

1 SENATE BILL NO. 272

2 INTRODUCED BY G. VANCE, C. KNUDSEN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE INFORMATION TECHNOLOGY BOARD;
5 ALLOWING FOR THREE MEMBERS WHO ARE STATE AGENCY DIRECTORS; PROVIDING EXEMPTIONS;
6 AMENDING SECTIONS 2-15-1021 AND 2-17-516, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
7 DATE."

8

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

10

11 **Section 1.** Section 2-15-1021, MCA, is amended to read:12 **"2-15-1021. Information technology board -- membership -- qualifications -- vacancies --**

13 **compensation.** (1) There is an information technology board. The board consists of 19 members who are
14 appointed as follows:

15 (a) the director of the department of administration, who serves as presiding officer of the board;

16 (b) the chief information officer provided for in 2-17-511;

17 (c) the director of the office of budget and program planning;

18 (d) ~~six~~ three members who are directors of state agencies and who are appointed by the governor;

19 (e) two members representing local government, appointed by the governor;

20 (f) one member representing the public service commission, appointed by the public service

21 commission;

22 (g) one member representing the private sector, appointed by the governor;

23 (h) one member of the house of representatives, appointed by the speaker of the house of

24 representatives;

25 (i) one member of the senate, appointed by the president of the senate;

26 (j) one member representing the legislative branch, appointed by the legislative branch information

27 technology planning council;

28 (k) one member representing the judicial branch, appointed by the chief justice of the supreme court;

- 1 (l) one member representing the university system, appointed by the board of regents; ~~and~~
 2 (m) one member representing K-12 education, appointed by the superintendent of public instruction;
 3 (n) the attorney general or their designee;
 4 (o) the secretary of state or their designee; and
 5 (p) the state auditor or their designee.

6 (2) Appointments must be made without regard to political affiliation and must be made solely for the
 7 wise management of the information technology resources used by the state.

8 (3) A vacancy occurring on the board must be filled by the appointing authority in the same manner as
 9 the original appointment.

10 (4) The board shall function in an advisory capacity as defined in 2-15-102.

11 (5) Members of the board must be reimbursed and compensated in the same manner as members of
 12 quasi-judicial boards under 2-15-124(7), except that legislative members are reimbursed and compensated as
 13 provided in 5-2-302."
 14

15 **Section 2.** Section 2-17-516, MCA, is amended to read:

16 **"2-17-516. Exemptions -- department of justice -- SECRETARY OF STATE -- university system --**
 17 **office of public instruction -- national guard.** (1) Unless the proposed activities would detrimentally affect the
 18 operation of the central computer center or the statewide telecommunications network, the office of public
 19 instruction is exempt from 2-17-512(1)(k) and (1)(l).

20 (2) Unless the proposed activities would detrimentally affect the operation of the central computer
 21 center or the statewide telecommunications network, the department of justice, THE SECRETARY OF STATE, and
 22 the university system ~~is~~ are exempt from:

- 23 (a) the enforcement provisions of 2-17-512(1)(d) and (1)(e) and 2-17-514;
 24 (b) the approval provisions of 2-17-512(1)(f), 2-17-523, and 2-17-527;
 25 (c) the budget approval provisions of 2-17-512(1)(g); and
 26 (d) the provisions of 2-17-512(1)(k) and (1)(l).

27 (3) The department, upon notification of proposed activities by the department of justice, THE
 28 SECRETARY OF STATE, the university system, or the office of public instruction, shall determine if the central

1 computer center or the statewide telecommunications network would be detrimentally affected by the proposed
2 activity.

3 (4) (a) For purposes of this section, a proposed activity affects the operation of the central computer
4 center or the statewide telecommunications network if it detrimentally affects the processing workload,
5 reliability, cost of providing service, or support service requirements of the central computer center or the
6 statewide telecommunications network.

7 (b) Potential loss of revenue from fees paid by the department of justice, THE SECRETARY OF STATE, the
8 university system, or the office of public instruction for not utilizing services offered by the department are not
9 considered a detrimental effect to the statewide telecommunications network or central computer center.

10 (5) When reviewing proposed activities of the university system, the department shall consider and
11 make reasonable allowances for the unique educational needs and characteristics and the welfare of the
12 university system as determined by the board of regents.

13 (6) When reviewing proposed activities of the office of public instruction, the department shall
14 consider and make reasonable allowances for the unique educational needs and characteristics of the office of
15 public instruction to communicate and share data with school districts.

16 (7) When reviewing proposed activities of the department of justice, the department shall consider
17 and make reasonable allowances for the unique safety and security needs and characteristics of the
18 department of justice to communicate and share data with federal, state, and local law enforcement entities.

19 ~~(7)(8)~~ Section 2-17-512(1)(u) may not be construed to prohibit the university system from accepting
20 federal funds or gifts, grants, or donations related to information technology or telecommunications.

21 ~~(8)(9)~~ The national guard, as defined in 10-1-101(3), is exempt from 2-17-512."

22

23 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

24

- END -