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3 HOUSE TECHNOLOGY AND RESEARCH COMMITTEE SUBSTITUTE FOR HB270
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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, 41-28-2, and 41-28-3, Code of Alabama 1975,
21 relating to information technology and the Information
22 Services Division of the Department of Finance to transfer
23 this 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, 41-28-2, and 41-28-3,
18 Code of 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 "§41-28-2.

2 "As used in this chapter, the following terms shall
3 have the following meanings:

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

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

11 "(3) OFFICE. The Office of ~~the Secretary of~~
12 Information Technology.

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

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

25 "§41-28-3.

26 "(a) The Secretary of Information Technology shall
27 be appointed by and serve at the pleasure of the Governor. The

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

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

1 not less than fifty thousand dollars (\$50,000), for the
2 faithful performance of the secretary's duties.

3 "(c) The employees of the office shall be either
4 members of the classified service of the Merit System or
5 exempt from the Merit System. In addition to any other exempt
6 positions as otherwise allowed by law, the exempt positions in
7 the office shall include:

8 "(1) Up to four deputy secretaries.

9 "(2) Up to 12 highly trained, highly specialized
10 information technology professionals.

11 "(3) A Director of Broadband Development.

12 "(d) Employees of the office in the exempt service
13 shall serve at the pleasure of the secretary and,
14 notwithstanding Section 36-6-6, shall receive salaries to be
15 determined by the secretary.

16 ~~"(c) If existing positions or divisions of state~~
17 ~~government are consolidated or eliminated as a result of the~~
18 ~~creation of the office, any state employees displaced may be~~
19 ~~offered the opportunity to transfer to available positions~~
20 ~~within the office for which they are qualified."~~

21 Section 3. (a) Effective October 1, 2017, the
22 Information Services Division of the Department of Finance,
23 which was established on March 19, 1997, by the Director of
24 Finance with the approval of the Governor pursuant to Section
25 41-4-37, Code of Alabama 1975, and which thereby assumed the
26 authority, powers, and duties of, and succeeded to, the
27 divisions of Data Systems Management and Telecommunications of

1 the Department of Finance, is abolished. All powers,
2 authority, and duties of the Information Services Division,
3 including, but not limited, to those authorities currently
4 established in Articles 8 and 11 of Chapter 4 of Title 41,
5 Code of Alabama 1975, are hereby transferred to the Office of
6 Information Technology. All references in any law or rule to
7 the Division of Data Systems Management, the
8 Telecommunications Division, or the Information Services
9 Division of the Department of Finance shall be deemed a
10 reference to the Office of Information Technology. In any law
11 or rule relating to the Division of Data Systems Management,
12 the Telecommunications Division, or the Information Services
13 Division, all references to the Department of Finance shall be
14 deemed a reference to the Office of Information Technology,
15 and all references to the Director of Finance shall be deemed
16 a reference to the Secretary of Information Technology.

17 (b) All books, records, supplies, funds, equipment,
18 and personnel of the Information Services Division of the
19 Department of Finance shall be transferred to the Office of
20 Information Technology.

21 (c) All persons employed by the Department of
22 Finance who are identified by the Finance Director as
23 employees of the Information Services Division on October 1,
24 2017, shall be transferred to the Office of Information
25 Technology. Such transfer shall result without loss of salary,
26 benefits, seniority, or decrease in Merit System
27 classification.

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

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

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