

1 HOUSE BILL NO. 343
2 INTRODUCED BY T. BROCKMAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO GEOSPATIAL AND
5 NATURAL RESOURCE INFORMATION LAWS; REVISING THE MONTANA GEOSPATIAL INFORMATION
6 ADVISORY COUNCIL MEMBERSHIP AND TERMS; PROVIDING STANDARDS FOR GEOSPATIAL
7 INFORMATION GRANTS; ELIMINATING REPORTING REQUIREMENTS; ELIMINATING THE NATURAL
8 RESOURCE DATA SYSTEM ADVISORY COMMITTEE; PROVIDING RULEMAKING AUTHORITY;
9 AMENDING SECTIONS 2-15-1514, 7-4-2637, 90-1-401, 90-1-402, 90-1-403, 90-1-404, 90-1-405, 90-1-406,
10 90-1-409, 90-1-410, 90-1-411, 90-1-413, 90-15-102, 90-15-301, AND 90-15-303, MCA; REPEALING
11 SECTIONS 90-15-201, 90-15-202, AND 90-15-203, MCA; AND PROVIDING AN EFFECTIVE DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 **Section 1.** Section 2-15-1514, MCA, is amended to read:

16 **"2-15-1514. State library commission --natural resource data system advisory committee.** (1)

17 (a) There is a state library commission created in Title 22, chapter 1.

18 (b)(2) The composition, method of appointment, terms of office, compensation, reimbursement, and
19 qualifications of commission members are as prescribed by law.

20 ~~(2) (a) There is a natural resource data system advisory committee consisting of an employee of the~~
21 ~~legislative services division, of the department of administration, of the state library, and of each principal data~~
22 ~~source agency, appointed by the head of the respective state agency, and by the board of regents of higher~~
23 ~~education for the Montana university system.~~

24 ~~(b) The state library shall provide staff support to the committee, within the limits of the library's~~
25 ~~available resources."~~

26
27 **Section 2.** Section 7-4-2637, MCA, is amended to read:

28 **"7-4-2637. Fees for recording documents.** (1) Except as provided in 7-2-2803(4) and 7-4-2631, the

1 fee for recording a standard document that meets the requirements of 7-4-2636 is \$8 for each page or fraction
2 of a page.

3 (2) Except as provided in 7-2-2803(4), the fee for recording a document that does not meet the
4 requirements of 7-4-2636 is the fee specified in subsection (1) plus \$10.

5 (3) (a) Of the fees collected under subsection (1), for each page or fraction of a page:

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

7 (ii) 50 cents must be deposited in the county land information account provided for in 7-6-2230;

8 (iii) \$1.50 must be transmitted each month to the department of revenue in the manner prescribed
9 by the department of revenue for deposit in the Montana ~~land-geospatial~~ information account created in 90-1-
10 409; and

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

12 (b) The fees collected under subsection (2) must be deposited in the records preservation fund
13 provided for in 7-4-2635."
14

15 **Section 3.** Section 90-1-401, MCA, is amended to read:

16 "**90-1-401. Short title.** This part may be cited as the "Montana ~~Land-Geospatial~~ Information Act"."
17

18 **Section 4.** Section 90-1-402, MCA, is amended to read:

19 "**90-1-402. Purpose.** The purpose of this part is to develop a standardized, sustainable method to
20 collect, maintain, and disseminate information in digital formats about the natural and artificial land
21 characteristics of Montana. ~~Land-Geospatial~~ information changes continuously and is needed by businesses,
22 citizens, governmental entities, and others in digital formats to be most effective and productive. This part will
23 ensure that digital ~~land-geospatial~~ information is collected consistently, maintained accurately in accordance
24 with standards, and made available in common ways for all potential uses and users, both private and public.
25 ~~This Through planning and grant making, this part~~ prioritizes consistent collection, accurate maintenance, and
26 common availability of ~~land-geospatial~~ information to provide needed, standardized, and uniform ~~land~~
27 ~~geospatial~~ information in digital formats."
28

1 **Section 5.** Section 90-1-403, MCA, is amended to read:

2 **"90-1-403. Definitions.** As used in this part, unless the context requires otherwise, the following
3 definitions apply:

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

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

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

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

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

13 (6) "State librarian" means the executive officer of the state library commission provided for in 22-
14 1-102.

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

16

17 **Section 6.** Section 90-1-404, MCA, is amended to read:

18 **"90-1-404. ~~Land-Geospatial~~ information -- management -- duties of state library.** (1) The state
19 library shall:

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

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

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

28 (i) must be created in consultation with the council;

- 1 (ii) may include but is not limited to:
- 2 (A) the prioritized needs to collect, maintain, and disseminate geospatial information;
- 3 (B) priorities for geospatial coordination; and
- 4 (C) priorities for grant awards; and
- 5 (iii) must be reviewed and, if appropriate, updated every 3 years;
- 6 ~~(d) present the land information plan to the council for review and endorsement;~~
- 7 ~~(e)(d) establish, by administrative rule, an application process and a granting process that must be~~
- 8 ~~used to distribute funds in the account; The granting process must give preference to interagency or~~
- 9 ~~intergovernmental grant requests whenever multiple state agencies, local governments or agencies, or Indian~~
- 10 ~~tribal governments or tribal entities have partnered together to meet a requirement of the land information plan.~~
- 11 ~~(f)(e) review all grant applications from state agencies, local governments or agencies, and Indian~~
- 12 ~~tribal governments or tribal entities for the purpose of implementing the land information plan;~~
- 13 (f) consider grant recommendations by the council;
- 14 (g) ~~monitor the a recipient's use of grant funds distributed to a state agency, a local government or~~
- 15 ~~agency, or an Indian tribal government or tribal entity or to any combination of state, local, and Indian tribal~~
- 16 ~~governments or entities to ensure that the use of the funds complies with the purposes of this part;~~
- 17 (h) coordinate the development of standards for geographic information system standards for
- 18 creating land information systems, geospatial information, and geospatial technologies;
- 19 (i) serve as the primary point of contact for national, regional, state, and other GIS coordinating
- 20 groups for the purpose of channeling issues and projects to the appropriate individual, organization, agency, or
- 21 other entity;
- 22 (j) provide administrative and staff support to the council, including paying the expenses of the
- 23 council;
- 24 (k) annually prepare a budget to carry out the state library's responsibilities described in this
- 25 section; and
- 26 ~~(l) report to the governor and the legislature, as provided for in 5-11-210, on the progress made in the~~
- 27 ~~ongoing collection, maintenance, standardization, and dissemination of land information; and~~
- 28 ~~(m)(l)~~ implement the conservation easement information requirements as provided for in 76-6-212.

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

3

4 **Section 7.** Section 90-1-405, MCA, is amended to read:

5 **"90-1-405. ~~Land-Geospatial~~ information advisory council -- appointments -- terms -- vacancies -**
6 **- compensation.** (1) There is a ~~land-geospatial~~ information advisory council.

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

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

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

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

11 (b) ~~the chief information officer provided for in 2-17-506 or the chief information officer's~~ the
12 director of the department of administration or the director's designee; and

13 (c) to be appointed by the governor:

14 (i) ~~four directors of departments~~ one director of a department established in Title 2, chapter 15,
15 other than the department of administration. A-The director may designate a person to act in the director's
16 absence.

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

19 (iii) ~~two persons who are~~ one person who is employed by the ~~U.S. department of agriculture~~ federal
20 government;

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

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

24 ~~(vi)(v) one person who represents Indian-tribal~~ government interests;

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

26 ~~(viii)(vii) two persons who are members~~ one person who is a member of a Montana association of GIS
27 professionals; and

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

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

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

6 (3) ~~Each council member is appointed for a 2-year term that begins on July 1 of the odd-numbered~~
7 ~~year and ends on June 30 of the succeeding odd-numbered year. A member may be reappointed to the~~
8 ~~council. Council members shall serve staggered 3-year terms. Each council member may serve a maximum of~~
9 ~~three terms.~~

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

12 (5) (a) A member of the council who is not a legislator or an employee of the state or a political
13 subdivision of the state is eligible to be reimbursed and compensated, as provided in ~~2-15-124~~ 2-15-122.

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

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

19

20 **Section 8.** Section 90-1-406, MCA, is amended to read:

21 **"90-1-406. Land-Geospatial information advisory council -- duties -- advisory only.** (1) The
22 council shall:

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

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

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

1 (d) ~~advise the state library on the development and management of the granting process~~
 2 ~~described in 90-1-404(1)(e) provide recommendations to the state library in determining grants awarded in~~
 3 ~~accordance with this part;~~

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

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

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

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

13 (2) The council functions in an advisory capacity, as defined in 2-15-102."
 14

15 **Section 9.** Section 90-1-409, MCA, is amended to read:

16 **"90-1-409. Montana ~~land-geospatial~~ information account.** (1) There is established in the state
 17 special revenue fund a Montana ~~land-geospatial~~ information account.

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

20 (3) Funds in the account must be invested pursuant to Title 17, chapter 6, part 2. All interest and
 21 income earned on funds in the account accrue to and must be deposited in the account."
 22

23 **Section 10.** Section 90-1-410, MCA, is amended to read:

24 **"90-1-410. Montana ~~land-geospatial~~ information account -- distribution of funds.** (1) The state
 25 library shall annually prepare a budget to carry out the state library's responsibilities described in 90-1-404.
 26 Money in the account may be used to fund all or a portion of the budget or to otherwise accomplish the
 27 purposes of this part.

28 ~~(2) A state agency, a local government, or an Indian tribal government entity may apply to the state~~

1 ~~library for funds in the account for the purposes described in this part.~~

2 ~~(3)(2)~~ The state library shall ensure that funds distributed under this ~~section part~~ are managed by the
3 recipient of the funds according to standards and practices established by the state library to allow for the
4 greatest use and sharing of ~~the land information~~ geographic information systems, geospatial information, or
5 geospatial technologies."

6

7 **Section 11.** Section 90-1-411, MCA, is amended to read:

8 **"90-1-411. Montana ~~land~~ geospatial information account -- use of funds -- action by state**

9 **library -- hearing.** (1) Money in the account may be used only for the purposes of this part, including
10 purchasing technology to assist in collecting, maintaining, or disseminating ~~land information~~ geographic
11 information systems, geospatial information, or geospatial technologies, and funding the budget required under
12 90-1-410.

13 (2) The state library may award grant money from the account to a state agency, a local
14 government, or a tribal government entity pursuant to the provisions of [section 12] for the purposes of this part.

15 ~~(2)(3)~~ If the state library determines that a recipient of funds from the account has not used or is not
16 using funds in the manner prescribed by the state library, the state library may, after notice and hearing as
17 provided for in Title 2, chapter 4, suspend further payment to the recipient.

18 ~~(3)(4)~~ A recipient to whom the state library has suspended payments under this section is not eligible
19 to receive further funds from the account until the state library determines that the recipient is using funds in the
20 manner prescribed by the state library."

21

22 **NEW SECTION. Section 12. Geospatial information -- grants.** (1) A state agency, a local
23 government, or a tribal government entity may apply to the state library for funds in the account. All applicants
24 shall complete an application and provide financial information as established by the state library.

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

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

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

28 (a) the grant is consistent with the findings and purposes of this part, because it primarily adds

1 value to Montana's geospatial information;

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

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

6 (d) the applicant has a management structure that allows the council to reasonably conclude that
7 the applicant will comply with ongoing reporting requirements and postdisbursement monitoring activities
8 established by the council.

9 (5) The state library shall develop reporting procedures to ensure that awarded grants are used for
10 the specified purposes.

11

12 **Section 13.** Section 90-1-413, MCA, is amended to read:

13 **"90-1-413. Rulemaking.** ~~(1) The state library shall~~may adopt rules ~~regarding~~ necessary to implement
14 and administer the provisions of this part.:"

15 ~~(a) designing and implementing the process to develop the land information plan described in 90-1-~~
16 ~~404(1)(e);~~

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

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

19 ~~(d) the process for coordinating geographic information system standards for creating land~~
20 ~~information provided for in 90-1-404(1)(h).~~

21 ~~(2) The state library may adopt other rules considered to be necessary for the effective administration~~
22 ~~of this part."~~

23

24 **Section 14.** Section 90-15-102, MCA, is amended to read:

25 **"90-15-102. Definitions.** As used in this chapter, the following definitions apply:

26 ~~(1) "Committee" means the natural resource data system advisory committee created by 2-15-1514.~~

27 ~~(2)(1)~~ "Library" means the state library provided for in 22-1-201.

28 ~~(3)(2)~~ "Natural heritage program" means a program of information acquisition, storage, and retrieval

1 for data relating to the flora, fauna, and biological community types of Montana.

2 ~~(4)~~(3) "Principal data source agencies" means any of the following state agencies: the department of
3 natural resources and conservation; the department of fish, wildlife, and parks; the department of environmental
4 quality; the department of agriculture; the department of transportation; the state historical society; and the
5 Montana university system."

6

7 **Section 15.** Section 90-15-301, MCA, is amended to read:

8 **"90-15-301. Establishment of information system.** (1) The library, ~~in consultation with the~~
9 ~~committee,~~ shall establish a planning framework for the implementation of a natural resource information
10 system and shall begin implementation of the plan. This system is to be a comprehensive program for the
11 acquisition, storage, and retrieval of existing data relating to the natural resources of Montana.

12 (2) The library shall give attention to the following factors ~~listed in 90-15-201~~ and shall prepare any
13 legislation necessary to implement the system;

14 (a) the categories and types of data to be collected for a natural resource information system;

15 (b) the format of data collection;

16 (c) existing sources of relevant data in the public sector;

17 (d) data acquisition, storage, and retrieval methodologies that are economical and efficient, that
18 minimize or eliminate the duplication of databases, and that use computer networking;

19 (e) probable costs to agencies furnishing required data and probable costs of managing the data;

20 (f) probable benefits to be realized by the establishment of a natural resource information system;

21 (g) operation of the Montana natural heritage program; and

22 (h) other items of importance to the establishment of a natural resource information system.

23 (3) It is not intended that the system shall require fieldwork to produce data. The system is
24 intended to facilitate the management of data collected by state agencies in the normal course of their
25 operations."

26

27 **Section 16.** Section 90-15-303, MCA, is amended to read:

28 **"90-15-303. Interagency cooperation.** (1) State agencies shall cooperate with the library ~~and the~~

1 ~~committee~~ in the planning of the natural resource information system.

2 (2) Within the limits of available resources, state agencies shall provide data requested by the
3 library for purposes of the natural resource information system and the Montana natural heritage program. If an
4 agency does not possess requested data or is unable to locate requested data, the agency shall inform the
5 library. It is not necessary for an agency to conduct fieldwork or literature searches to obtain requested data."

6

7 **NEW SECTION. Section 17. Repealer.** The following sections of the Montana Code Annotated are
8 repealed:

9 90-15-201. Duties of committee.

10 90-15-202. Committee staff.

11 90-15-203. Expenses of committee members -- meetings.

12

13 **NEW SECTION. Section 18. Transition.** As of [the effective date of this act], the membership of the
14 geospatial information advisory council must reflect the requirements of [section 7]. The term of each council
15 member already serving on [the effective date of this act] terminates on [the effective date of this act], and
16 vacancies filled after [the effective date of this act] must be in accordance with [section 7]. The appointments
17 must consist of 1-year, 2-year, or 3-year terms at the governor's discretion so that the initial terms of the newly
18 appointed council members are staggered in accordance with [section 7].

19

20 **NEW SECTION. Section 19. Notification to tribal governments.** The secretary of state shall send a
21 copy of [this act] to each federally recognized tribal government in Montana.

22

23 **NEW SECTION. Section 20. Codification instruction.** [Section 12] is intended to be codified as an
24 integral part of Title 90, chapter 1, part 4, and the provisions of Title 90, chapter 1, part 4, apply to [section 12].

25

26 **NEW SECTION. Section 21. Effective date.** [This act] is effective July 1, 2023.

27

- END -