

1 SB116
2 147812-3
3 By Senators Williams, Marsh, Scofield, Glover, Holley,
4 Bussman, Pittman, Beason, Brewbaker, Waggoner, Allen, Reed,
5 Blackwell, Fielding, McGill, Taylor, Sanford, Ward and
6 Holtzclaw
7 RFD: Fiscal Responsibility and Accountability
8 First Read: 05-FEB-13

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to information technology in state
12 government; creating the Alabama Technology Authority to
13 coordinate with the Alabama Secretary of Information
14 Technology in the formation and implementation of a
15 comprehensive information technology plan for all executive
16 branch departments and agencies, as well as all authorities,
17 boards, bureaus, commissions, and other state government
18 entities that are currently served by the Division of Data
19 Systems Management, or other similar division, of the
20 Department of Finance.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. The Legislature finds and declares:

23 (1) The Alabama Supercomputer Authority has
24 established a reputation for cost effective and efficient
25 information technology service delivery on behalf of the
26 state's educational institutions.

1 (2) Executive branch departments and agencies,
2 including authorities, boards, bureaus, commissions, and other
3 state government entities do not currently have the benefit of
4 similar cost effective and efficient information technology
5 service delivery.

6 (3) The Legislature does not intend to have
7 executive branch departments and agencies, including
8 authorities, boards, bureaus, commissions, and other state
9 government entities to encroach upon nor impede the cost
10 effective and efficient information technology service
11 delivery for the state's educational institutions.

12 (4) The Legislature does find merit in the
13 establishment of a similar information technology authority
14 and service delivery management infrastructure for executive
15 branch departments, agencies, and other state entities as that
16 experienced by the state's educational institutions and
17 believes that by doing so the state General Fund would
18 experience great cost savings, more effective service
19 delivery, and promote the safe continuity of operations
20 required by the advancing state of information technology in
21 the modern age.

22 Section 2. (a) There shall be created the Alabama
23 Technology Authority. It shall be the duty of the authority to
24 serve all executive branch departments and agencies, as well
25 as all authorities, boards, bureaus, commissions, and other
26 state government entities that are currently served by the
27 Division of Data Systems Management, or other similar

1 division, of the Department of Finance. The authority shall
2 have the following powers:

3 (1) To coordinate with the Secretary of Technology
4 and assist the Secretary of Technology in developing and
5 promoting a comprehensive four-year strategic plan for the
6 state's information technology to include acquisition,
7 management, flow and use of information technology by the
8 state agencies represented by the authority.

9 (2) To make and alter all needful bylaws, rules and
10 regulations for the transaction of the authority's business
11 and control of its property and affairs.

12 (3) To make and enter into such contracts, leases,
13 agreements, and other actions as may be necessary or desirable
14 to accomplish any purpose and to exercise any power necessary
15 to carry out the duties of the authority.

16 (b) The authority may employ a chief executive
17 officer. The chief executive officer shall perform such duties
18 as may be assigned to him or her by the authority and the
19 duties as are required of him or her by law. He or she shall
20 receive compensation as may properly be fixed by the
21 authority. In addition, he or she shall be entitled to
22 remuneration for his or her necessary traveling expenses
23 consistent with the general law.

24 The qualifications of the chief executive officer
25 shall be determined by the authority.

26 The chief executive officer may employ, with the
27 approval of the authority, the professional, technical, and

1 clerical persons as may be authorized by the authority; and
2 the authority, upon the recommendation of the chief executive
3 officer, shall define the duties and fix the compensation of
4 the employees. Employees shall serve at the pleasure of the
5 authority. The authority shall comply with the required
6 procedures so that the employees shall be eligible to
7 participate in the State Employees' Retirement System.

8 Section 3. (a) The authority shall be governed by a
9 board of directors, constituted as provided for in this
10 section. All powers of the authority shall be exercised by the
11 board or pursuant to its authorization. The directors shall
12 elect officers of the board. The presence of a majority of the
13 members of the board of directors, or their designees, shall
14 constitute a quorum for the transaction of business. No
15 vacancy on the board of directors or the voluntary
16 disqualification or abstention of any director thereof shall
17 impair the right of a quorum of the board of directors to act.
18 Any action which may be taken at a meeting of the directors or
19 a committee of directors may be taken without a meeting if a
20 consent in writing, setting forth the action so taken, is
21 signed by all the directors or all the members of the
22 committee of directors, as the case may be. The consent shall
23 have the same force and effect as a unanimous vote and may be
24 stated as such in any articles or documents filed with either
25 the judge of probate or the Secretary of State.

26 (b) The number of directors of the board shall be
27 selected as follows: The Director of Finance and the Director

1 of the Department of Commerce shall be ex-officio directors.
2 The Speaker of the House shall appoint a member of the House
3 and the Lieutenant Governor shall appoint a member of the
4 Senate. The Governor shall appoint as directors three
5 representatives nominated by the chairs or commissioners of
6 non-educational institutions or state entities. The Governor
7 shall appoint four representatives from the business sector
8 and two additional members of the board of directors as, in
9 his or her judgment, shall be necessary for the proper and
10 efficient functioning of the authority, so that the
11 representation on the board of directors shall encompass the
12 non-educational institution, state entity, state government,
13 and business sectors of the state.

14 (c) Directors other than those appointed at the time
15 the authority is initially established, and except for
16 ex-officio directors, shall be selected for four-year terms
17 expiring on August 31 of the respective year. The Governor
18 shall, at his or her discretion, indicate a length of initial
19 term for initial appointees of from one to four years, so that
20 each year the term of one-quarter of the members of the board
21 of directors other than ex-officio directors shall expire. Any
22 vacancy on the board of any director, other than an ex-officio
23 director, shall be filled by the appropriate appointing
24 authority for the remainder of that term. Directors may be
25 reappointed for successive terms. Should any ex-officio
26 director cease to hold the office by reason of death,
27 resignation, expiration of his or her term of office, or for

1 any other reason, then his or her successor in office shall
2 take his or her place as an officer or director of the
3 authority. No officer or director shall draw any salary in
4 addition to that now authorized by law for any service he or
5 she may render or for any duty he or she may perform in
6 connection with the authority.

7 (d) All resolutions adopted by the board of
8 directors shall constitute actions of the authority, and all
9 proceedings of the board of directors shall be reduced to
10 writing by the secretary and shall be recorded in a
11 substantially bound book and filed in the office of the
12 Director of Finance. Copies of the proceedings, when certified
13 by the secretary under the seal of the authority, shall be
14 received in all courts as prima facie evidence of the matters
15 and things therein certified. The board of directors of the
16 authority shall meet at such times upon such notice as it
17 shall determine or upon call of the respective chair.

18 Section 4. A reasonable transition period not to
19 exceed one year shall be allowed to permit an orderly and
20 cost-effective transition for the establishment of the
21 authority. By the end of the reasonable transition period it
22 is required that all information technology personnel
23 currently assigned to the Division of Data Systems Management,
24 or other similar division, of the Department of Finance shall
25 be transferred to the authority to continue their duties
26 related to executive branch departments and agencies, as well
27 as all authorities, boards, bureaus, commissions, and other

1 state government entities that are currently served by the
2 Division of Data Systems Management, or other similar
3 division, of the Department of Finance. It is further intended
4 that over the course of time, and as a result of natural
5 attrition, that all such employees formerly assigned to the
6 Division of Data Systems Management, or other similar
7 division, of the Department of Finance shall be replaced by
8 third party service agreements with private entities who shall
9 be required to bid on any contracts through open and
10 transparent means in accordance with current or then existing
11 law governing state contracts.

12 Section 5. The membership of the board of the
13 authority shall reflect the racial, ethnic, gender, and
14 urban/rural diversity of the state.

15 Section 6. This act shall become effective on the
16 first day of the twelfth month following its passage and
17 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Account-
ability..... 05-FEB-13

Read for the second time and placed on the calen-
dar..... 06-FEB-13

Read for the third time and passed as amended 12-FEB-13

Yeas 31
Nays 0

Patrick Harris
Secretary