



**MEMO**

**To:** MSL Commission  
**From:** Jennie Stapp  
**Subject:** Final Administrative Rules Adoption: 10.102.9101-10.102.9106 Montana Geospatial Information Act  
**Date:** December 1, 2023

Changes to administrative rules are necessary to reflect changes to the Montana Geospatial Information Act (formerly the Land Information Act) adopted by the legislature with the passage of [House Bill 343](#).

Public comments received:

Support	Oppose	Other
2	1	2

Public comment on the 10.102.9101-10.102.9106 Montana Geospatial Information Act rules can be viewed here: [https://ftpaspen.msl.mt.gov/EventResources/20231201134136\\_23720.pdf](https://ftpaspen.msl.mt.gov/EventResources/20231201134136_23720.pdf)

Non-substantive changes are noted in red, below.

Taking into consideration the public comments the Commission has reviewed, the Commission will decide to either adopt the rules as amended below in red, to make additional changes to the rules based on the comments, or to adopt the rules as originally proposed on [October 11](#).

**10.102.9101 INTRODUCTION**

(1) The following rules define the development of ~~an annual land~~ geospatial information plan, the application and granting processes, the grant monitoring process, and the process for coordination of technological standards for creating ~~land~~ geospatial information as provided in 90-1-404, MCA.

Reasoning: language changes mirror revised legislation.

**10.102.9102 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 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)-~~

~~(1) "Council" means the Montana Geospatial Information Advisory Council as defined in 90-1-405.~~

(2) "Grant criteria" mean any specific grant conditions set forth by the state library, with the advice of the council, pertaining to subject matter of grant applications, applicable standards, submittal of applications, 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 state library, will formulate grant criteria consistent with the purpose of the Montana Land Geospatial Information Act, and review grant applications.~~

~~(4) "Land information plan subcommittee" means a subcommittee established by the council that, together with the state library, will formulate land information plans.~~

(3) "Montana spatial data infrastructure" or "MSDI" means digitally formatted land geospatial information, policies, best practices, and data products that is are identified by the council as necessary to meet the land geospatial information needs of the state of Montana and its citizens. The MSDI can and does include data themes identified in the National Spatial Data Infrastructure and where collaborative opportunities exist, presents an opportunity to support framework data for the nation.

(4) "State agency" means any entity of the executive branch, legislative branch, or judicial branch, including without limitation the university. ~~system as defined in 2-15-102, MCA.~~

(5) "Statement of work" means a description of scope of a project including any background statements, a comprehensive listing of responsibilities for buyers and sellers, deliverables and their schedules, acceptance criteria, and special terms and conditions of performance.

(6) "Theme stewards" means those agencies or organizations recognized by the council as having responsibility for leading and promoting land geospatial information, geospatial technology, and/or geographic information systems (GIS) that is are considered part of the Montana spatial data infrastructure.

Reasoning: definitions mirror revised legislation and proposed changes to rules.

**10.102.9103 — APPOINTMENT OF LAND INFORMATION PLAN AND GRANT REVIEW SUBCOMMITTEES**

~~(1) Each fiscal year, the council will appoint a land information plan subcommittee and grant review subcommittee from existing council members to advise the state library, on behalf of the council, on the land information plan, grant criteria, and prioritization of grant submittals.~~

~~(2) The subcommittees will minimally consist of:~~

~~(a) a state agency representative;~~



- ~~(b) a federal agency representative;~~
  - ~~(c) a tribal representative;~~
  - ~~(d) a local government representative;~~
  - ~~(e) a private sector representative;~~
  - ~~(f) a member representing a Montana association of geographic information systems (GIS) professionals; and~~
  - ~~(g) one of the legislative members.~~
- ~~(3) The subcommittees shall elect a chair from their membership.~~
- ~~(4) The subcommittees shall gather and distribute materials to the entire council in a manner determined by the council.~~

Reasoning: a subcommittee is no longer necessary given the new make-up of the committee.



**10.102.9104 ANNUAL LAND GEOSPATIAL INFORMATION PLAN**

(1) Annual land Geospatial information plans will be developed to meet the purpose of the Montana Land Geospatial Information Act, including the coordination, creation, collection, maintenance, integration, or dissemination of MSDI themes, geospatial standards, or other associated work.

(2) Theme stewards may provide to the ~~land information plan subcommittee~~ Council suggested specific goals and objectives relating to the theme they represent ~~for the next fiscal year.~~

~~(3) By December 15~~ September 1 of each fiscal year, the state library shall complete a review of the land geospatial information plan. ~~and submit the plan to the state library commission for approval. Upon approval by the library commission the state library shall publish the final plan on the library's web site.~~

~~(3)(4) If updates or a rewrite are necessary, the state library shall prepare its suggested goals and objectives for the same time period, and shall provide the land geospatial information plan subcommittee and the budget necessary to carry out these duties and responsibilities. During the same period the The State library will ask seek for public comment on changes to the plan. 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 stewards, 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.~~

(5) The state library will seek public comment on the plan.

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

Reasoning: revised legislation no longer requires the State Library to draft an annual land plan annually. The proposed rules allow more flexibility.

**10.102.9105 ESTABLISHING THE GRANT APPLICATION AND GRANTING PROCESS**

~~(1) By January 15 of each fiscal year, The state library, with advice from the grant review subcommittee, shall develop the grant criteria for the fiscal year beginning on the following July 4, based upon the goals and objectives from the land geospatial information plan, and shall publish the grant criteria, grant application forms, and instructions for submitting grant~~



applications to the library's web site. Grant criteria ~~may~~ will allow for two-year funding and may allow for multiyear projects.

(2) Grant applications received by the state library that comply with applicable grant procedures before 5:00 p.m. on February 15 will be considered for funding.

~~(3) Upon receipt, the 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 even-numbered year, the state library, based on grant criteria and with advice of the grant review subcommittee council, shall identify and prioritize grant applications that meet the grant criteria and warrant approval ~~and shall rank them in priority order~~. Previously approved multiyear projects may be placed at the top of the priority list. The ~~grant review subcommittee chair~~ state library shall distribute the results to the council, ~~consider additional comments, and report those comments to the state library Council if necessary.~~

(5) By May 15 of each fiscal even-numbered year, the state library commission, with advice of the Council ~~grant review subcommittee~~, shall finalize the priority order of the award grants.

~~(6) The 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.~~

Reasoning: revised rules will allow for a biennial grant application period rather than requiring grants to be awarded annually. This change is more efficient of staff and applicants and by reducing the work required to administer a grant application process and also eliminates the work required to grant extensions to grantees who typically require two years to complete grants.

#### ~~10.102.9106 — MONITORING THE MONTANA LAND INFORMATION ACCOUNT FUNDS~~

~~(1) The state library shall monitor each grant, contracted service, or federal matching fund. Depending upon the deliverables or types of services, the state library may require additional quarterly or other reports that verify the deliverables or services are meeting documented specifications.~~

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

Reasoning: this rule serves no practical purpose.