



Montana Legislative Services Division
Legal Services Office

TO: State Administration and Veterans' Affairs Interim Committee

FROM: K. Virginia Aldrich

DATE: April 5, 2022

RE: Legislative Administrative Rule Review Report

Pursuant to 5-5-228, MCA, the State Administration and Veterans' Affairs Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the State Administration and Veterans' Affairs Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the State Administration and Veterans' Affairs Interim Committee and does not preclude additional action that may be taken by the State Administration and Veterans' Affairs Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

MAR NOTICE NUMBER: 2-63-623

AGENCY/BOARD: Department of Administration

RULE CLASSIFICATION: (e.g., substantive/interpretive/emergency/temporary): Substantive

SUBJECT: Procurement, Development, and Oversight of Information Technology Resources and Software and Management Systems; Utilization of Centralized State Facilities, Definitions, Agency Information Technology Plans

NOTICE DESCRIPTION: (e.g., proposal notice/adoption notice): Notice of Proposed Amendment and Repeal

SUMMARY OF RULE(S):

The Department of Administration (department) proposed to amend two rules and repeal six rules.

The department proposes to repeal six rules that describe the department's general information technology responsibilities, define the development of state agency information technology plans, provide definitions, provide the procedure for approval of an agency's information technology plan, provide the process for new enterprise standards or policies, and provide information technology appeals processes.

According to the department, they are repealing the rules because they unnecessarily duplicate statute or pertain only to the internal operations of government. The department states that the proposed rules to be repealed will be incorporated into the Montana Operations Manual, which contains policies applicable to the internal operations for Montana state government.

The proposal changes also move portions of the rule defining appeals processes that is proposed to be repealed into related existing rules. Specifically, the amendments to the two existing rules provide that state agency directors may appeal department decisions regarding information technology procurement or exemptions from information technology rules, policies, standards, or procedures to the state chief information officer (CIO). If the state agency director is unsatisfied with the CIO's decision, the decision may be appealed to the department director who will resolve the issue. Further, the CIO must report all appeals and resolutions to the Information Technology Board.

NOTES: A public hearing will not be held. The public comment period ends on May 13, 2022.

FULL TEXT OF NOTICE: The full text of the proposal notice may be found at <https://rules.mt.gov>.