

1 HB270
2 182546-1
3 By Representatives Chesteen, Scott, Lovvorn and Lee
4 RFD: Technology and Research
5 First Read: 21-FEB-17

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8 SYNOPSIS: Under existing law, there is an Information
9 Services Division in the Department of Finance.

10 This bill would transfer the division to the
11 Office of Information Technology and provide
12 further for the authority of the Office of
13 Information Technology.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to information technology; to amend
20 Sections 41-28-1 and 41-28-3, Code of Alabama 1975, relating
21 to information technology and the Information Services
22 Division of the Department of Finance to transfer this
23 division to the Office of Information Technology.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26 (1) The streamlining and consolidation of
27 governmental functions is a priority and is of great

1 importance to the economic well-being of the State of Alabama,
2 to its citizens, and to ensuring appropriate and responsible
3 use of taxpayer funds.

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

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

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

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

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

19 "§41-28-1.

20 ~~"The Office of Secretary of Information Technology~~
21 ~~is created as a cabinet level position not requiring the~~
22 ~~approval of the Alabama Legislature. The secretary shall have~~
23 ~~the duties, responsibilities, functions, powers, and authority~~
24 ~~set forth in this chapter and as otherwise provided by law.~~
25 There is in state government the Office of Information
26 Technology, which shall be headed by the Secretary of
27 Information Technology.

1 "§41-28-3.

2 "(a) The Secretary of Information Technology shall
3 be appointed by and serve at the pleasure of the Governor. The
4 Secretary of Information Technology is a cabinet level
5 position and the secretary shall be responsible for the
6 performance and exercise of the duties, responsibilities,
7 functions, powers, and authority imposed upon the Secretary of
8 Information Technology and the Office of Information
9 Technology by law and shall be the state Chief Information
10 Officer (CIO) and the principal advisor to the Governor on
11 information technology policy, including policy on the
12 acquisition and management of information technology and
13 resources. The Secretary of Information Technology shall be in
14 the unclassified service of the state Merit System and shall
15 receive a salary in an amount to be determined by the
16 Governor.

17 ~~"(b) The Secretary of Information Technology may~~
18 ~~employ all personnel of the Office of the Secretary of~~
19 ~~Information Technology, subject to the state Merit System, or~~
20 ~~if the employee is to be employed in a supervisory capacity,~~
21 ~~without regard to the provisions thereof. If supervisors are~~
22 ~~employed outside the state Merit System, the Secretary of~~
23 ~~Information Technology shall set the compensation of such~~
24 ~~employees in accordance with that of comparable positions~~
25 ~~established under the state Merit System pay plan. Before~~
26 ~~entering upon the discharge of his or her duties, the~~
27 ~~secretary shall take the constitutional oath of office and~~

1 shall execute to the State of Alabama a bond, to be approved
2 by the Governor, in an amount to be fixed by the Governor, but
3 not less than fifty thousand dollars (\$50,000), for the
4 faithful performance of the secretary's duties.

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 include:

10 "(1) Up to four deputy secretaries.

11 "(2) Up to 12 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 Section 5. The Code Commissioner shall conform
10 references in the Code of Alabama 1975, to the units,
11 departments, divisions, and other state entities included in
12 this act to reflect the changes required by this act. Code
13 changes shall be made at a time determined to be appropriate
14 by the Code Commissioner.

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