SB117
147593-4
By Senators Williams, Marsh, Scofield, Glover, Holley,
Pittman, Bussman, Beason, Brewbaker, Waggoner, Allen, Reed,
Blackwell, Fielding, McGill, Taylor, Sanford, Dial, Ward, and
Holtzclaw
RFD: Fiscal Responsibility and Accountability
First Read: 05-FEB-13
ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Office of Secretary of Information Technology is created as a cabinet level position not requiring the approval of the Alabama Legislature. The secretary shall have the duties, responsibilities, functions, powers, and authority set forth in this chapter and as otherwise provided by law.
Section 2. As used in this chapter, the following terms shall have the following meanings:

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

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

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

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

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

Section 3. (a) The Secretary of Information Technology shall be appointed by and serve at the pleasure of
the Governor. The Secretary of Information Technology shall be responsible for the performance and exercise of the duties, responsibilities, functions, powers, and authority imposed upon the Secretary of Information Technology and the Office of Information Technology by law and shall be the principal advisor to the Governor on information technology policy, including policy on the acquisition and management of information technology and resources. The Secretary of Information Technology shall be in the unclassified service of the state Merit System and shall receive a salary in an amount to be determined by the Governor.

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

(c) If existing positions or divisions of state government are consolidated or eliminated as a result of the creation of the office, any state employees displaced may be offered the opportunity to transfer to available positions within the office for which they are qualified.
Section 4. The secretary shall have all of the following powers and duties:

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

(2) Collaborate and coordinate with the Division of Data Systems Management of the Department of Finance as set forth in Article 8 of Chapter 4 of Title 41, the Alabama Supercomputer Authority, or any state authority, board, or agency of like kind, and promote standards and coordinate services and infrastructure to ensure that information technology is used to support designated needs areas, including identifying applications, equipment, and services
that may be statewide in scope and assisting state agencies in avoiding duplication of applications, equipment, and services.

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

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

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

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

(7) Administer any funds appropriated to the secretary by the Legislature for the establishment, operation, and coordination of the office.
(8) Represent state information technology and related areas with both the private and public sectors, including the federal government.

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

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

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

Section 5. No public monies shall be expended by the secretary for any purpose unless the monies have been appropriated by the Legislature to the entity from which the funds are received or to the office. Any monies appropriated
shall be budgeted and allotted pursuant to the Budget Management Act in accordance with Article 4, commencing with Section 41-4-80, of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriation acts.

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

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

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

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

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

Section 7. (a) There is hereby created a search committee whose purpose, when the need arises, is to recommend
candidates to the Governor to serve as the Secretary of Information Technology.

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

(1) Two members appointed by the Governor.

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

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

(4) A member appointed by the Lieutenant Governor.

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

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

(2) Demonstrated experience in the following areas:

a. Strategic planning and execution.

b. Financial budgeting.

c. Innovation and business transformation.

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

e. Operating in complex, politicized environment.

f. Contracting, negotiating, and change management.

g. Creating and sustaining work cultures.

h. Leading a large functionally diverse information technology organization.
i. Demonstrating ability to work independently with elected officials and heads of agencies from the executive, legislative, and judicial branches of government.

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

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

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

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

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

"§41-4-221.

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

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

"(2) To develop and maintain a master plan for the state's data processing activities."
"(3) To establish and supervise the
administration of such data processing centers deemed
necessary to best serve the data processing needs of all
agencies.

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

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

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

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

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

"(9) To prepare contract specifications for
equipment and services.

"(10) To adopt such rules and regulations deemed
necessary to carry out the duties and responsibilities imposed
by this article."
Section 11. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.
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

Approved 10:10 am
19 March 2013

Governor
SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 117.

YEAS 31  NAYS 0  ABSTAIN

PATRICK HARRIS,
Secretary

HOUSE ACTION

DATE: 02-12 2013
RD 1 RFD

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Technology & Research was acted upon by such committee in session and returned thereto from the House with the recommendation that it be passed, w/amend(s) w/sub. This 21 day of February, 2013.

PATRICK HARRIS,
Secretary

CONFERENCE COMMITTEE

Senate Conferees

DATE: 02-21 2013
RF w/amend RD 2 CAL

RE-REFERRED RE-COMMITTED Committee

DATE: 20

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 117.

YEAS 87  NAYS 2

JEFF WOODARD,
Clerk