

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

1 SB219
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ENGROSSED

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7 A BILL
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9 TO BE ENTITLED
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11 AN ACT
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13 Relating to information technology; to amend
14 Sections 41-28-1, 41-28-2, and 41-28-3, Code of Alabama 1975,
15 relating to information technology and the Information
16 Services Division of the Department of Finance to transfer
17 this division to the Office of Information Technology.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 (1) The streamlining and consolidation of
21 governmental functions is a priority and is of great
22 importance to the economic well-being of the State of Alabama,
23 to its citizens, and to ensuring appropriate and responsible
24 use of taxpayer funds.

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

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

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

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

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

"§41-28-1.

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

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

"§41-28-2.

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

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

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

6 "(3) OFFICE. The Office of ~~the Secretary of~~
7 Information Technology.

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

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

20 "§41-28-3.

21 "(a) The Secretary of Information Technology shall
22 be appointed by and serve at the pleasure of the Governor. The
23 Secretary of Information Technology is a cabinet level
24 position and the secretary shall be responsible for the
25 performance and exercise of the duties, responsibilities,
26 functions, powers, and authority imposed upon the Secretary of
27 Information Technology and the Office of Information

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

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

24 " The secretary shall devote full time to the office
25 and shall not hold another office under the government of the
26 United States, any other state, or this state, or any
27 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 "(3) A Director of Broadband Development.

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

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

23 Section 3. (a) Effective October 1, 2017, the
24 Information Services Division of the Department of Finance,
25 which was established on March 19, 1997, by the Director of
26 Finance with the approval of the Governor pursuant to Section
27 41-4-37, Code of Alabama 1975, and which thereby assumed the

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

19 (b) All books, records, supplies, funds, equipment,
20 and personnel of the Information Services Division of the
21 Department of Finance shall be transferred to the Office of
22 Information Technology.

23 (c) All persons employed by the Department of
24 Finance who are identified by the Finance Director as
25 employees of the Information Services Division on October 1,
26 2017, shall be transferred to the Office of Information
27 Technology. Such transfer shall result without loss of salary,

benefits, seniority, or decrease in Merit System classification.

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

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

Section 6. This act shall become effective on October 1, 2017, following its passage and approval by the 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 Governmental Affairs.....

16-FEB-17

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7 Read for the second time and placed on the calen-
8 dar.....

21-FEB-17

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10 Read for the third time and passed as amended 16-MAR-17

11 Yeas 27
12 Nays 0

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15 Patrick Harris,
16 Secretary.
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