

1 SB219
2 183973-4
3 By Senator Williams
4 RFD: Governmental Affairs
5 First Read: 16-FEB-17

1 SB219

2
3
4 ENROLLED, An Act,

5 Relating to information technology; to amend
6 Sections 41-28-1, 41-28-2, and 41-28-3, Code of Alabama 1975,
7 relating to information technology and the Information
8 Services Division of the Department of Finance to transfer
9 this division to the Office of Information Technology.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. (a) The Legislature finds and declares:

12 (1) The streamlining and consolidation of
13 governmental functions is a priority and is of great
14 importance to the economic well-being of the State of Alabama,
15 to its citizens, and to ensuring appropriate and responsible
16 use of taxpayer funds.

17 (2) The Office of Information Technology was created
18 in furtherance of the goal to streamline information
19 technology in the state.

20 (3) Effective utilization of information technology
21 is paramount to reducing the cost of governmental operations
22 and to serving the citizens of the state.

23 (4) Excellence in support for all state agency
24 information technology needs is critical to serving the people
25 of Alabama.

1 (b) To implement the findings in subsection (a), the
2 purpose of this act is to transfer the responsibility and
3 authority for information technology service delivery from the
4 Department of Finance to the Office of Information Technology.

5 Section 2. Sections 41-28-1, 41-28-2, and 41-28-3,
6 Code of Alabama 1975, are amended to read as follows:

7 "§41-28-1.

8 ~~"The Office of Secretary of Information Technology~~
9 ~~is created as a cabinet level position not requiring the~~
10 ~~approval of the Alabama Legislature. The secretary shall have~~
11 ~~the duties, responsibilities, functions, powers, and authority~~
12 ~~set forth in this chapter and as otherwise provided by law.~~

13 There is in state government the Office of Information
14 Technology, which shall be headed by the Secretary of
15 Information Technology.

16 "§41-28-2.

17 "As used in this chapter, the following terms shall
18 have the following meanings:

19 "(1) COMMITTEE. The Permanent Legislative Oversight
20 Committee on Information Technology.

21 "(2) INFORMATION TECHNOLOGY. Automated data
22 processing, communications systems and services, wide area and
23 local area networks, the Internet, electronic information
24 systems and related information, databases, equipment, goods,
25 and services.

1 "(3) OFFICE. The Office of ~~the Secretary of~~
2 Information Technology.

3 "(4) SECRETARY OF INFORMATION TECHNOLOGY. The chief
4 administrative and executive officer of the Office of
5 Information Technology.

6 "(5) STATE AGENCIES. All departments, agencies,
7 offices, boards, commissions, bureaus, and authorities of
8 state government. The term shall not include counties,
9 municipalities, the Alabama State Port Authority, the State
10 Department of Education, the Retirement Systems of Alabama or
11 institutions of higher education governed by a separate board
12 of trustees, although these entities and institutions may
13 enter into cooperative agreements and contracts related to
14 information technology efforts with the state information
15 technology system.

16 "§41-28-3.

17 "(a) The Secretary of Information Technology shall
18 be appointed by and serve at the pleasure of the Governor. The
19 Secretary of Information Technology is a cabinet level
20 position and the secretary shall be responsible for the
21 performance and exercise of the duties, responsibilities,
22 functions, powers, and authority imposed upon the Secretary of
23 Information Technology and the Office of Information
24 Technology by law and shall be the state Chief Information
25 Officer (CIO) and the principal advisor to the Governor on

1 information technology policy, including policy on the
2 acquisition and management of information technology and
3 resources. The Secretary of Information Technology ~~shall be in~~
4 ~~the unclassified service of the state Merit System~~ and shall
5 receive a salary in an amount to be determined by the
6 Governor.

7 " (b) ~~The Secretary of Information Technology may~~
8 ~~employ all personnel of the Office of the Secretary of~~
9 ~~Information Technology, subject to the state Merit System, or~~
10 ~~if the employee is to be employed in a supervisory capacity,~~
11 ~~without regard to the provisions thereof. If supervisors are~~
12 ~~employed outside the state Merit System, the Secretary of~~
13 ~~Information Technology shall set the compensation of such~~
14 ~~employees in accordance with that of comparable positions~~
15 ~~established under the state Merit System play plan. Before~~
16 ~~entering upon the discharge of his or her duties, the~~
17 ~~secretary shall take the constitutional oath of office and~~
18 ~~shall execute to the State of Alabama a bond, to be approved~~
19 ~~by the Governor, in an amount to be fixed by the Governor, but~~
20 ~~not less than fifty thousand dollars (\$50,000), for the~~
21 ~~faithful performance of the secretary's duties.~~

22 "The secretary shall devote full time to the office
23 and shall not hold another office under the government of the
24 United States, any other state, or this state, or any
25 political subdivision thereof, during his or her incumbency in

1 the office and shall not hold any position of trust or profit
2 or engage in any occupation or business the conduct of which
3 interferes or is inconsistent with the performance of his or
4 her duties as secretary.

5 "(c) The employees of the office shall be either
6 members of the classified service of the Merit System or
7 exempt from the Merit System. In addition to any other exempt
8 positions as otherwise allowed by law, the exempt positions in
9 the office shall be limited to:

10 "(1) Up to two deputy secretaries.

11 "(2) Up to six highly trained, highly specialized
12 information technology professionals.

13 "(d) Employees of the office in the exempt service
14 shall serve at the pleasure of the secretary and,
15 notwithstanding Section 36-6-6, shall receive salaries to be
16 determined by the secretary.

17 ~~"(c) If existing positions or divisions of state~~
18 ~~government are consolidated or eliminated as a result of the~~
19 ~~creation of the office, any state employees displaced may be~~
20 ~~offered the opportunity to transfer to available positions~~
21 ~~within the office for which they are qualified."~~

22 Section 3. (a) Effective on the date specified in
23 accordance with subsection (d) hereof, the Information
24 Services Division of the Department of Finance, which was
25 established on March 19, 1997, by the Director of Finance with

1 the approval of the Governor pursuant to Section 41-4-37, Code
2 of Alabama 1975, and which thereby assumed the authority,
3 powers, and duties of, and succeeded to, the divisions of Data
4 Systems Management and Telecommunications of the Department of
5 Finance, is abolished. On such date, all powers, authority,
6 and duties of the Information Services Division, including,
7 but not limited, to those authorities currently established in
8 Articles 8 and 11 of Chapter 4 of Title 41, Code of Alabama
9 1975, shall be transferred to the Office of Information
10 Technology. All references in any law or rule to the Division
11 of Data Systems Management, the Telecommunications Division,
12 or the Information Services Division of the Department of
13 Finance shall be deemed a reference to the Office of
14 Information Technology. In any law or rule relating to the
15 Division of Data Systems Management, the Telecommunications
16 Division, or the Information Services Division, all references
17 to the Department of Finance shall be deemed a reference to
18 the Office of Information Technology, and all references to
19 the Director of Finance shall be deemed a reference to the
20 Secretary of Information Technology.

21 (b) Effective on the date specified in accordance
22 with subsection (d) hereof, all books, records, supplies,
23 funds, equipment, and personnel of the Information Services
24 Division of the Department of Finance shall be transferred to
25 the Office of Information Technology.

1 (c) All persons employed by the Department of
2 Finance who are identified by the Finance Director as
3 employees of the Information Services Division on the date
4 specified in accordance with subsection (d) hereof, shall be
5 transferred to the Office of Information Technology. Such
6 transfer shall result without loss of salary, benefits,
7 seniority, or decrease in Merit System classification.

8 (d) This section shall take effect on a date agreed
9 upon by the Director of Finance and the Secretary of
10 Information Technology, set forth in a writing, signed by both
11 parties, certifying that they have jointly developed an
12 implementation plan for the orderly transfer of authority,
13 powers, duties, property, records, and personnel provided for
14 herein.

15 Section 4. In addition to any other authority, the
16 Department of Finance, Division of Purchasing, is hereby
17 authorized to enter into joint purchasing agreements for
18 information technology goods and services and make
19 multi-vendor awards for information technology goods and
20 services on behalf of the Office of Information Technology,
21 utilizing the procedures and adhering to the requirements set
22 forth in Section 41-16-21.1, Code of Alabama 1975, for joint
23 purchasing agreements and Section 41-16-27, Code of Alabama
24 1975, for multi-vendor awards.

1 Section 5. The Code Commissioner shall conform
2 references in the Code of Alabama 1975, to the units,
3 departments, divisions, and other state entities included in
4 this act to reflect the changes required by this act. Code
5 changes shall be made at a time determined to be appropriate
6 by the Code Commissioner.

7 Section 6. This act shall become effective on
8 October 1, 2017, following its passage and approval by the
9 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

President and Presiding Officer of the Senate

Speaker of the House of Representatives

Senate 16-MAR-17.
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Senate 02-MAY-17
I hereby certify that the within Act originated in and passed
the Senate, as amended by Executive Amendment.

Patrick Harris,
Secretary.

House of Representatives
Amended and Passed: 25-APR-17
House of Representatives
Passed: 04-MAY-17, as amended by Executive Amendment.

By: Senator Williams