

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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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to information technology; to amend  
12 Sections 41-28-1, 41-28-2, and 41-28-3, Code of Alabama 1975,  
13 relating to information technology and the Information  
14 Services Division of the Department of Finance to transfer  
15 this division to the Office of Information Technology.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

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

13           "§41-28-1.

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

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

22           "§41-28-2.

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

25           "(1) COMMITTEE. The Permanent Legislative Oversight  
26 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,

1       benefits, seniority, or decrease in Merit System  
2       classification.

3               Section 4. In addition to any other authority, the  
4       Department of Finance, Division of Purchasing, is hereby  
5       authorized to enter into joint purchasing agreements for  
6       information technology goods and services and make  
7       multi-vendor awards for information technology goods and  
8       services on behalf of the Office of Information Technology,  
9       utilizing the procedures and adhering to the requirements set  
10      forth in Section 41-16-21.1, Code of Alabama 1975, for joint  
11      purchasing agreements and Section 41-16-27, Code of Alabama  
12      1975, for multi-vendor awards.

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

19             Section 6. This act shall become effective on  
20      October 1, 2017, following its passage and approval by the  
21      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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14  
15 Patrick Harris,  
16 Secretary.  
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