

HOUSE BILL NO. 696

INTRODUCED BY B. MERCER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MONTANA INFORMATION TECHNOLOGY ACT EXEMPTIONS; REMOVING THE DEPARTMENT OF JUSTICE EXEMPTION; REMOVING THE SECRETARY OF STATE EXEMPTION; AND AMENDING SECTION 2-17-516, MCA."

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

Section 1. Section 2-17-516, MCA, is amended to read:

"2-17-516. Exemptions -- ~~department of justice -- secretary of state --~~ 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 and the ~~secretary of state~~ are 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 department of justice and the university system~~ 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); and
- (d) the provisions of 2-17-512(1)(k) and (1)(l).

(3) The department, upon notification of proposed activities by ~~the department of justice, the secretary of state,~~ 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) ~~(a)~~ 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

1 the statewide telecommunications network or fails to meet the minimum security policies and standards set by  
2 the department.

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

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

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

15 ~~(7) When reviewing proposed activities of the department of justice, the department shall consider~~  
16 ~~and make reasonable allowances for the unique safety and security needs and characteristics of the~~  
17 ~~department of justice to communicate and share data with federal, state, and local law enforcement entities.~~

18 ~~(8)(7)~~ Section 2-17-512(1)(u) may not be construed to prohibit the university system from accepting  
19 federal funds or gifts, grants, or donations related to information technology or telecommunications.

20 ~~(9)(8)~~ The national guard, as defined in 10-1-101(3), is exempt from 2-17-512."

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