

1 SB117
2 147593-2
3 By Senators Williams, Marsh, Scofield, Glover, Holley,
4 Pittman, Bussman, Beason, Brewbaker, Waggoner, Allen, Reed,
5 Blackwell, Fielding, McGill, Taylor, Sanford, Dial, Ward, and
6 Holtzclaw
7 RFD: Fiscal Responsibility and Accountability
8 First Read: 05-FEB-13

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8 SYNOPSIS: This bill would create the Office of
9 Secretary of Information Technology within state
10 government.

11 This bill would establish a Permanent
12 Legislative Oversight Committee on Information
13 Technology.

14 This bill would establish the committee to
15 recommend to the Governor a person to serve as the
16 Secretary of Information Technology, and would
17 provide for its membership.

18 This bill would establish the experience and
19 educational requirements for a candidate for the
20 Secretary of Information Technology.

21 This bill would repeal Sections 16-61D-1 to
22 16-61D-6, inclusive, Code of Alabama 1975, relating
23 to the Office of Information Technology.

24 This bill would amend Section 41-4-221, Code
25 of Alabama 1975, relating to the duties of the
26 Division of Data Systems Management by deleting
27 subdivisions (1) and (2) of the section.

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2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 Relating to information technology; to create the
7 Office of Secretary of Information Technology within state
8 government; to establish a Permanent Legislative Oversight
9 Committee on Information Technology; to create a committee to
10 recommend to the Governor a person to serve as the Secretary
11 of Information Technology and to provide for its membership;
12 to establish the experience and education requirements for a
13 candidate for Secretary of Information of Technology; to
14 repeal Sections 16-61D-1 through 16-61D-6, Code of Alabama
15 1975, relating to the Office of Information Technology; to
16 amend Section 41-4-221, Code of Alabama 1975, relating to the
17 duties of the Division of Data Systems Management by deleting
18 subdivisions (1) and (2) of the section.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. The Office of Secretary of Information
21 Technology is created as a cabinet level position not
22 requiring the approval of the Alabama Legislature. The
23 secretary shall have the duties, responsibilities, functions,
24 powers, and authority set forth in this chapter and as
25 otherwise provided by law.

26 Section 2. As used in this chapter, the following
27 terms shall have the following meanings:

1 (1) COMMITTEE. The Permanent Legislative Oversight
2 Committee on Information Technology.

3 (2) INFORMATION TECHNOLOGY. Automated data
4 processing, communications systems and services, wide area and
5 local area networks, the Internet, electronic information
6 systems and related information, databases, equipment, goods,
7 and services.

8 (3) OFFICE. The office of the Secretary of
9 Information Technology.

10 (4) SECRETARY OF INFORMATION TECHNOLOGY. The chief
11 administrative and executive officer of the Office of
12 Information Technology.

13 (5) STATE AGENCIES. All departments, agencies,
14 offices, boards, commissions, bureaus, and authorities of
15 state government. The term shall not include counties,
16 municipalities, although these entities and institutions may
17 enter into cooperative agreements and contracts related to
18 information technology efforts with the state information
19 technology system.

20 Section 3. (a) The Secretary of Information
21 Technology shall be appointed by and serve at the pleasure of
22 the Governor. The Secretary of Information Technology shall be
23 responsible for the performance and exercise of the duties,
24 responsibilities, functions, powers, and authority imposed
25 upon the Secretary of Information Technology and the Office of
26 Information Technology by law and shall be the principal
27 advisor to the Governor on information technology policy,

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

6 (b) The Secretary of Information Technology may
7 employ all personnel of the Office of the Secretary of
8 Information Technology, subject to the state Merit System, or
9 if the employee is to be employed in a supervisory capacity,
10 without regard to the provisions thereof. If supervisors are
11 employed outside the state Merit System, the Secretary of
12 Information Technology shall set the compensation of such
13 employees in accordance with that of comparable positions
14 established under the state Merit System pay plan.

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

20 Section 4. The secretary shall have all of the
21 following powers and duties:

22 (1) Develop a comprehensive four-year strategic plan
23 for the state's information technology to include acquisition,
24 management, and use of information technology by state
25 agencies. The plan shall be developed in conjunction with the
26 planning and budgeting processes for state agencies and may
27 include review of state agencies' information technology

1 plans, capital budgets, and operating budgets as appropriate
2 to accomplish the goals of reducing redundant expenditures and
3 maximizing the return on information technology investments.
4 The plan shall be updated annually and submitted to the
5 Governor and shall be presented during a public meeting to the
6 Permanent Legislative Oversight Committee on Information
7 Technology. The plan shall further be coordinated with the
8 Boards of Directors of the Alabama Supercomputer Authority.

9 (2) Collaborate and coordinate with the Division of
10 Data Systems Management of the Department of Finance as set
11 forth in Article 8 of Chapter 4 of Title 41, the Alabama
12 Supercomputer Authority, or any state authority, board, or
13 agency of like kind, and promote standards and coordinate
14 services and infrastructure to ensure that information
15 technology is used to support designated needs areas,
16 including identifying applications, equipment, and services
17 that may be statewide in scope and assisting state agencies in
18 avoiding duplication of applications, equipment, and services.

19 (3) Serve as a member of the board, or boards, for
20 the Alabama Supercomputer Authority.

21 (4) Solicit, receive, and administer funds, goods,
22 services, and equipment from public and private entities to be
23 used for the purchase of computers, satellites, hardware,
24 software, and other information technology equipment and
25 services and for staff training in the use of information
26 technology development programs.

1 (5) Establish an inventory of information technology
2 resources to allow identification of underutilized or idle
3 resources and all data and data systems in state agencies to
4 promote improved asset management, utilization, and data
5 sharing, with information technology resources to include
6 personnel, software, hardware, and services.

7 (6) Establish and administer a structured system for
8 review and approval of new information technology initiatives
9 and projects, including business case, cost benefit analysis,
10 and compatibility analysis.

11 (7) Administer any funds appropriated to the
12 secretary by the Legislature for the establishment, operation,
13 and coordination of the office.

14 (8) Represent state information technology and
15 related areas with both the private and public sectors,
16 including the federal government.

17 (9) Issue annual reports to the Governor, the
18 Legislature, and the general public concerning the
19 coordination and operation of the office.

20 (10) Promulgate rules, regulations, and policies and
21 establish procedures and standards for the management and
22 operation of information technology by state agencies to carry
23 out this chapter, including coordinating state information
24 technology; providing technical assistance to state agency
25 administrators on design and management of state information
26 technology systems; evaluating the cost, system design, and
27 suitability of information technology equipment and related

1 services; establishing standards and policies for project
2 management and project methodologies; and developing a unified
3 and integrated structure and enterprise architecture for
4 information technology systems for all state agencies.

5 (11) Plan and coordinate information technology
6 activities for state agencies in such a manner as to promote
7 the most economical and effective use of state resources.

8 Section 5. No public monies shall be expended by the
9 secretary for any purpose unless the monies have been
10 appropriated by the Legislature to the entity from which the
11 funds are received or to the office. Any monies appropriated
12 shall be budgeted and allotted pursuant to the Budget
13 Management Act in accordance with Article 4, commencing with
14 Section 41-4-80, of Chapter 4 of Title 41, and only in the
15 amounts provided by the Legislature in the general
16 appropriations act or other appropriation acts.

17 Section 6. There is created a Permanent Legislative
18 Oversight Committee for Information Technology to review the
19 operations and performance of the Secretary of Information
20 Technology and to promote the effective use of information
21 technology in state government. A chair and a vice chair shall
22 be selected by the membership. The committee shall meet at
23 least once annually and may meet more often as directed by the
24 chair of the committee. The committee shall consist of the
25 following:

26 (1) The chairs of the House and Senate General and
27 Education appropriations committees.

1 (2) Two members of the House appointed by the
2 Speaker of the House of Representatives.

3 (3) One member of the Senate appointed by the
4 President of the Senate.

5 (4) One member of the Senate appointed by the
6 President Pro Tempore of the Senate.

7 Section 7. (a) There is hereby created a search
8 committee whose purpose, when the need arises, is to recommend
9 candidates to the Governor to serve as the Secretary of
10 Information Technology.

11 (b) The committee shall be composed of the following
12 individuals:

13 (1) Two members appointed by the Governor.

14 (2) A member appointed by the Speaker of the House
15 of Representatives.

16 (3) A member appointed by the President Pro Tempore
17 of the Senate.

18 (4) A member appointed by the Lieutenant Governor.

19 (c) The committee shall conduct a search using, at a
20 minimum, the following criteria:

21 (1) A minimum of 15 years senior management
22 experience in a large organization.

23 (2) Demonstrated experience in the following areas:

24 a. Strategic planning and execution.

25 b. Financial budgeting.

26 c. Innovation and business transformation.

1 d. Facilitating and building consensus among a
2 diverse set of stakeholders.

3 e. Operating in complex, politicized environment.

4 f. Contracting, negotiating, and change management.

5 g. Creating and sustaining work cultures.

6 h. Leading a large functionally diverse information
7 technology organization.

8 i. Demonstrating ability to work independently with
9 elected officials and heads of agencies from the executive,
10 legislative, and judicial branches of government.

11 (d) The committee shall forward a list of five to
12 ten qualified candidates to the Governor who may select an
13 individual or reject the list.

14 (e) Each candidate shall have at a minimum a
15 baccalaureate degree; however, a combination of education and
16 experience may be considered.

17 Section 8. The Secretary of Information Technology
18 shall not be subject to the Alabama Sunset Law, Title 41,
19 Chapter 20, as an enumerated agency as provided in Section
20 41-20-3, Code of Alabama 1975.

21 Section 9. Sections 16-61D-1 to 16-61D-6, Code of
22 Alabama 1975, are repealed.

23 Section 10. Section 41-4-221, Code of Alabama 1975,
24 is amended to read as follows:

25 "§41-4-221.

26 "The functions, powers and duties of the division of
27 data systems management shall be as follows:

1 ~~"(1) To plan, control and coordinate state data~~
2 ~~processing activities in such manner to insure the most~~
3 ~~economical use of state resources.~~

4 ~~"(2) To develop and maintain a master plan for the~~
5 ~~state's data processing activities.~~

6 ~~"(3)~~ (1) To establish and supervise the
7 administration of such data processing centers deemed
8 necessary to best serve the data processing needs of all
9 agencies.

10 ~~"(4)~~ (2) To provide for the centralization,
11 consolidation and shared use of equipment and services deemed
12 necessary to obtain maximum utilization and efficiency in data
13 processing operations.

14 ~~"(5)~~ (3) To transfer to any data processing center
15 the data processing activities of any agency.

16 ~~"(6)~~ (4) To provide systems design and programming
17 services to all state agencies.

18 ~~"(7)~~ (5) To select and procure by purchase or by
19 lease any and all data processing systems and associated
20 software deemed necessary to best serve the data processing
21 needs of the ~~state~~ division.

22 ~~"(8)~~ (6) To conduct data processing studies as deemed
23 necessary and to enter contracts with other agencies,
24 organizations, corporations or individuals to make such
25 studies as are deemed to be necessary.

26 ~~"(9)~~ (7) To prepare contract specifications for
27 equipment and services.

1 "~~(10)~~(8) To adopt such rules and regulations deemed
2 necessary to carry out the duties and responsibilities imposed
3 by this article."

4 Section 11. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.