

SB219

By Senator Williams  
RFD Governmental Affairs  
Rd 1 16-FEB-17

**SYNOPSIS:** Under existing law, there is an Information Services Division in the Department of Finance.  
This bill would transfer the division to the Office of Information Technology and provide further for the authority of the Office of Information Technology.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to information technology; to amend Sections 41-28-1 and 41-28-3, Code of Alabama 1975, relating to information technology and the Information Services Division of the Department of Finance to transfer this division to the Office of Information Technology.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Legislature finds and declares:

- (1) The streamlining and consolidation of governmental functions is a priority and is of great importance to the economic well-being of the State of Alabama, to its citizens, and to ensuring appropriate and responsible use of taxpayer funds.
  - (2) The Office of Information Technology was created in furtherance of the goal to streamline information technology in the state.
  - (3) Effective utilization of information technology is paramount to reducing the cost of governmental operations and to serving the citizens of the state.
  - (4) Excellence in support for all state agency information technology needs is critical to serving the people of Alabama.
- (b) To implement the findings in subsection (a), the purpose of this act is to transfer the responsibility and authority for information technology service delivery from the Department of Finance to the Office of Information Technology.

Section 2. Sections 41-28-1 and 41-28-3, Code of Alabama 1975, are amended to read as follows:

§41-28-1.

~~"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. There is in state government the Office of Information Technology, which shall be headed by the Secretary of Information Technology.~~

§41-28-3.

"(a) The Secretary of Information Technology shall be appointed by and serve at the pleasure of the Governor. The Secretary of Information Technology is a cabinet level position and the secretary 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 state Chief Information Officer (CIO) and 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. Before entering upon the discharge of his or her duties, the secretary shall take the constitutional oath of office and shall execute to the State of Alabama a bond, to be approved by the Governor, in an amount to be fixed by the Governor, but not less than fifty thousand dollars (\$50,000), for the faithful performance of the secretary's duties.~~

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

~~"(1) Up to four deputy secretaries.~~

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

~~"(3) A Director of Broadband Development.~~

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

~~"(e) 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 3. (a) Effective October 1, 2017, the Information Services Division of the Department of Finance, which was established on March 19, 1997, by the Director of Finance with the approval of the Governor pursuant to Section 41-4-37, Code of Alabama 1975, and which thereby assumed the authority, powers, and duties of, and succeeded to, the divisions of Data Systems Management and Telecommunications of the Department of Finance, is abolished. All powers, authority, and duties of the Information Services Division, including, but not limited, to those authorities currently established in Articles 8 and 11 of Chapter 4 of Title 41, Code of Alabama 1975, are hereby transferred to the Office of Information Technology. All references in any law or rule to the Division of Data Systems Management, the Telecommunications Division, or the Information Services Division of the Department of Finance shall be deemed a reference to the Office of

Information Technology. In any law or rule relating to the Division of Data Systems Management, the Telecommunications Division, or the Information Services Division, all references to the Department of Finance shall be deemed a reference to the Office of Information Technology, and all references to the Director of Finance shall be deemed a reference to the Secretary of Information Technology.

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

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

Section 4. In addition to any other authority, the Department of Finance, Division of Purchasing, is hereby authorized to enter into joint purchasing agreements for information technology goods and services and make multi-vendor awards for information technology goods and services on behalf of the Office of Information Technology.

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

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

**Finance Department**

**Information Technology, Office of**

**Telecommunications**

**Code Added**

**Code Amended**

**Code Repealed**