective tax  
15 year, whichever occurs first, the governing body shall provide to the department of revenue a:

16 (a) legal description of the special district;

17 (b) map of its boundaries;

18 (c) list of the property taxpayers or owners of real property within the special district's boundaries; and

19 (d) copy of the resolution establishing the special district, including any adopted method of assessment.

20 (2) The department of revenue shall review the information provided in accordance with subsection (1)  
21 and work with the governing body to identify and correct any discrepancies before the information is recorded  
22 by the department.

23 (3) If the governing body intends to submit any digital information to the department of revenue for the  
24 purposes of subsection (4)(b), the governing body shall notify the department of revenue as to the expected date  
25 of submission and submit the digital information in a manner prescribed by the department of revenue in  
26 consultation with the ~~department of administration~~ state library.

27 (4) The ~~department of administration~~ state library, in coordination with the department of revenue,  
28 governing bodies, and other appropriate entities, may develop standards, best practices, and procedures for:

29 (a) collecting and transferring between agencies any digital information submitted by a governing body  
30 for purposes of subsection (4)(b); and

1 (b) creating digital information to map special districts for land information purposes authorized in Title  
2 90, chapter 1, part 4, that can be accessed through the ~~department's base map service center's website and~~  
3 ~~discovered through the Montana geographical information system portal at~~ website of the Montana state library."  
4

5 **Section 2.** Section 7-11-1029, MCA, is amended to read:

6 **"7-11-1029. Dissolution of special district.** (1) A special district may be dissolved if it is considered  
7 to be in the best interest of a local government or the inhabitants of the local government or if the purpose for  
8 creating the special district has been fulfilled and the special district is not needed in perpetuity.

9 (2) The governing body may pass a resolution of intention to dissolve a special district upon its own  
10 request or upon request of the separate board administering the special district.

11 (3) After the passage of the resolution provided for in subsection (2), the clerk of the local government  
12 that established the special district shall publish a notice, as provided in 7-1-2121 or 7-1-4127, of the intention  
13 to dissolve the district.

14 (4) The notice must specify the boundaries of the special district to be dissolved, the date of the passage  
15 of the resolution of intention to dissolve, the date set for the passage of the resolution of dissolution, and that the  
16 resolution will be passed unless the clerk of the local government receives written protest in advance from:

17 (a) 40% of registered voters or 40% of the owners of real property in the district; or

18 (b) 40% of registered voters or 40% of the property taxpayers in the district if the district program or  
19 improvements have been financed through a mill levy.

20 (5) If the special district is dissolved, the clerk of the local government shall immediately send written  
21 notice to:

22 (a) the secretary of state; and

23 (b) the department of revenue, providing the same information required in 7-11-1014 when a district is  
24 created. The department of revenue and the ~~department of administration~~ state library shall respond to the  
25 dissolution in the same manner as they respond to the creation of a district, as described in 7-11-1014.

26 (6) The dissolution of a special district may not relieve the property owners from the assessment and  
27 payment of a sufficient amount to liquidate all charges existing against the special district prior to the date of  
28 dissolution.

29 (7) Any assets remaining after all debts and obligations of the special district have been paid, discharged,  
30 or irrevocably settled must be:

- 1 (a) deposited in the general fund of the local government;
- 2 (b) in the case of multiple local governments, divided in accordance with their interlocal agreement and  
3 deposited in the general fund of each local government; or
- 4 (c) transferred to a new special district that has been created to provide substantially the same service  
5 as provided by the dissolved special district.
- 6 (8) If the remaining assets are derived from private grants or gifts that restrict the use of those funds, the  
7 funds must be returned to the grantor or donor."

8

9 **Section 3.** Section 76-6-212, MCA, is amended to read:

10 **"76-6-212. Additional reporting procedures -- coordination of information collection, transfer, and**  
11 **accessibility.** (1) A public body or qualified private organization holding a conservation easement before October  
12 1, 2007, shall mail or electronically transfer a copy of that conservation easement to the department of revenue  
13 within 6 months of October 1, 2007.

14 (2) The department of revenue shall review conservation easement agreements collected pursuant to  
15 76-6-207 and subsection (1) of this section and record the:

- 16 (a) legal description of the conservation easement as it relates to the established property boundaries  
17 identified in the conservation easement agreement;
- 18 (b) approximate acreage as identified in the conservation easement agreement;
- 19 (c) date of the conservation easement agreement;
- 20 (d) book and page or document number as provided for in 7-4-2617; and
- 21 (e) name of the conservation easement grantee.

22 (3) (a) The department of revenue shall transfer conservation easement information collected pursuant  
23 to 76-6-207 and subsections (1) and (2) of this section to the ~~department of administration~~ state library.

24 (b) The department of revenue shall coordinate with the ~~department of administration~~ state library to  
25 develop procedures regarding the collection and transfer of conservation easement information between the two  
26 agencies.

27 (c) The ~~department of administration~~ state library shall convert conservation easement information  
28 received from the department of revenue to a digital format for land information purposes authorized in Title 90,  
29 chapter 1, part 4, that can be accessed through the ~~department of administration's~~ state library's website.

30 (d) The ~~department of administration~~ state library shall ~~provide~~ incorporate the conservation easement

1 data to the Montana natural heritage program for incorporation into appropriate databases developed or  
 2 maintained by the Montana natural heritage program for the purposes of Title 90, chapter 15."

3

4 **Section 4.** Section 90-1-403, MCA, is amended to read:

5 **"90-1-403. Definitions.** As used in this part, unless the context requires otherwise, the following  
 6 definitions apply:

7 (1) "Account" means the Montana land information account created in 90-1-409.

8 (2) "Council" means the land information advisory council established in 90-1-405.

9 ~~(3) "Department" means the department of administration provided for in 2-15-1001.~~

10 ~~(4)~~(3) "Digital format" means information that is scanned, electronically drawn, layered through the GIS,  
 11 or digitized by other electronic methods.

12 ~~(5)~~(4) "Geographic information system" or "GIS" means an organized collection of computer hardware,  
 13 software, land information, and other resources, including personnel, that is designed to or assists to efficiently  
 14 collect, maintain, and disseminate all forms of geographically referenced information.

15 ~~(6)~~(5) "Land information" means data that describes the geographic location and characteristics of  
 16 natural or constructed features and boundaries within or pertaining to Montana.

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

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

19

20 **Section 5.** Section 90-1-404, MCA, is amended to read:

21 **"90-1-404. Land information -- management -- duties of department state library.** (1) The  
 22 ~~department~~ state library shall:

23 (a) serve as the administrator of the account;

24 (b) work with all federal, state, local, private, and tribal entities to develop and maintain land information;

25 (c) annually develop a land information plan that describes the priority needs to collect, maintain, and  
 26 disseminate land information. The land information plan must have as a component a proposed budget designed  
 27 to accomplish the goals and objectives of the plan.

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

29 (e) establish, by administrative rule, an application process and a granting process that must be used  
 30 to distribute funds in the account. The granting process must give preference to interagency or intergovernmental

1 grant requests whenever multiple state agencies, local governments or agencies, or Indian tribal governments  
2 or tribal entities have partnered together to meet a requirement of the land information plan.

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

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

8 (h) coordinate the development of ~~technological~~ geographic information system standards for creating  
9 land information;

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

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

14 (k) annually prepare a budget to carry out the ~~department's~~ state library's responsibilities described in  
15 this section;

16 (l) report to the governor and the legislature, as provided for in 5-11-210, on the progress made in the  
17 ongoing collection, maintenance, standardization, and dissemination of land information; and

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

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

21

22 **Section 6.** Section 90-1-405, MCA, is amended to read:

23 **"90-1-405. Land information advisory council -- appointments -- terms -- vacancies --**  
24 **compensation.** (1) There is a land information advisory council.

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

26 (a) ~~the director of the department or the director's~~ state librarian or the state librarian's designee who  
27 shall:

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

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

30 (b) ~~the state librarian or the state librarian's designee~~ the chief information officer provided for in 2-17-506

1 or the chief information officer's designee;

2 (c) to be appointed by the governor:

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

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

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

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

9 (v) two persons who are active in land information systems and represent public utilities or private  
10 businesses;

11 (vi) one person who represents Indian tribal interests;

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

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

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

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

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

20 (3) Each council member is appointed for a 2-year term that begins on July 1 of the odd-numbered year  
21 and ends on June 30 of the succeeding odd-numbered year. A member may be reappointed to the council.

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

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

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

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

1  
2       **Section 7.** Section 90-1-406, MCA, is amended to read:  
3       **"90-1-406. Land information advisory council -- duties -- advisory only.** (1) The council shall:  
4       (a) advise the ~~department~~ state library with regard to issues relating to the geographic information system  
5 and land information;  
6       (b) advise the ~~department~~ state library on the priority of land information, including data layers, to be  
7 developed;  
8       (c) review the land information plan described in 90-1-404 and advise the ~~department~~ state library on  
9 any element of the plan;  
10       (d) advise the ~~department~~ state library on the development and management of the granting process  
11 described in 90-1-404(1)(e);  
12       (e) advise the ~~department~~ state library on the management of and the distribution of funds in the account;  
13       (f) assist in identifying, evaluating, and prioritizing requests received from state agencies, local  
14 governments, and Indian tribal government entities to provide development of and maintenance of services  
15 relating to the GIS and land information;  
16       (g) promote coordination of programs, policies, technologies, and resources to maximize opportunities,  
17 minimize duplication of effort, and facilitate the documentation, distribution, and exchange of land information;  
18 and  
19       (h) advocate for the development of consistent policies, standards, and guidelines for land information.  
20       (2) The council functions in an advisory capacity, as defined in 2-15-102."

21  
22       **Section 8.** Section 90-1-410, MCA, is amended to read:  
23       **"90-1-410. Montana land information account -- distribution of funds.** (1) The ~~department~~ state  
24 library shall annually prepare a budget to carry out the ~~department's~~ state library's responsibilities described in  
25 90-1-404. Money in the account may be used to fund all or a portion of the budget or to otherwise accomplish  
26 the purposes of this part.  
27       (2) A state agency, a local government, or an Indian tribal government entity may apply to the  
28 ~~department~~ state library for funds in the account for the purposes described in this part.  
29       (3) The ~~department~~ state library shall ensure that funds distributed under this section are managed by  
30 the recipient of the funds according to standards and practices established by the ~~department~~ state library to allow

1 for the greatest use and sharing of the land information."  
2

3 **Section 9.** Section 90-1-411, MCA, is amended to read:

4 **"90-1-411. Montana land information account -- use of funds -- action by department state library**  
5 **-- hearing.** (1) Money in the account may be used only for the purposes of this part, including purchasing  
6 technology to assist in collecting, maintaining, or disseminating land information and funding the budget required  
7 under 90-1-410.

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

11 (3) A recipient to whom the department state library has suspended payments under this section is not  
12 eligible to receive further funds from the account until the department state library determines that the recipient  
13 is using funds in the manner prescribed by the department state library."  
14

15 **Section 10.** Section 90-1-413, MCA, is amended to read:

16 **"90-1-413. Rulemaking.** (1) The department state library shall adopt rules regarding:

17 (a) designing and implementing the process to develop the land information plan described in  
18 90-1-404(1)(c);

19 (b) the application and granting processes provided for in 90-1-404(1)(e);

20 (c) the monitoring process provided for in 90-1-404(1)(g); and

21 (d) the process for coordinating technological geographic information system standards for creating land  
22 information provided for in 90-1-404(1)(h).

23 (2) The department state library may adopt other rules considered to be necessary for the effective  
24 administration of this part."  
25

26 **NEW SECTION. Section 11. Effective date.** [This act] is effective July 1, 2013.

27 - END -