

## 1 SENATE BILL NO. 272

2 INTRODUCED BY G. VANCE, C. KNUDSEN

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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."

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

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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~~ 17 18 members who  
 14 are 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 (J) ONE MEMBER REPRESENTING THE LEGISLATIVE BRANCH, APPOINTED BY THE LEGISLATIVE BRANCH

1 INFORMATION TECHNOLOGY PLANNING COUNCIL;

2 ~~(k)(j)(k)~~ one member representing the judicial branch, appointed by the chief justice of the supreme  
3 court;

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

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

6 (L) ONE MEMBER REPRESENTING K-12 EDUCATION, APPOINTED BY THE SUPERINTENDENT OF PUBLIC

7 INSTRUCTION;

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

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

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

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

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

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

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

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

21 **"2-17-516. Exemptions -- department of justice -- SECRETARY OF STATE -- university system --**

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

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

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

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

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

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

4 (3) The department, upon notification of proposed activities by the department of justice, THE  
5 SECRETARY OF STATE, the university system, or the office of public instruction, shall determine if the central  
6 computer center or the statewide telecommunications network would be detrimentally affected by the proposed  
7 activity.

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

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

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

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

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

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

3           ~~(8)~~(9) The national guard, as defined in 10-1-101(3), is exempt from 2-17-512."  
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5           NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.  
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