

Memo

To: Montana Land Information Advisory Council

From: Jennie Stapp, State Librarian

Date: September 6, 2013

Re: **Proposed Montana Land Information Act (MLIA) Rule Change**

As was discussed at the June MLIAC meeting, the Administrative Rules that implement the Montana Land Information Act must be modified to align with the transfer of authority for the MLIA from the Department of Administration to the State Library.

Current Rules may be viewed online:

<http://www.mtrules.org/gateway/Subchapterhome.asp?scn=2%2E12%2E3>.

The proposed rules for council review and action follow.

BEFORE THE MONTANA STATE LIBRARY
OF THE STATE OF MONTANA

In the matter of the repeal of ARM) NOTICE OF PROPOSED REPEAL,
2.12.307, the transfer of ARM) TRANSFER, AND TRANSFER AND
2.12.301 and the transfer and) AMENDMENT
amendment of ARM 2.12.301,)
2.12.302, 2.12.303, 2.12.304,) NO PUBLIC HEARING
2.12.305, 2.12.306 and 2.12.308) CONTEMPLATED
pertaining to the Montana Land
Information Act

TO: All Concerned Persons

1. On December 11, 2013, the Montana State Library proposes to repeal, transfer, and transfer and amend the above-stated rules.

2. The Montana State Library will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Montana State Library no later than 5:00 p.m. on November 22, 2013 to advise us of the nature of the accommodation that you need. Please contact Marlys Stark, Montana State Library, P.O. Box 201800, Helena, Montana, 59620-1800; telephone (46) 444-3384; fax (406) 444-0266; TTY (406) 444-4799; or e-mail mstark2@mt.gov.

3. The department proposes to repeal the following rule:

2.12.307 ESTABLISHMENT OF STANDARDS AND GRANT COMPLIANCE

AUTH: 90-1-413, MCA
IMP: 90-1-404, MCA

REASON: The grants referred to may be awarded to public or other entities and therefore are not required to follow State Information Technology Services Division standards.

4. The department proposes to transfer the following rule:

<u>OLD</u>	<u>NEW</u>	
2.12.301	10.102.9101	INTRODUCTION

AUTH: 90-1-413, MCA
IMP: 90-1-404, MCA

REASON: This change is necessary to comply with the statute change transferring the authority for the Montana Land Information Act from the Department of Administration to the State Library.

5. The rules as proposed to be transferred and amended provide as follows, new matter underlined, deleted matter interlined:

2.12.302 (10.102.9101) 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 ~~department's~~ 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 ~~department~~ 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 ~~department~~ 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 ~~department~~ state library, will formulate land information plans.

(5) through (8) remain the same.

AUTH: 90-1-413, MCA

IMP: 90-1-404, MCA

2.12.303 (10.102.9103) APPOINTMENT OF LAND INFORMATION PLAN AND GRANT REVIEW SUBCOMMITTEES (1) ~~By July 1 of~~ Each fiscal year, the council will appoint a land information plan subcommittee and grant review subcommittee from existing council members to advise the ~~department~~ state library, on behalf of the council, on the land information plan, grant criteria, and prioritization of grant submittals.

(2) through (4) remain the same.

AUTH: 90-1-413, MCA

IMP: 90-1-404, MCA

2.12.304 (10.102.9104) ANNUAL LAND INFORMATION PLAN (1) remains the same.

(2) ~~By July 1 of each fiscal year,~~ Theme champions may provide to the land information plan subcommittee suggested specific goals and objectives relating to the theme they represent for the next fiscal year. ~~beginning one year from that date.~~

(3) The ~~department~~ 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 champions, 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 August 1 of each fiscal year, the department will compile the theme champion goals and the department's goals and objectives, and will post the summary on the department web site for public comment. Public comment will be taken for a minimum period of 30 days from the day of posting.~~

~~(5) By November 1 of each fiscal year, the department, with advice of 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 champions, the department, and comments received during the public comment period.~~

~~(6) By November 15 of each fiscal year, the department shall submit the draft land information plan to the council and a budget for the department's duties and responsibilities as defined in 90-1-404, MCA.~~

~~(7) By December 15 of each fiscal year, the council shall advise the department on recommended changes to the draft plan and the department's budget.~~

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

AUTH: 90-1-413, MCA

IMP: 90-1-404, MCA

2.12.305 (10.102.9105) ESTABLISHING THE GRANT APPLICATION AND GRANTING PROCESS (1) By January 15 of each fiscal year, the department 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 department library's web site. Grant criteria may allow for funding multi-year projects.

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

(3) Upon receipt, the department 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 department 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 multi-year 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 department state library if necessary.

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

(6) The department 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.

AUTH: 90-1-413, MCA
IMP: 90-1-404, MCA

2.12.306 (10.102.9106) MONITORING THE MONTANA LAND INFORMATION ACCOUNT FUNDS (1) The ~~department~~ state library shall monitor each grant, contracted service, or federal matching fund. Depending upon the deliverables or types of services, the ~~department~~ state library may require additional quarterly or other reports that verify the deliverables or services are meeting documented specifications.

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

AUTH: 90-1-413, MCA
IMP: 90-1-404, MCA

2.12.308 (10.102.9107) OFF-CYCLE GRANTS (1) The ~~department~~ state library commission, with advice of the council, may approve requests for funding that fall outside of the regular grant cycle.

AUTH: 90-1-413, MCA
IMP: 90-1-404, MCA

REASON: These changes are necessary to comply with the statute change transferring the authority for the Montana Land Information Act from the Department of Administration to the State Library.

6. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Marlys Stark, Montana State Library, P.O. Box 201800, Helena, Montana, 59620-1800; telephone (406) 444-3384; fax (406) 444-0266; or e-mail mstark2@mt.gov, and must be received no later than 5:00 p.m., November 29, 2013,

7. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Marlys Stark at the above address no later than 5:00 p.m., November 29, 2013.

8. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 25 persons based on the number of governmental subdivisions or agencies, as well as professional organizations, that create, maintain or use digital land information.

9. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and

mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

10. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

11. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

12. With regard to the requirements of 2-4-111, MCA, the department has determined that the repeal, transfer and transfer and amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Jennie Stapp
Jennie Stapp
Rule Reviewer

/s/ Richard Quillin
Richard Quillin
Chairman
Montana State Library

Certified to the Secretary of State October 21, 2013.