

1 SB117
2 147593-4
3 By Senators Williams, Marsh, Scofield, Glover, Holley,
4 Pittman, Bussman, Beason, Brewbaker, Waggoner, Allen, Reed,
5 Blackwell, Fielding, McGill, Taylor, Sanford, Dial, Ward, and
6 Holtzclaw
7 RFD: Fiscal Responsibility and Accountability
8 First Read: 05-FEB-13

1 SB117

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4 ENROLLED, An Act,

5 Relating to information technology; to create the
6 Office of Secretary of Information Technology within state
7 government; to establish a Permanent Legislative Oversight
8 Committee on Information Technology; to create a committee to
9 recommend to the Governor a person to serve as the Secretary
10 of Information Technology and to provide for its membership;
11 to establish the experience and education requirements for a
12 candidate for Secretary of Information of Technology; to
13 repeal Sections 16-61D-1 through 16-61D-6, Code of Alabama
14 1975, relating to the Office of Information Technology; to
15 amend Section 41-4-221, Code of Alabama 1975, relating to the
16 duties of the Division of Data Systems Management by deleting
17 subdivisions (1) and (2) of the section.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. The Office of Secretary of Information
20 Technology is created as a cabinet level position not
21 requiring the approval of the Alabama Legislature. The
22 secretary shall have the duties, responsibilities, functions,
23 powers, and authority set forth in this chapter and as
24 otherwise provided by law.

1 Section 2. As used in this chapter, the following
2 terms shall have the following meanings:

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

5 (2) INFORMATION TECHNOLOGY. Automated data
6 processing, communications systems and services, wide area and
7 local area networks, the Internet, electronic information
8 systems and related information, databases, equipment, goods,
9 and services.

10 (3) OFFICE. The office of the Secretary of
11 Information Technology.

12 (4) SECRETARY OF INFORMATION TECHNOLOGY. The chief
13 administrative and executive officer of the Office of
14 Information Technology.

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

24 Section 3. (a) The Secretary of Information
25 Technology shall be appointed by and serve at the pleasure of

1 the Governor. The Secretary of Information Technology shall be
2 responsible for the performance and exercise of the duties,
3 responsibilities, functions, powers, and authority imposed
4 upon the Secretary of Information Technology and the Office of
5 Information Technology by law and shall be the principal
6 advisor to the Governor on information technology policy,
7 including policy on the acquisition and management of
8 information technology and resources. The Secretary of
9 Information Technology shall be in the unclassified service of
10 the state Merit System and shall receive a salary in an amount
11 to be determined by the Governor.

12 (b) The Secretary of Information Technology may
13 employ all personnel of the Office of the Secretary of
14 Information Technology, subject to the state Merit System, or
15 if the employee is to be employed in a supervisory capacity,
16 without regard to the provisions thereof. If supervisors are
17 employed outside the state Merit System, the Secretary of
18 Information Technology shall set the compensation of such
19 employees in accordance with that of comparable positions
20 established under the state Merit System play plan.

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

1 Section 4. The secretary shall have all of the
2 following powers and duties:

3 (1) Develop a comprehensive four-year strategic plan
4 for the state's information technology to include acquisition,
5 management, and use of information technology by state
6 agencies. The plan shall be developed in conjunction with the
7 planning and budgeting processes for state agencies and may
8 include review of state agencies' information technology
9 plans, capital budgets, and operating budgets as appropriate
10 to accomplish the goals of reducing redundant expenditures and
11 maximizing the return on information technology investments.
12 The plan shall be updated annually and submitted to the
13 Governor and shall be presented during a public meeting to the
14 Permanent Legislative Oversight Committee on Information
15 Technology. The plan shall further be coordinated with the
16 Boards of Directors of the Alabama Supercomputer Authority.

17 (2) Collaborate and coordinate with the Division of
18 Data Systems Management of the Department of Finance as set
19 forth in Article 8 of Chapter 4 of Title 41, the Alabama
20 Supercomputer Authority, or any state authority, board, or
21 agency of like kind, and promote standards and coordinate
22 services and infrastructure to ensure that information
23 technology is used to support designated needs areas,
24 including identifying applications, equipment, and services

1 that may be statewide in scope and assisting state agencies in
2 avoiding duplication of applications, equipment, and services.

3 (3) Serve as a member of the board, or boards, for
4 the Alabama Supercomputer Authority.

5 (4) Solicit, receive, and administer funds, goods,
6 services, and equipment from public and private entities to be
7 used for the purchase of computers, satellites, hardware,
8 software, and other information technology equipment and
9 services and for staff training in the use of information
10 technology development programs.

11 (5) Establish an inventory of information technology
12 resources to allow identification of underutilized or idle
13 resources and all data and data systems in state agencies to
14 promote improved asset management, utilization, and data
15 sharing, with information technology resources to include
16 personnel, software, hardware, and services.

17 (6) Establish and administer a structured system for
18 review and approval of new information technology initiatives
19 and projects, including business case, cost benefit analysis,
20 and compatibility analysis.

21 (7) Administer any funds appropriated to the
22 secretary by the Legislature for the establishment, operation,
23 and coordination of the office.

1 (8) Represent state information technology and
2 related areas with both the private and public sectors,
3 including the federal government.

4 (9) Issue annual reports to the Governor, the
5 Legislature, and the general public concerning the
6 coordination and operation of the office.

7 (10) Promulgate rules, regulations, and policies and
8 establish procedures and standards for the management and
9 operation of information technology by state agencies to carry
10 out this chapter, including coordinating state information
11 technology; providing technical assistance to state agency
12 administrators on design and management of state information
13 technology systems; evaluating the cost, system design, and
14 suitability of information technology equipment and related
15 services; establishing standards and policies for project
16 management and project methodologies; and developing a unified
17 and integrated structure and enterprise architecture for
18 information technology systems for all state agencies.

19 (11) Plan and coordinate information technology
20 activities for state agencies in such a manner as to promote
21 the most economical and effective use of state resources.

22 Section 5. No public monies shall be expended by the
23 secretary for any purpose unless the monies have been
24 appropriated by the Legislature to the entity from which the
25 funds are received or to the office. Any monies appropriated

1 shall be budgeted and allotted pursuant to the Budget
2 Management Act in accordance with Article 4, commencing with
3 Section 41-4-80, of Chapter 4 of Title 41, and only in the
4 amounts provided by the Legislature in the general
5 appropriations act or other appropriation acts.

6 Section 6. There is created a Permanent Legislative
7 Oversight Committee for Information Technology to review the
8 operations and performance of the Secretary of Information
9 Technology and to promote the effective use of information
10 technology in state government. A chair and a vice chair shall
11 be selected by the membership. The committee shall meet at
12 least once annually and may meet more often as directed by the
13 chair of the committee. The membership of the committee shall
14 reflect the racial, gender, urban/rural, and ethnic diversity
15 of the state. The committee shall consist of the following:

16 (1) The chairs of the House and Senate General and
17 Education appropriations committees.

18 (2) Two members of the House appointed by the
19 Speaker of the House of Representatives.

20 (3) One member of the Senate appointed by the
21 President of the Senate.

22 (4) One member of the Senate appointed by the
23 President Pro Tempore of the Senate.

24 Section 7. (a) There is hereby created a search
25 committee whose purpose, when the need arises, is to recommend

1 candidates to the Governor to serve as the Secretary of
2 Information Technology.

3 (b) The committee shall be composed of the following
4 individuals:

5 (1) Two members appointed by the Governor.

6 (2) A member appointed by the Speaker of the House
7 of Representatives.

8 (3) A member appointed by the President Pro Tempore
9 of the Senate.

10 (4) A member appointed by the Lieutenant Governor.

11 (c) The committee shall conduct a search using, at a
12 minimum, the following criteria:

13 (1) A minimum of 15 years senior management
14 experience in a large organization.

15 (2) Demonstrated experience in the following areas:

16 a. Strategic planning and execution.

17 b. Financial budgeting.

18 c. Innovation and business transformation.

19 d. Facilitating and building consensus among a
20 diverse set of stakeholders.

21 e. Operating in complex, politicized environment.

22 f. Contracting, negotiating, and change management.

23 g. Creating and sustaining work cultures.

24 h. Leading a large functionally diverse information
25 technology organization.

1 i. Demonstrating ability to work independently with
2 elected officials and heads of agencies from the executive,
3 legislative, and judicial branches of government.

4 (d) The committee shall forward a list of five to
5 ten qualified candidates to the Governor who may select an
6 individual or reject the list.

7 (e) Each candidate shall have at a minimum a
8 baccalaureate degree; however, a combination of education and
9 experience may be considered.

10 Section 8. The Secretary of Information Technology
11 shall not be subject to the Alabama Sunset Law, Title 41,
12 Chapter 20, as an enumerated agency as provided in Section
13 41-20-3, Code of Alabama 1975.

14 Section 9. Sections 16-61D-1 to 16-61D-6, Code of
15 Alabama 1975, are repealed.

16 Section 10. Section 41-4-221, Code of Alabama 1975,
17 is amended to read as follows:

18 "§41-4-221.

19 "The functions, powers and duties of the division of
20 data systems management shall be as follows:

21 ~~"(1) To plan, control and coordinate state data~~
22 ~~processing activities in such manner to insure the most~~
23 ~~economical use of state resources.~~

24 ~~"(2) To develop and maintain a master plan for the~~
25 ~~state's data processing activities.~~

1 "~~(3)~~(1) To establish and supervise the
2 administration of such data processing centers deemed
3 necessary to best serve the data processing needs of all
4 agencies.

5 "~~(4)~~(2) To provide for the centralization,
6 consolidation and shared use of equipment and services deemed
7 necessary to obtain maximum utilization and efficiency in data
8 processing operations.

9 "~~(5)~~(3) To transfer to any data processing center
10 the data processing activities of any agency.

11 "~~(6)~~(4) To provide systems design and programming
12 services to all state agencies.

13 "~~(7)~~(5) To select and procure by purchase or by
14 lease any and all data processing systems and associated
15 software deemed necessary to best serve the data processing
16 needs of the ~~state~~ division.

17 "~~(8)~~(6) To conduct data processing studies as deemed
18 necessary and to enter contracts with other agencies,
19 organizations, corporations or individuals to make such
20 studies as are deemed to be necessary.

21 "~~(9)~~(7) To prepare contract specifications for
22 equipment and services.

23 "~~(10)~~(8) To adopt such rules and regulations deemed
24 necessary to carry out the duties and responsibilities imposed
25 by this article."

1 Section 11. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB117

Senate 12-FEB-13

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 07-MAR-13

Senate concurred in House amendment 12-MAR-13

By: Senator Williams