



MONTANA LEGISLATIVE BRANCH

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DATE: December 2, 2009
TO: Legislative Finance Committee
FROM: Greg DeWitt, LFD
RE: Proceeding With MITA Review

At the committee's June 2009 meeting, the state chief information officer (CIO) reported that some provisions of the Montana Information Technology Act (MITA)¹ impact the effective administration of the CIO's duties and responsibilities. This statement about MITA impacts was raised during a discussion of state data centers as an argument for why the CIO has had difficulty intervening in efforts by the Montana State Fund to include a data center in its new office building. The CIO stated that the Montana State Fund data center would be redundant to the new statewide data center being built in Helena with a backup site in Miles City, but he has no statutory authority to impact the decision. After hearing the CIO describe impacts on his duties from other sections of MITA, the committee requested the CIO return to a future committee meeting with a detailed review of MITA that identifies areas that impact his ability to effectively carry out his assigned duties.

At the committee's October 2009 meeting and in response to the committee's request, the CIO presented a list of 60 items either included or missing from current statute that if addressed would enhance the CIO's effectiveness. The CIO has since refined the list and recommends 11 of the items for committee consideration. The items recommended for consideration are summarized in the table to the right. The full list is as recently submitted by the CIO and is included in the committee packets.

MITA Review			
Items Recommended for Consideration			
Item			
Number	Statute Reference	Topic	Page
14	2-17-506	Definitions	3
17	2-17-512	Powers and duties of department	4
37	2-17-516	Exemptions - university system - office of public instruction - national guard	10
41	2-17-524 (2)	Agency information technology plans - form and content - performance reports	14
47	2-17-534	Security responsibility of department	18
48	2-17-546	Exemptions of law enforcement telecommunications system - exception	19
50	Not in statute	Project management	19
53	Not in statute	Duties of CIO are vague	19
54	Not in statute	Scope and function of ITSD	19
55	Not in statute	Chief Security Officer and staff	19
56	Not in statute	Chief Technology Officer	20

¹ MITA is codified in Title 2, Chapter 17, part 5, MCA

Given the information provided by the CIO, the committee may want to decide where to proceed from this point. The committee may want to consider the following decisions.

Decision 1

Does the committee want to proceed in the direction of developing a committee bill to address the items identified by the CIO or leave it to the Executive Branch to request legislation?

Decision 2

If the committee decides to proceed toward developing committee legislation, which items does it want to continue to pursue? All options assume work would be assigned to LFD staff with guidance from the information technology working group (Representatives Glaser and Hollenbaugh) with the end result recommendations for components to include in draft legislation and a later decision to proceed with requesting legislation.

Option 2A - Pursue only the 11 items recommended by the CIO

Option 2B - Pursue all 60 items included on the original list of items presented at the October 2009 meeting

Option 2C - Charge the information technology working group with determining which items to pursue