

Amendment - 1st Reading/2nd House-blue - Requested by: John Esp - (S) Finance and Claims

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0367.002.002

1 HOUSE BILL NO. 367
2 INTRODUCED BY B. MERCER, D. BEDEY, L. JONES, B. KEENAN, J. ESP, S. FITZPATRICK, D. SALOMON
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING ADDITIONAL RESTRICTIONS FOR
5 APPROPRIATIONS FOR THE OFFICE OF PUBLIC INSTRUCTION DATABASE MODERNIZATION;
6 AMENDING SECTION 22(2)(E), CHAPTER 401, LAWS OF 2021, AND SECTION 5(2)(G), CHAPTER 551,
7 LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 22(2)(e), Chapter 401, Laws of 2021, is amended to read:

12 **"Section 26 22. Appropriations to office of public instruction and office of budget and program**
13 **planning.**

14 (e) For OPI Database Modernization, funds must be used by the office of public instruction to
15 repair, improve, or replace existing data systems to respond to learning loss associated with the pandemic. THE
16 EXEMPTION GRANTED TO THE OFFICE OF PUBLIC INSTRUCTION IN 2-17-516 DOES NOT APPLY TO THIS SUBSECTION.
17 Actions taken must be consistent with 20-7-104 and must:

18 (i) facilitate school district use of data BY SCHOOL DISTRICTS, COMMUNITY COLLEGES, AND THE
19 MONTANA UNIVERSITY SYSTEM to drive IMPROVE individual student ACADEMIC outcomes AND PERIODICALLY
20 EVALUATE STUDENT ACADEMIC PERFORMANCE;

21 (ii) facilitate secure data sharing between school districts and the office of public instruction;

22 (iii) facilitate secure sharing of data between state agencies using the platform implemented by the
23 department of administration, including the sharing of data with, but not limited to, the office of public
24 instruction, the Montana university system, the office of the commissioner of higher education, and the
25 department of labor and industry;

26 (iv) allow and require review and approval of specifications and procurement methods by the
27 department of administration;

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1 (v) allow and require final contract review and approval by the department of administration,
2 including contract amendments and other changes in scope or cost;

3 (vi) fit seamlessly into the department of administration's information technology infrastructure
4 COMPLY WITH THE MONTANA PROCUREMENT ACT FOR THE PROCUREMENT TO SELECT A VENDOR AS THE STATED
5 PURPOSE OF THAT ACT IS TO PROVIDE FOR INCREASED PUBLIC CONFIDENCE IN THE PROCEDURES FOLLOWED IN PUBLIC
6 PROCUREMENT, TO ENSURE THE FAIR AND EQUITABLE TREATMENT OF ALL PERSONS WHO DEAL WITH THE PROCUREMENT
7 SYSTEM OF THE STATE, AND TO PROVIDE SAFEGUARDS FOR THE MAINTENANCE OF A PROCUREMENT SYSTEM OF QUALITY
8 AND INTEGRITY;

9 (vii) consist of off-the-shelf solutions or platform-as-a-service models, or both, with a proven track
10 record; ENSURE THAT THE SUCCESSFUL OFFEROR HAS EXPERIENCE AND PROVEN PERFORMANCE IN THE
11 IMPLEMENTATION OF A DATA PLATFORM FOR THE SECURE STORAGE AND SHARING OF INFORMATION IN TWO OR MORE
12 STATES THAT FACILITATES:

13 (A) SCHOOL DISTRICT USE OF DATA TO IMPROVE INDIVIDUAL STUDENT ACADEMIC OUTCOMES AND TO
14 PERIODICALLY EVALUATE STUDENT ACADEMIC PERFORMANCE;

15 (B) SHARING OF DATA BETWEEN SCHOOL DISTRICTS AND STATE EDUCATION OFFICIALS; AND

16 (C) SHARING OF DATA BETWEEN STATE EDUCATION OFFICIALS AND OTHER STATE OFFICIALS, INCLUDING
17 HIGHER EDUCATION OFFICIALS AND OTHER STATE AGENCIES; and

18 (viii) ENSURE THAT A SUCCESSFUL OFFEROR IDENTIFIES HOW THE VENDOR'S PROPOSED SOLUTION IS
19 SUBSTANTIALLY SIMILAR TO A PROJECT THAT HAS BEEN INSTALLED IN TWO OR MORE STATES AND THE PERIOD OF TIME IT
20 HAS BEEN USED IN THOSE STATES; AND

21 (ix) utilize commercial off-the-shelf information technology resources whenever feasible, rather
22 than the commissioning of custom solutions. The department of administration shall have full oversight authority
23 over all custom-developed code under this subsection (2)(e)(ix). For the purposes of this subsection (2)(e)(ix):

24 (A) "Commercial off-the-shelf" means commercially available information technology resources that
25 are ready-made, primarily configurable, and have the ability to be adapted aftermarket to meet the needs of the
26 state; and

27 (B) "Information technology resource" means any hardware, software, and associated services,

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1 including state and third-party platforms, networks, systems, or facilities, used to store or transmit information in
2 any form.

3 ~~(x)(x)~~ include a well-defined maintenance agreement."

4
5 **Section 2.** Section 5(2)(g), Chapter 551, Laws of 2021, is amended to read:

6 **"Section 5. Appropriations APPROPRIATION -- authorization to spend federal money.**

7 (g) For OPI Database Modernization, funds must be used by the office of public instruction to
8 repair, improve, or replace existing data systems to respond to learning loss associated with the pandemic. THE
9 EXEMPTION GRANTED TO THE OFFICE OF PUBLIC INSTRUCTION IN 2-17-516 DOES NOT APPLY TO THIS SUBSECTION.

10 Actions taken must be consistent with the provisions of 20-7-104 and must:

11 (i) facilitate school district use of data BY SCHOOL DISTRICTS, COMMUNITY COLLEGES, AND THE
12 MONTANA UNIVERSITY SYSTEM to drive-IMPROVE individual student ACADEMIC outcomes AND PERIODICALLY
13 EVALUATE STUDENT ACADEMIC PERFORMANCE;

14 (ii) facilitate secure data sharing between school districts and the office of public instruction;

15 (iii) facilitate secure sharing of data between state agencies using the platform implemented by the
16 department of administration, including the sharing of data with, but not limited to, the office of public
17 instruction, the Montana university system, the office of the commissioner of higher education, and the
18 department of labor and industry;

19 (iv) allow and require review and approval of specifications and procurement methods by the
20 department of administration;

21 (v) allow and require final contract review and approval by the department of administration,
22 including contract amendments and other changes in scope or cost;

23 (vi) fit seamlessly into the department of administration's information technology infrastructure
24 COMPLY WITH THE MONTANA PROCUREMENT ACT FOR THE PROCUREMENT TO SELECT A VENDOR AS THE STATED
25 PURPOSE OF THAT ACT IS TO PROVIDE FOR INCREASED PUBLIC CONFIDENCE IN THE PROCEDURES FOLLOWED IN PUBLIC
26 PROCUREMENT, TO ENSURE THE FAIR AND EQUITABLE TREATMENT OF ALL PERSONS WHO DEAL WITH THE PROCUREMENT
27 SYSTEM OF THE STATE, AND TO PROVIDE SAFEGUARDS FOR THE MAINTENANCE OF A PROCUREMENT SYSTEM OF QUALITY

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4 IMPLEMENTATION OF A DATA PLATFORM FOR THE SECURE STORAGE AND SHARING OF INFORMATION IN TWO OR MORE

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8 (B) SHARING OF DATA BETWEEN SCHOOL DISTRICTS AND STATE EDUCATION OFFICIALS; AND

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12 SUBSTANTIALLY SIMILAR TO A PROJECT THAT HAS BEEN INSTALLED IN TWO OR MORE STATES AND THE PERIOD OF TIME IT

13 HAS BEEN USED IN THOSE STATES; AND

14 (ix) utilize commercial off-the-shelf information technology resources whenever feasible, rather

15 than the commissioning of custom solutions. The department of administration shall have full oversight authority

16 over all custom-developed code under this subsection (2)(g)(ix). For the purposes of this subsection (2)(g)(ix):

17 (A) "Commercial off-the-shelf" means commercially available information technology resources that

18 are ready-made, primarily configurable, and have the ability to be adapted aftermarket to meet the needs of the

19 state; and

20 (B) "Information technology resource" means any hardware, software, and associated services,

21 including state and third-party platforms, networks, systems, or facilities, used to store or transmit information in

22 any form.

23 ~~(x)~~(x) include a well-defined maintenance agreement."

24

25 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

26

- END -