

Unofficial Draft Copy

As of: August 15, 2012 (4:30pm)

LCLC03

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act revising the laws regarding the Legislative Branch Computer System Planning Council; changing the name of the planning council; providing for an enterprise architecture program, technology standards, and principles; amending sections 2-17-518, 5-11-401, 5-11-402, 5-11-403, 5-11-404, 5-11-405, 5-11-406, and 5-11-407, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-17-518, MCA, is amended to read:

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

(a) rules to guide the review and approval process for state agency software and management systems that provide similar functions for multiple state agencies, which must include but are not limited to:

(i) identifying the software and management systems that must be approved;

(ii) establishing the information that state agencies are required to provide to the department; and

(iii) establishing guidelines for the department's approval decision;

(b) rules to guide the review and approval process for state agency acquisition of information technology resources, which must include but are not limited to processes and requirements for:

(i) agency submissions to gain approval for acquiring information technology resources;

(ii) approving specifications for information technology resources; and

(iii) approving contracts for information technology resources; and

(c) rules for granting exceptions from the requirements of this part, which must include but are not limited to:

(i) a process for applying for an exception; and

(ii) guidelines for determining the department's approval decision.

(2) The department may adopt rules to guide the development of state agency information technology plans. The rules may include:

(a) agency plan review procedures;

(b) agency plan content requirements;

(c) guidelines for the department's approval decision; and

(d) dispute resolution processes and procedures.

(3) Adequate rules for the use of any information technology resources must be adopted by the

~~supreme court for judicial branch agencies; and,~~

~~(b)(4) The legislative council shall adopt enterprise principles and technical standards within an enterprise~~

architecture program as a part of the legislative branch ~~computer system~~ information technology plan, as provided for in 5-11-405, that will fulfill the intent of adequate rules for use of information technology resources for the consolidated legislative branch, as provided for in 5-2-504."

{*Internal References to 2-17-518: None.x*}

Section 2. Section 5-11-401, MCA, is amended to read:

"**5-11-401. Purpose.** It is the purpose of this part to establish a mechanism for ~~computer system~~ information technology planning encompassing broad policy needs, long-term direction for ~~computer~~ information systems use, and the effective implementation of a detailed plan for the legislative branch. It is the purpose of the plan to assure coordination of information system decisions so that the overall effectiveness of the senate, the house of representatives, and legislative agencies may be improved. It is the further purpose of the plan to enhance the coordination of legislative branch systems with executive branch systems wherever possible."

{*Internal References to 5-11-401: None.x*}

Section 3. Section 5-11-402, MCA, is amended to read:

"**5-11-402. Legislative branch ~~computer system~~ information technology planning council.** There is a legislative branch ~~computer system~~ information technology planning council composed of:

- (1) the secretary of the senate;

~~(2) or another one~~ representative of the senate designated by the president;

~~(2)(3)~~ the chief clerk of the house of representatives;

(4) ~~or another one~~ representative of the house designated by the speaker;

~~(3) the sergeants-at-arms in the two houses or another representative of each house designated by the presiding officer of that house;~~

~~(4)(5)~~ the executive director of the legislative services division, who shall chair the planning council;

~~(5)(6)~~ the legislative auditor;

~~(6)(7)~~ the legislative fiscal analyst;

~~(7)(8)~~ the consumer counsel;

(9) the chief information officer of the legislative branch, who shall serve as a nonvoting member of the council; and

~~(8)(10)~~ a person designated by the director of the department of administration to represent the information technology responsibilities of the department, who shall serve as a nonvoting member of the planning council."

{Internal References to 5-11-402: None.x}

Section 4. Section 5-11-403, MCA, is amended to read:

"5-11-403. Duties of legislative branch ~~computer system~~ information technology planning council. ~~(1)~~ The legislative branch ~~computer system~~ information technology planning council shall develop and maintain a legislative branch ~~computer system~~ information technology plan. In developing and maintaining this

plan, the planning council shall:

~~(1) approve and validate the branch enterprise architecture program that includes principles to maintain alignment with evolving business and technology needs;~~

~~(a)(2) continuously review or have reviewed analyses of existing and alternate information systems that are to identify candidates for automation, modernization, or enhancement, as well as review existing automated systems that may be improved or integrated improvement, or integration with new applications to support evolving legislative branch needs or functions;~~

~~(b)(3) develop and maintain include in the plan a description of functions or and services in the legislative branch and its agencies that would, through benefit from the application or improvement of computer information technology, to provide better service to members of the legislature, legislative agencies, and the public;~~

~~(c)(4) develop and maintain a ranking of needs, taking into consideration the relative effectiveness and probable cost of alternative systems prioritize information technology initiatives taking into consideration expected effectiveness, probable cost, and alignment with the enterprise architecture principles; and~~

~~(d)(5) develop and maintain recommended system adopt technology standards for the legislative branch and standard or custom software and hardware solutions within the enterprise architecture program that are appropriate to the business needs and technical environment of the legislative branch and its agencies; and~~

(6) consider information technology support of security, disaster recovery, and continuity of government.

~~(2) To the extent possible:~~

~~(a) future applications should be explicitly identified in the plan;~~

~~(b) current applications should allow a high degree of flexibility so that future applications are not limited; and~~

~~(c) both current and future applications should be coordinated and compatible with the standards and goals of the executive branch as expressed in the state strategic information technology plan provided for in 2-17-521, as well as the legislative branch standards developed in accordance with the requirement in subsection (1)(d)."~~

{*Internal References to 5-11-403: None.x*}

Section 5. Section 5-11-404, MCA, is amended to read:

"5-11-404. Technical support. (1) The executive director of the legislative services division shall provide technical staff support to the legislative branch ~~computer system~~ information technology planning council. In performing this duty, the legislative services division shall assist the planning council by:

(a) developing and maintaining an enterprise architecture program to include:

(i) enterprise architecture principles and technology standards that are aligned with business needs;

(ii) decision-making processes that guide the application of

the principles; and

(iii) a repository of business and technical information to support sound decisions;

~~(a)(b)~~ developing or having developed analyses of existing and alternate systems to identify candidates for automation, modernization, or enhancement;

~~(b)~~ ~~providing technical solutions and advice related to the standards set by the planning council;~~

(c) assisting in assessing benefits and costs of ~~optional~~ alternate solutions;

(d) apprising the planning council of developments and ~~directions~~ trends in the technology industry;

(e) maintaining a liaison with and informing the planning council of plans and directions within the executive branch;

(f) ~~assisting in the selection~~ selecting and purchasing of supplies and equipment that support the enterprise architecture principles adopted by the planning council;

(g) providing information and advice regarding information technology support of security, disaster recovery, and continuity of government; and

~~(g)(h)~~ providing other assistance as may be requested.

(2) The executive director shall encourage participation of appropriate personnel of the senate, the house of representatives, and other legislative entities in the provision of technical support."

{Internal References to 5-11-404: None.x}

Section 6. Section 5-11-405, MCA, is amended to read:

"5-11-405. Legislative branch ~~computer system~~ information technology plan -- adoption. (1) The legislative branch ~~computer system~~ information technology plan is a biennial plan reflective of the budget proposals for the next biennium that must be approved and adopted by the legislative council.

(2) The plan must be updated by the legislative services division, as necessary to keep current, and must be approved by the information technology planning council at least annually."

{Internal References to 5-11-405:
2-17-518 x}

Section 7. Section 5-11-406, MCA, is amended to read:

"5-11-406. Legislative branch systems -- conformity to standards. ~~Computer hardware and software~~ Information technology systems installed by the senate, the house of representatives, and legislative branch agencies must conform to standards established in the legislative branch ~~computer system plan~~ enterprise architecture in effect at the time the purchasing decision is made."

{Internal References to 5-11-406: None.x}

Section 8. Section 5-11-407, MCA, is amended to read:

"5-11-407. Legislative branch reserve account. (1) There is a legislative branch reserve account in the state special revenue fund. Money may be deposited in the account through an allocation of money to the account or as provided in 17-7-304.

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(2) (a) The money in the account is statutorily appropriated, as provided in 17-7-502, to the legislative services division to be used only for major legislative branch information technology projects, including the purchase of hardware, software, ~~and consulting services for,~~ and training related to new initiatives and replacement and upgrading of existing systems.

(b) The money in the account may be expended only with the approval of the legislative council. The legislative branch ~~computer system~~ information technology planning council may make recommendations to the legislative council for the use of the money in the account.

(3) The money in the account must be invested pursuant to Title 17, chapter 6. The income and earnings on the account must be deposited in the account."

{*Internal References to 5-11-407:*
17-7-304 x 17-7-304 x 17-7-502 x}

NEW SECTION. **Section 9. {standard} Effective date.** [This act] is effective July 1, 2013.

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