

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

- 2023

68th Legislature 2023

Drafter: Jason Mohr, 406-444-1640

HB0047.002.003

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

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1 department.

2 (b) Potential loss of revenue from fees paid by the department of justice, the secretary of state, the
3 university system, THE OFFICE OF THE STATE AUDITOR, or the office of public instruction for not utilizing services
4 offered by the department are not considered a detrimental effect to ~~the statewide telecommunications network~~
5 ~~or central computer center~~ any information technology resource or the state telecommunications network. If the
6 department of justice, the secretary of state, the university system, THE OFFICE OF THE STATE AUDITOR, or the
7 office of public instruction does not utilize a service program after the department's rate was set for the
8 biennium, the agency shall continue to pay any fees associated with the service or program for the remainder of
9 the biennium.

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

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

16 (7) When reviewing proposed activities of the department of justice OR THE OFFICE OF THE STATE
17 AUDITOR, the department shall consider and make reasonable allowances for the unique safety and security
18 needs and characteristics of the department of justice OR THE OFFICE OF THE STATE AUDITOR to communicate and
19 share data with federal, state, and local law enforcement entities.

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

22 (9) The national guard, as defined in 10-1-101(3), is exempt from 2-17-512."
23

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

25 **"2-17-518. — Rulemaking authority. (1) The department shall may adopt rules to implement this part,**
26 **including the following:**

27 **(a) — ~~rules to guide the review and approval process for state agency software and management~~**

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1 ~~systems that provide similar functions for multiple state agencies, which must include but are not limited to:~~
2 ~~(i) identifying the software and management systems that must be approved;~~
3 ~~(ii) establishing the information that state agencies are required to provide to the department; and~~
4 ~~(iii) establishing guidelines for the department's approval decision;~~
5 ~~(b) rules to guide the review and approval process for state agency acquisition of information~~
6 ~~technology resources, which must include but are not limited to processes and requirements for:~~
7 ~~(i) agency submissions to gain approval for acquiring information technology resources;~~
8 ~~(ii) approving specifications for information technology resources; and~~
9 ~~(iii) approving contracts for information technology resources; and~~
10 ~~(c) rules for granting exceptions from the requirements of this part, which must include but are not~~
11 ~~limited to:~~
12 ~~(i) a process for applying for an exception; and~~
13 ~~(ii) guidelines for determining the department's approval decision.~~
14 ~~(2) The department may adopt rules to guide the development of state agency information~~
15 ~~technology plans. The rules may include:~~
16 ~~(a) agency plan review procedures;~~
17 ~~(b) agency plan content requirements;~~
18 ~~(c) guidelines for the department's approval decision; and~~
19 ~~(d) dispute resolution processes and procedures.~~
20 ~~(3) Adequate rules for the use of any information technology resources must be adopted by the~~
21 ~~supreme court for judicial branch agencies.~~
22 ~~(4) The legislative council shall adopt enterprise principles and technical standards within an~~
23 ~~enterprise architecture program as a part of the legislative branch information technology plan, as provided for~~
24 ~~in 5-11-405, that will fulfill the intent of adequate rules for use of information technology resources for the~~
25 ~~consolidated legislative branch, as provided for in 5-2-504."~~

26

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Section 10. Section 2-17-521, MCA, is amended to read: