

SENATE BILL NO. 272

INTRODUCED BY G. VANCE, C. KNUDSEN

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

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

Section 1. Section 2-15-1021, MCA, is amended to read:

"2-15-1021. Information technology board -- membership -- qualifications -- vacancies -- compensation. (1) There is an information technology board. The board consists of ~~19~~ 17 members who are appointed as follows:

- (a) the director of the department of administration, who serves as presiding officer of the board;
- (b) the chief information officer provided for in 2-17-511;
- (c) the director of the office of budget and program planning;
- (d) ~~six~~ three members who are directors of state agencies and who are appointed by the governor;
- (e) two members representing local government, appointed by the governor;
- (f) one member representing the public service commission, appointed by the public service commission;
- (g) one member representing the private sector, appointed by the governor;
- (h) one member of the house of representatives, appointed by the speaker of the house of representatives;
- (i) one member of the senate, appointed by the president of the senate;
- ~~(j) one member representing the legislative branch, appointed by the legislative branch information technology planning council;~~
- ~~(k)~~(j) one member representing the judicial branch, appointed by the chief justice of the supreme

1 court;

2 ~~(l) one member representing the university system, appointed by the board of regents; and~~

3 ~~(m) one member representing K-12 education, appointed by the superintendent of public instruction;~~

4 ~~(n)(k) the attorney general or their designee;~~

5 ~~(o)(L) the secretary of state or their designee; and~~

6 ~~(p)(M) the state auditor or their designee.~~

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

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

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

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

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

17 **"2-17-516. Exemptions -- department of justice -- SECRETARY OF STATE -- university system --**

18 **office of public instruction -- national guard.** (1) Unless the proposed activities would detrimentally affect the
19 operation of the central computer center or the statewide telecommunications network, the office of public
20 instruction ~~is~~ AND THE SECRETARY OF STATE ARE exempt from 2-17-512(1)(k) and (1)(l).

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

24 (a) the enforcement provisions of 2-17-512(1)(d) and (1)(e) and 2-17-514;

25 (b) the approval provisions of 2-17-512(1)(f), 2-17-523, and 2-17-527;

26 (c) the budget approval provisions of 2-17-512(1)(g); and

27 (d) the provisions of 2-17-512(1)(k) and (1)(l).

28 (3) The department, upon notification of proposed activities by the department of justice, THE

1 SECRETARY OF STATE, the university system, or the office of public instruction, shall determine if the central
 2 computer center or the statewide telecommunications network would be detrimentally affected by the proposed
 3 activity.

4 (4) (a) For purposes of this section, a proposed activity affects the operation of the central computer
 5 center or the statewide telecommunications network if it detrimentally affects the processing workload,
 6 reliability, cost of providing service, or support service requirements of the central computer center or the
 7 statewide telecommunications network OR FAILS TO MEET THE MINIMUM SECURITY POLICIES AND STANDARDS SET BY
 8 THE DEPARTMENT.

9 (b) Potential loss of revenue from fees paid by the department of justice, THE SECRETARY OF STATE, the
 10 university system, or the office of public instruction for not utilizing services offered by the department are not
 11 considered a detrimental effect to the statewide telecommunications network or central computer center. IF THE
 12 DEPARTMENT OF JUSTICE, THE SECRETARY OF STATE, THE UNIVERSITY SYSTEM, OR THE OFFICE OF PUBLIC INSTRUCTION
 13 DOES NOT UTILIZE A SERVICE PROGRAM AFTER THE DEPARTMENT'S RATE WAS SET FOR THE BIENNIUM, THE AGENCY
 14 SHALL CONTINUE TO PAY ANY FEES ASSOCIATED WITH THE SERVICE OR PROGRAM FOR THE REMAINDER OF THE
 15 BIENNIUM.

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

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

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

25 ~~(7)~~(8) Section 2-17-512(1)(u) may not be construed to prohibit the university system from accepting
 26 federal funds or gifts, grants, or donations related to information technology or telecommunications.

27 ~~(8)~~(9) The national guard, as defined in 10-1-101(3), is exempt from 2-17-512."
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