

1 HOUSE BILL NO. 47
2 INTRODUCED BY J. DOOLING
3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE MONTANA INFORMATION
6 TECHNOLOGY ACT; REVISING TERMINOLOGY; REVISING RULEMAKING AUTHORITY; PROVIDING THE
7 DEPARTMENT OF ADMINISTRATION SOLE AUTHORITY TO TERMINATE AN AGENCY'S INFORMATION
8 TECHNOLOGY RESOURCE AND REQUIRING THE USE OF AN ALTERNATIVE INFORMATION
9 TECHNOLOGY RESOURCE; AND AMENDING SECTIONS 2-4-302, 2-6-1102, 2-17-505, 2-17-506, 2-17-512,
10 2-17-513, 2-17-514, 2-17-515, 2-17-516, 2-17-518, 2-17-521, 2-17-523, 2-17-524, 2-17-526, 2-17-532, 2-17-
11 533, 2-17-534, 2-17-546, 2-17-551, 2-17-552, 2-17-1101, 2-17-1102, 2-17-1103, 2-18-101, 7-22-2151, 10-3-
12 106, 61-3-346, 61-3-347, 61-11-105, 75-10-805, AND 87-1-272, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15
16 **Section 1.** Section 2-4-302, MCA, is amended to read:

17 **"2-4-302. Notice, hearing, and submission of views.** (1) (a) Prior to the adoption, amendment, or
18 repeal of any rule, the agency shall give written notice of its proposed action. The proposal notice must include
19 a statement of either the terms or substance of the intended action or a description of the subjects and issues
20 involved, the reasonable necessity for the proposed action, and the time when, place where, and manner in
21 which interested persons may present their views on the proposed action. The reasonable necessity must be
22 written in plain, easily understood language.

23 (b) The agency shall state in the proposal notice the date on which and the manner in which
24 contact was made with the primary sponsor as required in subsection (2)(e). If the notification to the primary
25 sponsor was given by mail, the date stated in the proposal notice must be the date on which the notification
26 was mailed by the agency. If the proposal notice fails to state the date on which and the manner in which the
27 primary sponsor was contacted, the filing of the proposal notice under subsection (2)(a) is ineffective for the

Amendment - 1st Reading/2nd House-blue - Requested by: Daniel Zolnikov - (S) Energy and Telecommunications

- 2023

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Drafter: Jason Mohr, 406-444-1640

HB0047.002.002

1 legislature, and the citizens of Montana."

2

3 **Section 4.** Section 2-17-506, MCA, is amended to read:

4 **"2-17-506. Definitions.** In this part, unless the context requires otherwise, the following definitions
5 apply:

6 (1) "Board" means the information technology board established in 2-15-1021.

7 ~~(2) "Central computer center" means any stand-alone or shared computer and associated equipment,
8 software, facilities, and services administered by the department for use by state agencies.~~

9 (2) "Chief data privacy officer" means a person appointed by the department to serve as chief data
10 policy advisor to the director of the department on privacy protection issues, including the implementation of
11 data privacy protections, compliance with federal laws, regulations, and policies relating to data privacy,
12 management of data privacy risks at the department, and development and evaluation of legislative, regulatory,
13 and other policy proposals.

14 ~~(3)(2)(3)~~ "Chief information officer" means a person appointed by the director of the department
15 to carry out the duties and responsibilities of the department relating to information technology.

16 ~~(4)(3)(4)~~ "Data" means any information stored on information technology resources.

17 ~~(5)(4)(5)~~ "Department" means the department of administration established in 2-15-1001.

18 ~~(5)(6)~~ "Digital" means electronic data and the information technology resources used to store,
19 retrieve, and send data.

20 ~~(6)(7)~~ "Electronic-Digital access system" means a system capable of making data accessible by
21 means of an information technology facility in a voice, video, or electronic data form, including but not limited to
22 the internet resource.

23 ~~(7)(8)~~ "Information technology resource" means any hardware, software, and associated services,
24 and infrastructure including state and third-party platforms, networks, systems, or facilities, used to store or
25 transmit information in any form, including voice, video, and electronic data.

26 ~~(8)(9)~~ "Long-range information technology capital project" means a discrete long-range information
27 technology system or application, including the replacement or upgrade to existing systems.

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1 ~~(9)(10)~~ "Private safety agency" has the same meaning as provided in 10-4-101.

2 ~~(10)(11)~~ "Public safety agency" has the same meaning as provided in 10-4-101.

3 ~~(11)(12)~~ "State agency" means any entity of the executive branch, including the university system.

4 ~~(12)(13)~~ "Statewide State telecommunications network" means ~~any telecommunications facilities,~~

5 ~~circuits, equipment, software, and associated contracted services~~ information technology resources

6 administered by the department for the transmission of voice, video, or electronic data from one device to

7 another."

8

9 **Section 5.** Section 2-17-512, MCA, is amended to read:

10 **"2-17-512. Powers and duties of department.** (1) The department is responsible for carrying out the
11 planning and program responsibilities for information technology for state government, except the national
12 guard. The department shall:

13 (a) encourage and foster the ~~development~~ use of new and innovative information technology within
14 state government;

15 (b) promote, coordinate, and approve the procurement or development ~~and sharing of~~ shared
16 information technology application software, management systems, and information that provide similar
17 functions for multiple state agencies;

18 (c) cooperate with the office of economic development to promote economic development
19 initiatives based on information technology;

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

21 (e) establish and enforce statewide information technology policies, framework, controls, ~~and~~
22 standards, procedures, and guidelines;

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

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