1   HB177

2   204764-1

3   By Representatives Reynolds, Whitt and Simpson

4   RFD: County and Municipal Government

5   First Read: 02-FEB-21

6   PFD: 01/28/2021

1   204764-1:n:02/12/2020:LK/ma LSA2020-382

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8   SYNOPSIS: This bill would amend the Alabama Uniform

9   Electronic Transactions Act to allow a municipality

10   to use electronic records and signatures in the

11   conduct of its affairs.

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13   A BILL

14   TO BE ENTITLED

15   AN ACT

16

17   Relating to municipalities; to amend Sections

18   8-1A-17 and 8-1A-18, Code of Alabama 1975, to allow a

19   municipality to use electronic records and signatures in the

20   conduct of its affairs.

21   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22   Section 1. Sections 8-1A-17 and 8-1A-18, Code of

23   Alabama 1975, are amended to read as follows:

24   "§8-1A-17.

25   "(a) The Alabama Supreme Court and any other court

26   or judicial official or entity with rulemaking authority and

27   each governmental agency of this state with rulemaking

1 authority reviewable under Section 41-22-23 may determine by

2 rule whether, and the extent to which, it will create and

3 retain electronic records and convert written records to

4 electronic records.

5   "(b) The governing body of each municipality in the

6 state may determine by ordinance whether, and the extent to

7 which, an executive, legislative, or judicial agency,

8 department, board, commission, authority, institution, or

9 instrumentality of the municipality shall create and retain

10 electronic records and convert written records to electronic

11 records.

12   "§8-1A-18.

13   "(a)(1) Except as otherwise provided in subsection

14 (f) of Section 8-1A-12, the Alabama Supreme Court and any

15 other court or judicial official or entity with rulemaking

16 authority and each governmental agency of this state with

17 rulemaking authority reviewable under Section 41-22-23 may

18 determine by rule whether, and the extent to which, it will

19 send and accept electronic records and electronic signatures

20 to and from other persons and otherwise create, generate,

21 communicate, store, process, use, and rely upon electronic

22 records and electronic signatures.

23   "(2) Except as otherwise provided in subsection (f)

24 of Section 8-1A-12, the governing body of each municipality in

25 the state may determine by ordinance whether, and the extent

26 to which, an executive, legislative, or judicial agency,

27 department, board, commission, authority, institution, or

1   instrumentality of the municipality shall send and accept

2   electronic records and electronic signatures to and from other

3   persons and otherwise create, generate, communicate, store,

4   process, use, and rely upon electronic records and electronic

5   signatures.

6   "(b) To the extent that a governmental agency uses

7   electronic records and electronic signatures under subsection

8   (a), the governmental agency, giving due consideration to

9   security, may specify each of the following:

10   "(1) The manner and format in which the electronic

11   records shall be created, generated, sent, communicated,

12   received, and stored and the systems established for those

13   purposes.

14   "(2) If electronic records must be signed by

15   electronic means, the type of electronic signature required,

16   the manner and format in which the electronic signature shall

17   be affixed to the electronic record, and the identity of, or

18   criteria that shall be met by, any third party used by a

19   person filing a document to facilitate the process.

20   "(3) Control processes and procedures as appropriate

21   to ensure adequate preservation, disposition, integrity,

22   security, confidentiality, and auditability of electronic

23   records.

24   "(c) Except as otherwise provided in subsection (f)

25   of Section 8-1A-12, this chapter does not require a

26   governmental agency of this state to use or permit the use of

27   electronic records or electronic signatures."

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