

## 1 HOUSE BILL NO. 560

2 INTRODUCED BY PIERSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS REGARDING THE LEGISLATIVE BRANCH  
5 COMPUTER SYSTEM PLANNING COUNCIL; CHANGING THE NAME OF THE PLANNING COUNCIL;  
6 PROVIDING FOR AN ENTERPRISE ARCHITECTURE PROGRAM, TECHNOLOGY STANDARDS, AND  
7 PRINCIPLES; AMENDING SECTIONS 2-15-1021, 2-17-518, 5-11-401, 5-11-402, 5-11-403, 5-11-404, 5-11-405,  
8 5-11-406, AND 5-11-407, MCA; AND PROVIDING AN EFFECTIVE DATE."

9

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

11

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

13 **"2-15-1021. Information technology board -- membership -- qualifications -- vacancies --**  
14 **compensation.** (1) There is an information technology board. The board consists of 19 members who are  
15 appointed as follows:

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

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

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

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

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

21 (f) one member representing the public service commission, appointed by the public service 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 ~~computer system~~  
27 information technology planning council;

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

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

30 (m) one member representing K-12 education, appointed by the superintendent of public instruction.

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

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

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

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

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10 **Section 2.** Section 2-17-518, MCA, is amended to read:

11 **"2-17-518. Rulemaking authority.** (1) The department shall adopt rules to implement this part, including  
12 the following:

13 (a) rules to guide the review and approval process for state agency software and management systems  
14 that provide similar functions for multiple state agencies, which must include but are not limited to:

15 (i) identifying the software and management systems that must be approved;

16 (ii) establishing the information that state agencies are required to provide to the department; and

17 (iii) establishing guidelines for the department's approval decision;

18 (b) rules to guide the review and approval process for state agency acquisition of information technology  
19 resources, which must include but are not limited to processes and requirements for:

20 (i) agency submissions to gain approval for acquiring information technology resources;

21 (ii) approving specifications for information technology resources; and

22 (iii) approving contracts for information technology resources; and

23 (c) rules for granting exceptions from the requirements of this part, which must include but are not limited  
24 to:

25 (i) a process for applying for an exception; and

26 (ii) guidelines for determining the department's approval decision.

27 (2) The department may adopt rules to guide the development of state agency information technology  
28 plans. The rules may include:

29 (a) agency plan review procedures;

30 (b) agency plan content requirements;

- 1 (c) guidelines for the department's approval decision; and  
 2 (d) dispute resolution processes and procedures.  
 3 (3) Adequate rules for the use of any information technology resources must be adopted by the:  
 4 ~~——(a) supreme court for judicial branch agencies; and,~~  
 5 ~~——(b)(4) The legislative council shall adopt enterprise principles and technical standards within an~~  
 6 ~~enterprise architecture program~~ as a part of the legislative branch ~~computer system~~ information technology plan,  
 7 as provided for in 5-11-405, that will fulfill the intent of adequate rules for use of information technology resources  
 8 for the consolidated legislative branch, as provided for in 5-2-504."

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 10 **Section 3.** Section 5-11-401, MCA, is amended to read:  
 11 **"5-11-401. Purpose.** It is the purpose of this part to establish a mechanism for ~~computer system~~  
 12 information technology planning encompassing broad policy needs, long-term direction for ~~computer~~ information  
 13 systems use, and the effective implementation of a detailed plan for the legislative branch. It is the purpose of  
 14 the plan to ~~assure~~ ensure coordination of information system decisions so that the overall effectiveness of the  
 15 senate, the house of representatives, and legislative agencies may be improved. It is the further purpose of the  
 16 plan to enhance the coordination of legislative branch systems with executive branch systems ~~wherever~~  
 17 whenever possible."

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 19 **Section 4.** Section 5-11-402, MCA, is amended to read:  
 20 **"5-11-402. Legislative branch ~~computer system~~ information technology planning council.** There  
 21 is a legislative branch ~~computer system~~ information technology planning council composed of:  
 22 (1) the secretary of the senate;  
 23 ~~(2) or another one~~ representative of the senate designated by the president;  
 24 ~~(2)(3)~~ the chief clerk of the house of representatives;  
 25 ~~(4) or another one~~ representative of the house designated by the speaker;  
 26 ~~——(3) the sergeants-at-arms in the two houses or another representative of each house designated by the~~  
 27 ~~presiding officer of that house;~~  
 28 ~~——(4)(5)~~ the executive director of the legislative services division, who shall chair the planning council;  
 29 ~~(5)(6)~~ the legislative auditor;  
 30 ~~(6)(7)~~ the legislative fiscal analyst;

1           ~~(7)~~(8) the consumer counsel;  
 2           ~~(9) the chief information officer of the legislative branch, who shall serve as a nonvoting member of the~~  
 3 ~~council~~; and  
 4           ~~(8)~~(10) a person designated by the director of the department of administration to represent the  
 5 information technology responsibilities of the department, who shall serve as a nonvoting member of the planning  
 6 council."

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8           **Section 5.** Section 5-11-403, MCA, is amended to read:

9           **"5-11-403. Duties of legislative branch ~~computer system~~ information technology planning council.**

10 ~~(1)~~ The legislative branch ~~computer system~~ information technology planning council shall develop and maintain  
 11 a legislative branch ~~computer system~~ information technology plan. In developing and maintaining this plan, the  
 12 planning council shall:

13           ~~(1) approve and validate the branch enterprise architecture program that includes principles to maintain~~  
 14 ~~alignment with evolving business and technology needs;~~

15           ~~(a)~~(2) continuously review ~~or have reviewed~~ analyses of existing and alternate information systems ~~that~~  
 16 ~~are to identify~~ candidates for automation, modernization, or enhancement, ~~as well as review existing automated~~  
 17 ~~systems that may be improved or integrated~~ improvement, or integration with new applications to support evolving  
 18 legislative branch needs or functions;

19           ~~(b)~~(3) ~~develop and maintain~~ include in the plan a description of functions ~~or and~~ services in the legislative  
 20 branch and its agencies that would, ~~through~~ benefit from the application or improvement of computer information  
 21 technology; to provide better service to members of the legislature, legislative agencies, and the public;

22           ~~(c)~~(4) ~~develop and maintain a ranking of needs, taking into consideration the relative effectiveness and~~  
 23 ~~probable cost of alternative systems~~ prioritize information technology initiatives, taking into consideration  
 24 expected effectiveness, probable cost, and alignment with the enterprise architecture principles; and

25           ~~(d)~~(5) ~~develop and maintain recommended system standards for the legislative branch and standard or~~  
 26 ~~custom software and hardware solutions~~ adopt technology standards within the enterprise architecture program  
 27 that are appropriate to the business needs and technical environment of the legislative branch and its agencies;  
 28 and

29           ~~(6)~~ consider information technology support of security, disaster recovery, and continuity of government.

30           ~~(2)~~ To the extent possible:

- 1 ~~\_\_\_\_\_ (a) future applications should be explicitly identified in the plan;~~  
 2 ~~\_\_\_\_\_ (b) current applications should allow a high degree of flexibility so that future applications are not limited;~~  
 3 ~~and~~  
 4 ~~\_\_\_\_\_ (c) both current and future applications should be coordinated and compatible with the standards and~~  
 5 ~~goals of the executive branch as expressed in the state strategic information technology plan provided for in~~  
 6 ~~2-17-521, as well as the legislative branch standards developed in accordance with the requirement in subsection~~  
 7 ~~(1)(d)."~~

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 9 **Section 6.** Section 5-11-404, MCA, is amended to read:

10 **"5-11-404. Technical support.** (1) The executive director of the legislative services division shall provide  
 11 technical staff support to the legislative branch ~~computer system~~ information technology planning council. In  
 12 performing this duty, the legislative services division shall assist the planning council by:

- 13 (a) developing and maintaining an enterprise architecture program to include:  
 14 (i) enterprise architecture principles and technology standards that are aligned with business needs;  
 15 (ii) decisionmaking processes that guide the application of the principles; and  
 16 (iii) a repository of business and technical information to support sound decisions;  
 17 ~~(a)(b)~~ developing or having developed analyses of existing and alternate systems to identify candidates  
 18 for automation, modernization, or enhancement;  
 19 ~~\_\_\_\_\_ (b) providing technical solutions and advice related to the standards set by the planning council;~~  
 20 (c) assisting in assessing benefits and costs of ~~optional~~ alternate solutions;  
 21 (d) apprising the planning council of developments and ~~directions~~ trends in the technology industry;  
 22 (e) maintaining a liaison with and informing the planning council of plans and directions within the  
 23 executive branch;  
 24 (f) ~~assisting in the selection~~ selecting and purchasing of supplies and equipment that support the  
 25 enterprise architecture principles adopted by the planning council;  
 26 (g) providing information and advice regarding information technology support of security, disaster  
 27 recovery, and continuity of government; and  
 28 ~~(g)(h)~~ providing other assistance as may be requested.  
 29 (2) The executive director shall encourage participation of appropriate personnel of the senate, the house  
 30 of representatives, and other legislative entities in the provision of technical support."

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2           **Section 7.** Section 5-11-405, MCA, is amended to read:

3           **"5-11-405. Legislative branch ~~computer system~~ information technology plan -- adoption.** The  
4 legislative branch ~~computer system~~ information technology plan is a biennial plan that reflects the budget  
5 proposals for the next biennium that must be approved and adopted by the legislative council."  
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7           **Section 8.** Section 5-11-406, MCA, is amended to read:

8           **"5-11-406. Legislative branch systems -- conformity to standards.** ~~Computer hardware and software~~  
9 Information technology systems installed by the senate, the house of representatives, and legislative branch  
10 agencies must conform to standards established in by the legislative branch ~~computer system plan~~ for the  
11 enterprise architecture in effect at the time the purchasing decision is made."  
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13           **Section 9.** Section 5-11-407, MCA, is amended to read:

14           **"5-11-407. Legislative branch reserve account.** (1) There is a legislative branch reserve account in  
15 the state special revenue fund. Money may be deposited in the account through an allocation of money to the  
16 account or as provided in 17-7-304.

17           (2) (a) The money in the account is statutorily appropriated, as provided in 17-7-502, to the legislative  
18 services division to be used only for major legislative branch information technology projects, including the  
19 purchase of hardware, software, and consulting services for and training related to new initiatives and  
20 replacement and upgrading of existing systems.

21           (b) The money in the account may be expended only with the approval of the legislative council. The  
22 legislative branch ~~computer system~~ information technology planning council may make recommendations to the  
23 legislative council for the use of the money in the account.

24           (3) The money in the account must be invested pursuant to Title 17, chapter 6. The income and earnings  
25 on the account must be deposited in the account."  
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27           NEW SECTION. **Section 10. Effective date.** [This act] is effective July 1, 2013.

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