

SENATE BILL NO. 465
INTRODUCED BY V. COCCHIARELLA

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE STATE COMPENSATION INSURANCE FUND AND ITS BOARD OF DIRECTORS FROM THE MONTANA ELECTRONIC GOVERNMENT SERVICES ACT AND CERTAIN PROVISIONS OF THE MONTANA INFORMATION TECHNOLOGY ACT; AMENDING SECTIONS 2-17-506, 2-17-513, 2-17-516, AND 2-17-532, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Exemption.** The state compensation insurance fund, provided for in 39-71-2313, and the board of directors of the state compensation insurance fund, established in 2-15-1019, are exempt from the Montana Electronic Government Services Act.

Section 2. Section 2-17-506, MCA, is amended to read:

"2-17-506. Definitions. In this part, unless the context requires otherwise, the following definitions apply:

- (1) "Board" means the information technology board established in 2-15-1021.
- (2) "Central computer center" means any stand-alone or shared computer and associated equipment, software, facilities, and services administered by the department for use by state agencies.
- (3) "Chief information officer" means a person appointed by the director of the department to carry out the duties and responsibilities of the department relating to information technology.
- (4) "Data" means any information stored on information technology resources.
- (5) "Department" means the department of administration established in 2-15-1001.
- (6) "Electronic access system" means a system capable of making data accessible by means of an information technology facility in a voice, video, or electronic data form, including but not limited to the internet.
- (7) "Information technology" means hardware, software, and associated services and infrastructure used to store or transmit information in any form, including voice, video, and electronic data.
- (8) "State agency" means any entity of the executive branch, including the university system.
- (9) "State fund" means the state compensation insurance fund, provided for in 39-71-2313, and includes the board of directors of the state compensation insurance fund, established in 2-15-1019.
- ~~(9)(10)~~ "Statewide telecommunications network" means any telecommunications facilities, circuits,

equipment, software, and associated contracted services administered by the department for the transmission of voice, video, or electronic data from one device to another."

Section 3. 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, the~~ office of public instruction, and the state fund 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;
 - (h) transfer of information technology funds, resources, and employees as provided for in 2-17-531; and
 - (i) 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 4. Section 2-17-516, MCA, is amended to read:

"2-17-516. Exemptions -- university system -- office of public instruction -- national guard -- state fund. (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~~ and the state fund are 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);
- (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, or the state fund, 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) When reviewing proposed activities of the state fund, the department shall consider and make reasonable allowances for the unique workers' compensation insurance needs and characteristics of the state fund to provide workers' compensation coverage and services to employers and their employees insured by the state fund.

~~(7)(8)~~ 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)(9)~~ The national guard, as defined in 10-1-101(3), is exempt from 2-17-512.

(10) The state fund is exempt from the provisions of 2-17-512(1)(m), 2-17-512(1)(n), and 2-17-534."

Section 5. Section 2-17-532, MCA, is amended to read:

"2-17-532. Establishment. (1) ~~The~~ Except as provided in subsection (2), the department shall establish and maintain appropriate electronic access systems for state agencies to use to provide direct electronic access to information and services by citizens, businesses, and other government entities. State agencies shall establish electronic access systems that meet minimum technical standards established by the department. Agencies involved in communicating information or providing services to the public shall use these systems to provide appropriate information to the public, including but not limited to:

- (a) descriptions of agency functions, including contact information;
- (b) agency program services provided to citizens, businesses, and other government entities;
- (c) environmental assessments;
- (d) rulemaking notices;
- (e) board vacancy notices as required by 2-15-201;
- (f) agency reports mandated by statute;
- (g) parks reports required by 23-1-110;
- (h) requests for bids or proposals; and
- (i) public meeting notices and agendas.

(2) The state fund shall establish and maintain its own separate electronic access system that meets minimum technical standards established by the department.

~~(2)~~(3) The purpose of electronic access systems is to encourage the practice of providing for direct citizen, business, and other government entity access to state computerized information and services."

NEW SECTION. **Section 6. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 2, chapter 17, part 11, and the provisions of Title 2, chapter 17, part 11, apply to [section 1].

NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2007.

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