



AN ACT REPEALING THE DEPARTMENT OF ADMINISTRATION'S AUTHORITY TO TRANSFER INFORMATION TECHNOLOGY FUNDS, EQUIPMENT, FACILITIES, AND EMPLOYEES; AMENDING SECTIONS 2-17-513 AND 2-17-516, MCA; REPEALING SECTION 2-17-531, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 2-17-513, MCA, is amended to read:

"2-17-513. Duties of board. The board shall:

- (1) provide a forum to:
 - (a) guide state agencies, the legislative branch, the judicial branch, and local governments in the development and deployment of intergovernmental information technology resources;
 - (b) share information among state agencies, local governments, and federal agencies regarding the development of information technology resources;
- (2) advise the department in the development of cooperative contracts for the purchase of information technology resources;
- (3) review and advise the department on:
 - (a) statewide information technology standards and policies;
 - (b) the state strategic information technology plan;
 - (c) major information technology budget requests;
 - (d) rates and other charges for services established by the department as provided in 2-17-512(1)(t);
 - (e) requests for exceptions as provided for in 2-17-515;
 - (f) notification of proposed exemptions by the university system and office of public instruction as provided for in 2-17-516;
 - (g) action taken by the department as provided in 2-17-514(1) for any activity that is not in compliance with this part; and

- ~~(h) transfer of information technology funds, resources, and employees as provided for in 2-17-531; and~~
- ~~(i)(h)~~ the implementation of major information technology projects and advise the respective governing authority of any issue of concern to the board relating to implementation of the project;
- (4) study state government's present and future information technology needs and advise the department on the use of emerging technology in state government; and
- (5) request information and reports that it considers necessary from any entity using or having access to the statewide telecommunications network or central computer center."

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

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

(2) Unless the proposed activities would detrimentally affect the operation of the central computer center or the statewide telecommunications network, the university system is exempt from:

- (a) the enforcement provisions of 2-17-512(1)(d) and (1)(e) and 2-17-514;
- (b) the approval provisions of 2-17-512(1)(f), 2-17-523, and 2-17-527;
- (c) the budget approval provisions of 2-17-512(1)(g); and
- (d) the provisions of 2-17-512(1)(k) and (1)(l); ~~and~~
- ~~(e) the transfer provisions of 2-17-531.~~

(3) The department, upon notification of proposed activities by the university system or the office of public instruction, shall determine if the central computer center or the statewide telecommunications network would be detrimentally affected by the proposed activity.

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

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

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

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

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

Section 3. Repealer. The following section of the Montana Code Annotated is repealed:
2-17-531. Transfer of funds, equipment, facilities, and employees.

Section 4. Effective date. [This act] is effective July 1, 2015.

- END -

I hereby certify that the within bill,
HB 0288, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2015.

President of the Senate

Signed this _____ day
of _____, 2015.

HOUSE BILL NO. 288

INTRODUCED BY T. RICHMOND

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