

1 SB116
2 147812-1
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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8 SYNOPSIS: This bill would create the Alabama
9 Technology Authority to serve state non-educational
10 institutions and state entities which receive the
11 majority of their appropriations from the General
12 Fund.

13 This bill would provide that the authority
14 would coordinate with and assist the Alabama
15 Secretary of Technology in the formation and
16 implementation of a comprehensive information
17 technology plan for the Alabama state government
18 entities which it serves.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 Relating to information technology in state
25 government; creating the Alabama Technology Authority to
26 coordinate with the Alabama Secretary of Information
27 Technology in the formation and implementation of a

1 comprehensive information technology plan for state
2 non-educational institutions and entities that receive the
3 majority of their appropriations from the General Fund.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. The Legislature finds and declares:

6 (1) The Alabama Supercomputer Authority has
7 established a reputation for cost effective and efficient
8 information technology service delivery on behalf of those
9 state agencies and entities that receive the majority of their
10 funding from the Education Trust Fund.

11 (2) State agencies and entities that receive the
12 majority of their funding from the state General Fund do not
13 currently have the benefit of similar cost effective and
14 efficient information technology service delivery.

15 (3) The Legislature does not intend to have General
16 Fund expenditures or entities or institutions that receive the
17 majority of their funding from the state General Fund to
18 encroach upon nor impede the cost effective and efficient
19 information technology service delivery for Education Trust
20 Fund entities.

21 (4) The Legislature does find merit in the
22 establishment of a similar information technology authority
23 and service delivery management infrastructure for General
24 Fund agencies as that experienced by Education Trust Fund
25 entities and believes that by doing so the state General Fund
26 would experience great cost savings, more effective service
27 delivery, and promote the safe continuity of operations

1 required by the advancing state of information technology in
2 the modern age.

3 Section 2. (a) There shall be created the Alabama
4 Technology Authority. It shall be the duty of the authority to
5 serve non-educational institutions and state entities that
6 receive the majority of their funds from the General Fund. The
7 authority shall have the following powers:

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

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

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

21 (b) The authority may employ a chief executive
22 officer. The chief executive officer shall perform such duties
23 as may be assigned to him or her by the authority and the
24 duties as are required of him or her by law. He or she shall
25 receive compensation as may properly be fixed by the
26 authority. In addition, he or she shall be entitled to

1 remuneration for his or her necessary traveling expenses
2 consistent with the general law.

3 The qualifications of the chief executive officer
4 shall be determined by the authority.

5 The chief executive officer may employ, with the
6 approval of the authority, the professional, technical, and
7 clerical persons as may be authorized by the authority; and
8 the authority, upon the recommendation of the chief executive
9 officer, shall define the duties and fix the compensation of
10 the employees. Employees shall serve at the pleasure of the
11 authority. The authority shall comply with the required
12 procedures so that the employees shall be eligible to
13 participate in the State Employees' Retirement System.

14 Section 3. (a) The authority shall be governed by a
15 board of directors, constituted as provided for in this
16 section. All powers of the authority shall be exercised by the
17 board or pursuant to its authorization. The directors shall
18 elect officers of the board. The presence of a majority of the
19 members of the board of directors, or their designees, shall
20 constitute a quorum for the transaction of business. No
21 vacancy on the board of directors or the voluntary
22 disqualification or abstention of any director thereof shall
23 impair the right of a quorum of the board of directors to act.
24 Any action which may be taken at a meeting of the directors or
25 a committee of directors may be taken without a meeting if a
26 consent in writing, setting forth the action so taken, is
27 signed by all the directors or all the members of the

1 committee of directors, as the case may be. The consent shall
2 have the same force and effect as a unanimous vote and may be
3 stated as such in any articles or documents filed with either
4 the judge of probate or the Secretary of State.

5 (b) The number of directors of the board shall be
6 selected as follows: The Director of Finance and the Director
7 of the Department of Commerce shall be ex-officio directors.
8 The Speaker of the House shall appoint a member of the House
9 and the Lieutenant Governor shall appoint a member of the
10 Senate. The Governor shall appoint as directors three
11 representatives nominated by the chairs or commissioners of
12 non-educational institutions or state entities. The Governor
13 shall appoint four representatives from the business sector
14 and two additional members of the board of directors as, in
15 his or her judgment, shall be necessary for the proper and
16 efficient functioning of the authority, so that the
17 representation on the board of directors shall encompass the
18 non-educational institution, state entity, state government,
19 and business sectors of the state.

20 (c) Directors other than those appointed at the time
21 the authority is initially established, and except for
22 ex-officio directors, shall be selected for four-year terms
23 expiring on August 31 of the respective year. The Governor
24 shall, at his or her discretion, indicate a length of initial
25 term for initial appointees of from one to four years, so that
26 each year the term of one-quarter of the members of the board
27 of directors other than ex-officio directors shall expire. Any

1 vacancy on the board of any director, other than an ex-officio
2 director, shall be filled by the appropriate appointing
3 authority for the remainder of that term. Directors may be
4 reappointed for successive terms. Should any ex-officio
5 director cease to hold the office by reason of death,
6 resignation, expiration of his or her term of office, or for
7 any other reason, then his or her successor in office shall
8 take his or her place as an officer or director of the
9 authority. No officer or director shall draw any salary in
10 addition to that now authorized by law for any service he or
11 she may render or for any duty he or she may perform in
12 connection with the authority.

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

24 Section 4. A reasonable transition period not to
25 exceed one year shall be allowed to permit an orderly and
26 cost-effective transition for the establishment of the
27 authority. By the end of the reasonable transition period it

1 is intended that all information technology personnel
2 currently assigned to the Division of Data Systems Management
3 of the Department of Finance shall be transferred to the
4 authority to continue their duties related to non-educational
5 institutions or state entities that receive the majority of
6 their funds from the General Fund. It is further intended that
7 over the course of time, and as a result of natural attrition,
8 that all such employees formerly assigned to the Division of
9 Data Systems Management of the Department of Finance shall be
10 replaced by third party service agreements with private
11 entities who shall be required to bid on any contracts through
12 open and transparent means in accordance with current or then
13 existing law governing state contracts.

14 Section 5. This act shall become effective on the
15 first day of the twelfth month following its passage and
16 approval by the Governor, or its otherwise becoming law.