

HOUSE BILL NO. 296

INTRODUCED BY P. NOONAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO COORDINATION OF PUBLIC
5 SAFETY COMMUNICATIONS; CREATING A MUTUAL AID FREQUENCY PROGRAM FOR LAND MOBILE
6 RADIO; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO DEVELOP A MANUAL CONCERNING
7 MUTUAL AID FREQUENCIES FOR LAND MOBILE RADIO; PROVIDING DEFINITIONS; PROVIDING
8 RULEMAKING AUTHORITY; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO COORDINATE
9 CERTAIN PUBLIC SAFETY COMMUNICATIONS; AMENDING SECTIONS 2-17-506, 2-17-512, AND 2-17-543,
10 MCA; AND REPEALING SECTIONS 2-17-541 AND 2-17-542, MCA."

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

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14 NEW SECTION. **Section 1. Mutual aid frequency program for land mobile radio.** The mutual aid
15 frequency program for land mobile radio is designed to provide public and private safety agencies with a set of
16 land mobile radio frequencies and predetermined operational parameters that serve as a basis for initial,
17 on-scene emergency coordination and the resolution of interoperability issues.

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19 NEW SECTION. **Section 2. Mutual aid frequencies manual -- land mobile radio.** The department
20 shall develop and maintain a manual that includes policies and procedures for the effective and efficient use of
21 mutual aid frequencies for land mobile radio.

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23 **Section 3.** Section 2-17-506, MCA, is amended to read:

24 **"2-17-506. Definitions.** In this part, unless the context requires otherwise, the following definitions apply:

- 25 (1) "Board" means the information technology board established in 2-15-1021.
26 (2) "Central computer center" means any stand-alone or shared computer and associated equipment,
27 software, facilities, and services administered by the department for use by state agencies.
28 (3) "Chief information officer" means a person appointed by the director of the department to carry out
29 the duties and responsibilities of the department relating to information technology.
30 (4) "Data" means any information stored on information technology resources.

1 (5) "Department" means the department of administration established in 2-15-1001.

2 (6) "Electronic access system" means a system capable of making data accessible by means of an
3 information technology facility in a voice, video, or electronic data form, including but not limited to the internet.

4 (7) "Information technology" means hardware, software, and associated services and infrastructure used
5 to store or transmit information in any form, including voice, video, and electronic data.

6 ~~(8) "Private safety agency" has the same meaning as provided in 10-4-101.~~

7 ~~(9) "Public safety agency" has the same meaning as provided in 10-4-101.~~

8 ~~(8)(10) "State agency" means any entity of the executive branch, including the university system.~~

9 ~~(9)(11) "Statewide telecommunications network" means any telecommunications facilities, circuits,~~
10 equipment, software, and associated contracted services administered by the department for the transmission
11 of voice, video, or electronic data from one device to another."
12

13 **Section 4.** Section 2-17-512, MCA, is amended to read:

14 **"2-17-512. Powers and duties of department.** (1) The department is responsible for carrying out the
15 planning and program responsibilities for information technology for state government, except the national guard.

16 The department:

17 (a) shall encourage and foster the development of new and innovative information technology within state
18 government;

19 (b) shall promote, coordinate, and approve the development and sharing of shared information
20 technology application software, management systems, and information that provide similar functions for multiple
21 state agencies;

22 (c) shall cooperate with the office of economic development to promote economic development initiatives
23 based on information technology;

24 (d) shall establish and enforce a state strategic information technology plan as provided for in 2-17-521;

25 (e) shall establish and enforce statewide information technology policies and standards;

26 (f) shall review and approve state agency information technology plans provided for in 2-17-523;

27 (g) shall coordinate with the office of budget and program planning to evaluate budget requests that
28 include information technology resources. The department shall make recommendations to the office of budget
29 and program planning for the approval or disapproval of information technology budget requests, including an
30 estimate of the useful life of the asset proposed for purchase and whether the amount should be expensed or

1 capitalized, based on state accounting policy established by the department. An unfavorable recommendation
2 must be based on a determination that the request is not provided for in the approved agency information
3 technology plan provided for in 2-17-523.

4 (h) shall staff the information technology board provided for in 2-15-1021;

5 (i) shall fund the administrative costs of the information technology board provided for in 2-15-1021;

6 (j) shall review the use of information technology resources for all state agencies;

7 (k) shall review and approve state agency specifications and procurement methods for the acquisition
8 of information technology resources;

9 (l) shall review, approve, and sign all state agency contracts and shall review and approve other formal
10 agreements for information technology resources provided by the private sector and other government entities;

11 (m) shall operate and maintain a central computer center for the use of state government, political
12 subdivisions, and other participating entities under terms and conditions established by the department;

13 (n) shall operate and maintain a statewide telecommunications network for the use of state government,
14 political subdivisions, and other participating entities under terms and conditions established by the department;

15 (o) shall ensure that the statewide telecommunications network is properly maintained. The department
16 may establish a centralized maintenance program for the statewide telecommunications network.

17 (p) shall coordinate public safety communications on behalf of ~~all state~~ public and private safety agencies
18 as provided for in ~~2-17-541 through 2-17-543, [section 1], and [section 2];~~

19 (q) shall manage the state 9-1-1 program as provided for in Title 10, chapter 4, part 3;

20 (r) shall provide electronic access to information and services of the state as provided for in 2-17-532;

21 (s) shall provide assistance to the legislature, the judiciary, the governor, and state agencies relative to
22 state and interstate information technology matters;

23 (t) shall establish rates and other charges for services provided by the department;

24 (u) must accept federal funds granted by congress or by executive order and gifts, grants, and donations
25 for any purpose of this section;

26 (v) shall dispose of personal property owned by it in a manner provided by law when, in the judgment
27 of the department, the disposal best promotes the purposes for which the department is established;

28 (w) shall implement this part and all other laws for the use of information technology in state government;

29 (x) shall report to the appropriate interim committee on a regular basis and to the legislature as provided
30 in 5-11-210 on the information technology activities of the department; and

1 (y) shall represent the state with public and private entities on matters of information technology.

2 (2) If it is in the state's best interest, the department may contract with qualified private organizations,
3 foundations, or individuals to carry out the purposes of this section.

4 (3) The director of the department shall appoint the chief information officer to assist in carrying out the
5 department's information technology duties."
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7 **Section 5.** Section 2-17-543, MCA, is amended to read:

8 **"2-17-543. Rulemaking authority.** (1) The department may adopt rules to implement the ~~land mobile~~
9 ~~public safety radio frequency utilization plan~~ mutual aid frequency manual provided for in ~~2-17-542~~ [section 2].

10 (2) The department shall obtain input from all ~~state and local~~ public and private safety agency users of
11 ~~public safety radio services~~ mutual aid frequencies for land mobile radio."
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13 NEW SECTION. **Section 6. Repealer.** The following sections of the Montana Code Annotated are
14 repealed:

15 2-17-541. Legislative recognition -- FCC contact agency.

16 2-17-542. Land mobile public safety radio frequency utilization plan.
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18 NEW SECTION. **Section 7. Codification instruction.** [Sections 1 and 2] are intended to be codified
19 as an integral part of Title 2, chapter 17, part 5, and the provisions of Title 2, chapter 17, part 5, apply to [sections
20 1 and 2].
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