SLS 10RS-176 ORIGINAL

Regular Session, 2010

SENATE BILL NO. 472

BY SENATOR MICHOT

TECHNOLOGY. Provides powers and duties for the Chief Information Officer. (7/1/10)

1	AN ACI
2	To amend and reenact R.S. 39:15.1, 140, 200(I)(2), and 1751(B) and to enact R.S.
3	39:15.2(E) and (F), 15.7, 15.8, and 144, relative to the office of information
4	technology; to provide for the powers and duties of the chief information officer and
5	the offices and staff of the office of information technology; to create the
6	Information Technology Operations Fund and the Telecommunications Operation
7	Fund as special funds in the state treasury; to provide for the uses of monies in the
8	funds; to place the office of telecommunications management within the office of
9	information technology; to provide for an effective date; and to provide for related
10	matters.
11	Be it enacted by the Legislature of Louisiana:
12	Section 1. R.S. 39:15.1, 140, 200(I)(2), and 1751(B) are hereby amended and
13	reenacted and R.S. 39:15.2(E) and (F), 15.7, 15.8 and 144 are hereby enacted to read as
14	follows:
15	§15.1. Office of information technology; scope
16	The office of information technology shall have authority over all
17	information technology systems and services for agencies in the executive branch of

1 state government, except that nothing in this Subpart shall be interpreted to 2 preempt the authorities granted to any higher education agency which may 3 include systems, institutions, or budget units as provided in Article VIII of the **Constitution of Louisiana**. The office shall have no authority over the legislative 4 5 or judicial branches of state government or agencies thereof. §15.2. Office of information technology; chief information officer 6 7 8 E. All information technology personnel within the division of 9 administration, including but not limited to personnel within the office of 10 information systems and the office of computing services, shall be under the 11 supervision and control of the CIO. F. As further provided in R.S. 39:140, the office of telecommunications 12 13 management and all personnel therein shall be under the supervision and 14 control of the CIO. 15 §15.7. Information Technology Operations Fund 16 17 A. There is hereby created in the state treasury, as a special fund, the Information Technology Operations Fund, hereinafter referred to as the 18 19 "fund." Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall 20 21 be deposited in and credited to the fund. Unexpended and unencumbered 22 monies in the fund at the end of the fiscal year shall remain in the fund. B. The source of monies deposited into the fund shall be any monies 23 24 appropriated or transferred to the fund by the legislature, including federal monies, donations, gifts, grants, or any other monies which may be provided by 25 26 law. 27 C. Subject to an annual appropriation by the legislature, monies in the

information technology.

fund shall be used solely for the purpose of the operations of the office of

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1 §15.8. Information technology personnel and service transfer 2 A.(1) Except as provided in R.S. 39:15.2(C) and (D), the information technology employees of each state agency, as further specified in Paragraph (2) 3 of this Subsection, shall be transferred to the office of information technology 4 5 within the division of administration on January 1, 2013 and shall become employees of the office. Each employee transferred pursuant to this Subsection 6 7 shall continue to act for the state agency from which he or she was transferred 8 and shall maintain any duties or responsibilities related to the information 9 resources of such agency. 10 (2) The chief information officer and the information technology chief 11 executive officer of each agency shall jointly identify the positions and functions affiliated with the management and administration of such agency's 12 13 information technology resources and enterprises that will be transferred to and 14 centralized in the office of technology pursuant to Paragraph (1) of this Subsection. 15 (3) Any employees who are classified state employees under applicable 16 17 state civil service laws, rules, and regulations, and other applicable laws at the time of the transfer shall retain all rights and their services shall be deemed to 18 19 have been continuous. All transfers and any abolishment of positions shall be 20 made and processed in accordance with applicable state civil service laws, rules, 21 and regulations, and other applicable laws. 22 (4) The CIO may relocate select employees or positions in furtherance of centralizing the management of information in state agencies. 23 24 §140. Office of telecommunications management; creation and authority 25 26 There is hereby created, within **the office of information technology of** the 27 division of administration, the office of telecommunications management, headed 28 by the state executive director of the office of telecommunications management,

under the supervision and control of the commissioner of administration chief

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information officer. The executive director of the office of telecommunications management may employ and supervise such assistants and other persons as may be necessary to discharge the duties of the office and may delegate authority to such designees or to any governmental body as the director chief information officer may deem appropriate within the limitations of state law and regulations. Rules and regulations shall be promulgated as may be necessary to carry out the provisions of this Part.

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§144. Telecommunications Operating Fund

A. There is hereby created in the state treasury, as a special fund, the Telecommunications Operating Fund, hereinafter referred to as the "fund." Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be deposited in and credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

B. The source of monies deposited into the fund shall be any monies appropriated or transferred to the fund by the legislature, including federal monies, donations, gifts, grants, or any other monies which may be provided by law.

C. Subject to an annual appropriation by the legislature, monies in the fund shall be used solely for the purpose of the operations of the office of telecommunications.

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§200. General provisions

The following general provisions shall apply to all procurements under this Part:

I. Procurement support.

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(2) A procurement support team shall consist of a person chosen jointly by the speaker of the House of Representatives and the president of the Senate from among the attorneys on the legislative services staff of the House of Representatives or the staff of the Senate, the chief information officer or his designee, and one or more representatives from each of the following: the Division of Administration, central purchasing agency; the using agency initiating the procurement action; and the Legislative Fiscal Office. At least two members of the team shall have received formal training in computer contract negotiations. At least four members, one from each office or agency designated, must be present to constitute a quorum.

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§1751. Application

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B. The office of telecommunications management shall, subject to the provisions of this Part and as further provided in R.S. 39:15.2(F) and 140, have sole authority and responsibility for defining the specific telecommunications systems and telecommunications services to which the provisions of this Part shall be applicable. Rules and regulations shall be promulgated as may be necessary to carry out the provisions of this Part.

Section 3. This Act shall become effective on July 1, 2010; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2010, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jay R. Lueckel.

DIGEST

<u>Present law</u> creates the office of information technology within the division of administration which shall be headed by the chief information officer (CIO). Provides that the CIO shall be appointed by the governor and report to the commissioner of administration. Provides that the office of information technology shall have authority overall information technology systems and services for agencies in the executive branch of state government.

<u>Proposed law</u> excepts authorities granted to any higher education agency, including systems, institutions, or budget units as provided in Article VIII of the state constitution.

Present law provides for the functions of the chief information officer.

<u>Proposed law</u> retains <u>present law</u> and also clarifies that all information technology personnel within the division of administration, including but not limited to personnel within the office of information systems and the office of computing services, shall be under the supervision and control of the CIO.

<u>Proposed law</u> further provides that the office of telecommunications management and all personnel therein shall be under the supervision and control of the CIO.

<u>Proposed law</u> creates the Information Technology Operations Fund as a special fund in the state treasury. The source of monies deposited into the fund shall be any monies appropriated or transferred to the fund by the legislature, including federal monies, donations, gifts, grants, or any other monies which may be provided by law. Subject to an annual appropriation by the legislature, monies in the fund shall be used solely for the purpose of the operations of the office of information technology.

<u>Proposed law provides</u> that, except for certain statewide elected officials and criminal justice personnel, the information technology employees of each state agency shall be transferred to the office of information technology within the division of administration on January 1, 2013 and shall become employees of the office. Each employee transferred shall continue to act for the state agency from which he or she was transferred and shall maintain any duties or responsibilities related to the information resources of such agency.

<u>Proposed law</u> provides that CIO and the information technology chief executive officer of each agency shall jointly identify the positions and functions affiliated with the management and administration of such agency's information technology resources and enterprises that will be transferred to and centralized.

<u>Proposed law</u> provides that any employees who are classified state employees under applicable state civil service laws, rules, and regulations, and other applicable laws at the time of the transfer shall retain all rights and their services shall be deemed to have been continuous. All transfers and any abolishment of positions shall be made and processed in accordance with applicable state civil service laws, rules, and regulations, and other applicable laws. Further, the CIO may relocate select employees or positions in furtherance of centralizing the management of information in state agencies.

<u>Proposed law</u> creates the Telecommunications Operations Fund as a special fund in the state treasury. The source of monies deposited into the fund shall be any monies appropriated or transferred to the fund by the legislature, including federal monies, donations, gifts, grants, or any other monies which may be provided by law. Subject to an annual appropriation by the legislature, monies in the fund shall be used solely for the purpose of the operations of the office of telecommunications.

<u>Proposed law</u> provides for responsibilities relative to telecommunications procurement.

Effective July 1, 2010.

(Amends R.S. 39:15.1, 140, 200(I)(2), and 1751(B); adds R.S. 39:15.2(E) and (F), 15.7, 15.8, and 144)