

1 HB177
2 204764-3
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 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 Relating to municipalities; to amend Sections
9 8-1A-17, 8-1A-18, and 8-1A-19, Code of Alabama 1975, to allow
10 a municipality to use electronic records and signatures in the
11 conduct of its affairs; and to authorize the Office of
12 Information Technology, by rule, to provide for the acceptance
13 of electronic signatures by any agency under the purview of
14 the office.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 8-1A-17, 8-1A-18, and 8-1A-19,
17 Code of Alabama 1975, are amended to read as follows:

18 "§8-1A-17.

19 "(a) The Alabama Supreme Court and any other court
20 or judicial official or entity with rulemaking authority and
21 each governmental agency of this state with rulemaking
22 authority reviewable under Section 41-22-23 may determine by
23 rule whether, and the extent to which, it will create and
24 retain electronic records and convert written records to
25 electronic records.

26 "(b) The governing body of each municipality in the
27 state may determine by ordinance whether, and the extent to

1 which, an executive, legislative, or judicial agency,
2 department, board, commission, authority, institution, or
3 instrumentality of the municipality shall create and retain
4 electronic records and convert written records to electronic
5 records.

6 "§8-1A-18.

7 "(a) (1) Except as otherwise provided in subsection
8 (f) of Section 8-1A-12, the Alabama Supreme Court and any
9 other court or judicial official or entity with rulemaking
10 authority and each governmental agency of this state with
11 rulemaking authority reviewable under Section 41-22-23 may
12 determine by rule whether, and the extent to which, it will
13 send and accept electronic records and electronic signatures
14 to and from other persons and otherwise create, generate,
15 communicate, store, process, use, and rely upon electronic
16 records and electronic signatures.

17 "(2) Except as otherwise provided in subsection (f)
18 of Section 8-1A-12, the governing body of each municipality in
19 the state may determine by ordinance whether, and the extent
20 to which, an executive, legislative, or judicial agency,
21 department, board, commission, authority, institution, or
22 instrumentality of the municipality shall send and accept
23 electronic records and electronic signatures to and from other
24 persons and otherwise create, generate, communicate, store,
25 process, use, and rely upon electronic records and electronic
26 signatures.

1 "(b) To the extent that a governmental agency uses
2 electronic records and electronic signatures under subsection
3 (a), the governmental agency, giving due consideration to
4 security, may specify each of the following:

5 "(1) The manner and format in which the electronic
6 records shall be created, generated, sent, communicated,
7 received, and stored and the systems established for those
8 purposes.

9 "(2) If electronic records must be signed by
10 electronic means, the type of electronic signature required,
11 the manner and format in which the electronic signature shall
12 be affixed to the electronic record, and the identity of, or
13 criteria that shall be met by, any third party used by a
14 person filing a document to facilitate the process.

15 "(3) Control processes and procedures as appropriate
16 to ensure adequate preservation, disposition, integrity,
17 security, confidentiality, and auditability of electronic
18 records.

19 "(c) Except as otherwise provided in subsection (f)
20 of Section 8-1A-12, this chapter does not require a
21 governmental agency of this state to use or permit the use of
22 electronic records or electronic signatures."

23 "§8-1A-19.

24 "(a) A governmental agency of this state which
25 adopts standards pursuant to Section 8-1A-18 may encourage and
26 promote consistency and interoperability with similar
27 requirements adopted by other governmental agencies of this

1 and other states and the federal government and
2 nongovernmental persons interacting with governmental agencies
3 of this state. If appropriate, those standards may specify
4 differing levels of standards from which governmental agencies
5 of this state may choose in implementing the most appropriate
6 standard for a particular application.

7 "(b) The Alabama Office of Information Technology,
8 by rule, may provide a procedure for any agency under the
9 purview of the office to create and retain electronic records,
10 convert written records to electronic records, and accept
11 electronic signatures. The rule shall satisfy the requirements
12 of Sections 8-1A-17 and 8-1A-18, shall be permissive, and may
13 not repeal, or alter, any existing or future agency rules
14 relating to electronic signatures or electronic records."

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on County and Mu-
nicipal Government..... 02-FEB-21

Read for the second time and placed
on the calendar 1 amendment 10-FEB-21

Read for the third time and passed
as amended..... 11-MAR-21

Yeas 100, Nays 0, Abstains 0

Jeff Woodard
Clerk