

1 SB117
2 147593-3
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

1 SB117

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to information technology; to create the
12 Office of Secretary of Information Technology within state
13 government; to establish a Permanent Legislative Oversight
14 Committee on Information Technology; to create a committee to
15 recommend to the Governor a person to serve as the Secretary
16 of Information Technology and to provide for its membership;
17 to establish the experience and education requirements for a
18 candidate for Secretary of Information of Technology; to
19 repeal Sections 16-61D-1 through 16-61D-6, Code of Alabama
20 1975, relating to the Office of Information Technology; to
21 amend Section 41-4-221, Code of Alabama 1975, relating to the
22 duties of the Division of Data Systems Management by deleting
23 subdivisions (1) and (2) of the section.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The Office of Secretary of Information
26 Technology is created as a cabinet level position not
27 requiring the approval of the Alabama Legislature. The

1 secretary shall have the duties, responsibilities, functions,
2 powers, and authority set forth in this chapter and as
3 otherwise provided by law.

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

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

8 (2) INFORMATION TECHNOLOGY. Automated data
9 processing, communications systems and services, wide area and
10 local area networks, the Internet, electronic information
11 systems and related information, databases, equipment, goods,
12 and services.

13 (3) OFFICE. The office of the Secretary of
14 Information Technology.

15 (4) SECRETARY OF INFORMATION TECHNOLOGY. The chief
16 administrative and executive officer of the Office of
17 Information Technology.

18 (5) STATE AGENCIES. All departments, agencies,
19 offices, boards, commissions, bureaus, and authorities of
20 state government. The term shall not include counties,
21 municipalities, or institutions of higher education governed
22 by a separate board of trustees, although these entities and
23 institutions may enter into cooperative agreements and
24 contracts related to information technology efforts with the
25 state information technology system.

26 Section 3. (a) The Secretary of Information
27 Technology shall be appointed by and serve at the pleasure of

1 the Governor. The Secretary of Information Technology shall be
2 responsible for the performance and exercise of the duties,
3 responsibilities, functions, powers, and authority imposed
4 upon the Secretary of Information Technology and the Office of
5 Information Technology by law and shall be the principal
6 advisor to the Governor on information technology policy,
7 including policy on the acquisition and management of
8 information technology and resources. The Secretary of
9 Information Technology shall be in the unclassified service of
10 the state Merit System and shall receive a salary in an amount
11 to be determined by the Governor.

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

21 (c) If existing positions or divisions of state
22 government are consolidated or eliminated as a result of the
23 creation of the office, any state employees displaced may be
24 offered the opportunity to transfer to available positions
25 within the office for which they are qualified.

26 Section 4. The secretary shall have all of the
27 following powers and duties:

1 (1) Develop a comprehensive four-year strategic plan
2 for the state's information technology to include acquisition,
3 management, and use of information technology by state
4 agencies. The plan shall be developed in conjunction with the
5 planning and budgeting processes for state agencies and may
6 include review of state agencies' information technology
7 plans, capital budgets, and operating budgets as appropriate
8 to accomplish the goals of reducing redundant expenditures and
9 maximizing the return on information technology investments.
10 The plan shall be updated annually and submitted to the
11 Governor and shall be presented during a public meeting to the
12 Permanent Legislative Oversight Committee on Information
13 Technology. The plan shall further be coordinated with the
14 Boards of Directors of the Alabama Supercomputer Authority.

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

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

1 (4) Solicit, receive, and administer funds, goods,
2 services, and equipment from public and private entities to be
3 used for the purchase of computers, satellites, hardware,
4 software, and other information technology equipment and
5 services and for staff training in the use of information
6 technology development programs.

7 (5) Establish an inventory of information technology
8 resources to allow identification of underutilized or idle
9 resources and all data and data systems in state agencies to
10 promote improved asset management, utilization, and data
11 sharing, with information technology resources to include
12 personnel, software, hardware, and services.

13 (6) Establish and administer a structured system for
14 review and approval of new information technology initiatives
15 and projects, including business case, cost benefit analysis,
16 and compatibility analysis.

17 (7) Administer any funds appropriated to the
18 secretary by the Legislature for the establishment, operation,
19 and coordination of the office.

20 (8) Represent state information technology and
21 related areas with both the private and public sectors,
22 including the federal government.

23 (9) Issue annual reports to the Governor, the
24 Legislature, and the general public concerning the
25 coordination and operation of the office.

26 (10) Promulgate rules, regulations, and policies and
27 establish procedures and standards for the management and

1 operation of information technology by state agencies to carry
2 out this chapter, including coordinating state information
3 technology; providing technical assistance to state agency
4 administrators on design and management of state information
5 technology systems; evaluating the cost, system design, and
6 suitability of information technology equipment and related
7 services; establishing standards and policies for project
8 management and project methodologies; and developing a unified
9 and integrated structure and enterprise architecture for
10 information technology systems for all state agencies.

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

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

23 Section 6. There is created a Permanent Legislative
24 Oversight Committee for Information Technology to review the
25 operations and performance of the Secretary of Information
26 Technology and to promote the effective use of information
27 technology in state government. A chair and a vice chair shall

1 be selected by the membership. The committee shall meet at
2 least once annually and may meet more often as directed by the
3 chair of the committee. The membership of the committee shall
4 reflect the racial, gender, urban/rural, and ethnic diversity
5 of the state. The committee shall consist of the following:

6 (1) The chairs of the House and Senate General and
7 Education appropriations committees.

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

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

12 (4) One member of the Senate appointed by the
13 President Pro Tempore of the Senate.

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

18 (b) The committee shall be composed of the following
19 individuals:

20 (1) Two members appointed by the Governor.

21 (2) A member appointed by the Speaker of the House
22 of Representatives.

23 (3) A member appointed by the President Pro Tempore
24 of the Senate.

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

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

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

3 (2) Demonstrated experience in the following areas:

4 a. Strategic planning and execution.

5 b. Financial budgeting.

6 c. Innovation and business transformation.

7 d. Facilitating and building consensus among a
8 diverse set of stakeholders.

9 e. Operating in complex, politicized environment.

10 f. Contracting, negotiating, and change management.

11 g. Creating and sustaining work cultures.

12 h. Leading a large functionally diverse information
13 technology organization.

14 i. Demonstrating ability to work independently with
15 elected officials and heads of agencies from the executive,
16 legislative, and judicial branches of government.

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

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

23 Section 8. The Secretary of Information Technology
24 shall not be subject to the Alabama Sunset Law, Title 41,
25 Chapter 20, as an enumerated agency as provided in Section
26 41-20-3, Code of Alabama 1975.

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

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

5 "§41-4-221.

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

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

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

13 "~~(3)~~ (1) To establish and supervise the
14 administration of such data processing centers deemed
15 necessary to best serve the data processing needs of all
16 agencies.

17 "~~(4)~~ (2) To provide for the centralization,
18 consolidation and shared use of equipment and services deemed
19 necessary to obtain maximum utilization and efficiency in data
20 processing operations.

21 "~~(5)~~ (3) To transfer to any data processing center
22 the data processing activities of any agency.

23 "~~(6)~~ (4) To provide systems design and programming
24 services to all state agencies.

25 "~~(7)~~ (5) To select and procure by purchase or by
26 lease any and all data processing systems and associated

1 software deemed necessary to best serve the data processing
2 needs of the ~~state~~ division.

3 "~~(8)~~ (6) To conduct data processing studies as deemed
4 necessary and to enter contracts with other agencies,
5 organizations, corporations or individuals to make such
6 studies as are deemed to be necessary.

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

9 "~~(10)~~ (8) To adopt such rules and regulations deemed
10 necessary to carry out the duties and responsibilities imposed
11 by this article."

12 Section 11. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.

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3 Senate

4 Read for the first time and referred to the Senate
5 committee on Fiscal Responsibility and Account-
6 ability..... 05-FEB-13
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8 Read for the second time and placed on the calen-
9 dar..... 06-FEB-13
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11 Read for the third time and passed as amended 12-FEB-13

12 Yeas 32
13 Nays 0

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16 Patrick Harris
17 Secretary
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