

HB207 INTRODUCED



1 HB207
2 GMK4C6C-1
3 By Representative Shaw
4 RFD: State Government
5 First Read: 06-Feb-25



SYNOPSIS:

Under existing law, the Office of Information Technology was created to streamline information technology and provide for the delivery of information technology services for state government offices.

This bill would expand the services of the office to include cybersecurity and integrate those tasks previously performed by the Division of Data Systems Management, the manager of printing and publications, and the Telecommunications Division of the Department of Finance.

This bill would create a technology quality assurance board.

This bill would also provide exemptions and would repeal the Data Systems Management and Telecommunications Divisions of the Department of Finance.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Office of Information Technology; to amend Sections 41-28-1, 41-28-2, 41-28-4, and 41-28-5, Code of



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Alabama 1975, to provide further for definitions; to expand the services provided by the office to include cybersecurity and tasks performed by the Division of Data Systems Management and the Telecommunications Division of the Department of Finance; to authorize the office, in consultation with the Governor, to create a technology quality assurance board; to create a Telecommunications Revolving Fund in the State Treasury and provide for the deposit of certain fees and appropriations into the fund and the use of those funds; to add Sections 41-28-11, 41-28-12, 41-28-13, 41-28-14, 41-28-15, 41-28-16, and 41-28-17 to the Code of Alabama 1975, to provide further for the powers of the office and exemptions; and to repeal Article 8 of Chapter 4 of Title 41, Code of Alabama 1975, consisting of Sections 41-4-220 through 41-4-224, Code of Alabama 1975, providing for the Division of Data Systems Management of the Department of Finance; and to repeal Article 9 of Chapter 4 of Title 41, Code of Alabama 1975, consisting of Sections 41-4-240 through 41-4-243, Code of Alabama 1975, providing for the manager of printing and publications for the Department of Finance; and to repeal Article 11 of Chapter 4 of Title 41, consisting of Sections 41-4-280 through 41-4-293, Code of Alabama 1975, providing for the Telecommunications Division of the Department of Finance.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 41-28-1, 41-28-2, 41-28-4, and 41-28-5 of the Code of Alabama 1975, are amended to read as follows:

"§41-28-1



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There is in state government the Office of Information Technology, which shall be headed by the Secretary of Information Technology who shall also be known as the Chief Information Officer of the state."

"§41-28-2

As used in this chapter, the following terms shall have the following meanings:

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

(2) CYBERSECURITY. The protection of critical infrastructure, data, and digital networks through the implementation of security measures, risk management processes, disaster recovery, business continuity, and incident response protocols to safeguard against cyber threats.

(3) ELECTROMAGNETIC TRANSMISSION EQUIPMENT. Any transmission medium, switch, instrument, network node, inside wiring system, wireless system, fiber-optic system, or other facility which is used, in whole or in part, to provide any transmission, communication, or processing of information.

~~-(2)-~~ (4) INFORMATION TECHNOLOGY. Automated All forms of automated data processing, communications systems, subsystems, or interconnected systems and services, wide area and local area networks, the Internet, computer networks, electronic information systems and related information, databases, equipment, goods, and services used for gathering, storing, transmitting, retrieving, manipulating, moving, controlling, managing, displaying, interchanging, receiving, processing, or



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protecting of information.

~~(3)~~ (5) OFFICE. The Office of Information Technology.

~~(4)~~ (6) SECRETARY OF INFORMATION TECHNOLOGY. The chief administrative and executive officer of the Office of Information Technology who is also known as the Chief Information Officer of the state.

~~(5)~~ (7) 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, the State Department of Education, the Retirement Systems of Alabama, 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.

(8) TECHNOLOGY CONTRACT. A contract entered into by any state agency concerning information technology, cybersecurity, electromagnetic transmission equipment, or telecommunications equipment, systems, or related services.

(9) TELECOMMUNICATIONS EQUIPMENT, SYSTEMS, OR RELATED SERVICES. Includes all of the following:

a. Devices including, but not limited to, telephone instruments, modulators, headsets, and coders, used to convert voices, voice information, or digital data into a form suitable for transmission by electronic, electric current, electromagnetic wave, or any technological means from one point to another point.



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b. Devices including, but not limited to, telephone receivers, demodulators, and decoders, used to receive voices, voice information, or digital data in a form suitable for converting this information into usable form by an electronic, electric current, electromagnetic wave, or any technological means.

c. Wiring, waveguides, optical fibers, wireless, or other physical means used to convey electric currents or electromagnetic waves containing voice information or digital data.

d. Switches, wireless access points, routers, virtual private networks, network concentrators, firewalls, nodes, branch exchanges, software, and other devices used to selectively interconnect devices which use electric current or electromagnetic waves for the purpose of communicating voice signals or digital data from one point to another point.

e. Maintenance of the types of devices and means listed in paragraphs a. through d. and all consulting, designs, implementation, customization, or management services related to those devices, their interconnection, and their use."

"§41-28-4

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



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141 include review of state agencies' information technology
142 plans, capital budgets, and operating budgets as appropriate
143 to accomplish the goals of reducing redundant expenditures and
144 maximizing the return on information technology investments.
145 The plan shall be updated annually and submitted to the
146 Governor and shall be presented during a public meeting to the
147 Permanent Legislative Oversight Committee on Information
148 Technology. The plan shall further be coordinated with the
149 Boards of Directors of the Alabama Supercomputer Authority.

150 (2) Collaborate and coordinate with ~~the Division of~~
151 ~~Data Systems Management of the Department of Finance as set~~
152 ~~forth in Article 8 of Chapter 4 of this title,~~ the Alabama
153 Supercomputer Authority, or any state authority, board, or
154 agency of like kind, and promote standards and coordinate
155 services and infrastructure to ensure that information
156 technology ~~is~~ and cybersecurity are used to support designated
157 needs areas, including identifying applications, equipment,
158 and services that may be statewide in scope and assisting
159 state agencies in avoiding duplication of applications,
160 equipment, and services.

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

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



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(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, information security, and cybersecurity utilization, intelligence, and data sharing, with information technology resources to include personnel, ~~software, hardware~~ goods, and services.

(6) Manage, plan, and coordinate all telecommunications, information technology, and cybersecurity systems under the jurisdiction of the state through coordination of existing system activities, vendors, service orders, billing, and recordkeeping functions; planning and implementing new systems or services; designing replacement systems; project management during specification writing, bid letting, proposal evaluation, and contract negotiations; implementation and supervision of new systems and ongoing support; implementation of long-term state plans; and management of telecommunications networks.

(7) Establish and coordinate through either state ownership or commercial leasing, all telecommunications, information technology, and cybersecurity equipment, systems, and related services affecting the management and operations of the state or any county office of a state agency.

(8) Act as the centralized approving authority for the acquisition of all telecommunications, information technology, and cybersecurity systems or services provided to state agencies via state procurement means, including pay telephones, computer services, Internet delivery systems,



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197 radio communications, or any combination thereof, located on
198 or off premises owned or operated by the state or any of its
199 agencies.

200 (9) Charge respective user agencies for their
201 proportionate cost of the installation, maintenance, and
202 operation of the telecommunications, information technology,
203 and cybersecurity equipment, systems, and services, including
204 the operation of the office.

205 (10) Develop coordinated telecommunications,
206 information technology, and cybersecurity equipment, systems,
207 and related services including, but not limited to, data,
208 voice, and Internet systems or services within and among all
209 state agencies both on and off premises and require, where
210 appropriate, cooperative utilization of telecommunications
211 equipment, facilities, and services by aggregating users.

212 (11) Review, coordinate, approve, or disapprove all
213 requests by state agencies for the procurement, through
214 purchase or lease, of radio communications and
215 telecommunications, information technology, and cybersecurity
216 equipment, systems, and related services, including
217 telecommunications, data, Internet protocol, maintenance,
218 implementation, and consultation contracts.

219 (12) Establish and define telecommunications,
220 information technology, and cybersecurity system and service
221 specifications and designs so as to assure compatibility of
222 telecommunications, information technology, and cybersecurity
223 equipment, systems, and related services within state
224 government and any county office of a state agency.



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225 (13) Provide a continuous, comprehensive analysis and
226 inventory of telecommunications, information technology, and
227 cybersecurity costs, facilities, and systems within state
228 government and any county offices of state agencies.

229 (14) Advise and provide consultation services to state
230 agencies with respect to telecommunications, information
231 technology, and cybersecurity management planning and related
232 matters, including training within state agencies.

233 (15) Establish and supervise the administration of data
234 processing centers deemed necessary to best serve the data
235 processing needs of all state agencies.

236 (16) Provide for the centralization, consolidation, and
237 shared use of equipment and services deemed necessary to
238 obtain maximum utilization and efficiency in data processing
239 operations.

240 (17) Transfer to any data processing center the data
241 processing activities of any state agency.

242 (18) Provide systems design and programming services to
243 all state agencies.

244 (19) Select and procure, by purchase or lease, any data
245 processing systems and associated software deemed necessary to
246 best serve the data processing needs of the office.

247 (20) Conduct data processing studies as deemed
248 necessary and enter into contracts with other state agencies,
249 organizations, corporations, or individuals to complete those
250 studies.

251 (21) Prepare contract specifications for data systems
252 equipment and services.



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253 ~~(6)~~ (22) Establish and administer a structured system
254 for review and approval of new information technology and
255 cybersecurity initiatives and projects, including business
256 case, cost benefit analysis, and compatibility analysis.

257 ~~(7)~~ (23) Administer any funds appropriated to the
258 secretary by the Legislature for the establishment, operation,
259 and coordination of the office.

260 ~~(8)~~ (24) Represent state information technology,
261 cybersecurity, and related areas with both the private and
262 public sectors, including the federal government.

263 ~~(9)~~ (25) Issue annual reports to the Governor, the
264 Legislature, and the general public concerning the
265 coordination and operation of the office.

266 ~~(10)~~ ~~Promulgate~~ (26) Adopt rules, ~~regulations~~, and
267 policies and establish procedures and standards for the
268 management and operation of information technology by state
269 agencies to carry out this chapter, including coordinating
270 state information technology; providing technical assistance
271 to state agency administrators on design and management of
272 state information technology systems; evaluating and approving
273 the cost, system design, and suitability of information
274 technology equipment and related services; establishing and
275 enforcing cybersecurity governance for state agencies,
276 including supporting operations and technology controls;
277 establishing standards and policies for program and project
278 management and ~~project~~ methodologies; and developing a unified
279 and integrated structure and enterprise architecture for
280 information technology systems for all state agencies.



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(27) In consultation with the Governor, adopt rules to provide for the creation, operation, and oversight of a technology quality assurance board that will promote the responsible and transparent procurement, development, and use of novel technologies within state agencies through establishing and enforcing the following measures for these technologies:

a. Ethical guidelines and frameworks.

b. Security and privacy controls.

c. Ongoing compliance mechanisms.

~~(11)~~ (28) Plan and coordinate information technology and cybersecurity activities for state agencies in such a manner as to promote the most economical and effective use of state resources."

"§41-28-5

(a) 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 this title, and only in the amounts provided by the Legislature in the general appropriations act or other appropriation acts.

(b) All user fees collected, direct appropriations, and other funds received relating to the provision of telecommunications services under this chapter shall be deposited into a revolving fund in the State Treasury



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designated as the Telecommunications Revolving Fund, and the
secretary may make deposits and expenditures from time to time
from the fund to implement this chapter. All balances of
revenue, income, and receipts remaining in the fund at the end
of each fiscal year shall carry over to the next fiscal year
and shall not revert to the State General Fund or any other
fund."

Section 2. Sections 41-28-11, 41-28-12, 41-28-13,
41-28-14, 41-28-15, 41-28-16, and 41-28-17 are added to the
Code of Alabama 1975, to read as follows:

§41-28-11

No state agency shall rent, lease, lease to purchase,
or in any way own or pay for the operation of any
telecommunications, information technology, or cybersecurity
equipment, system, or related services or computer networks
out of any funds available for that purpose without the
written approval of the office.

§41-28-12

The office, on behalf of any state agency, may enter
into an equipment support contract with a vendor of
telecommunications, information technology, or cybersecurity
equipment for the purchase, lease, or lease to purchase of the
equipment in accordance with state competitive bid laws. Each
contract shall be valid for not more than five fiscal years
and shall include the following annual appropriation
dependence clause: "The continuation of the contract is
contingent upon the appropriation by the Legislature of funds
to fulfill the requirements of the contract. If the



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Legislature fails to appropriate sufficient monies to provide for the continuance of the contract, or if funds from other sources are not available, the contract shall terminate on the date of the beginning of the fiscal year for which funds are not appropriated or available."

§41-28-13

Subject to the approval of the state purchasing agent, the office may allow the trade-in of telecommunications, information technology, or cybersecurity equipment, the value of which may be credited against the cost of replacement equipment purchased in accordance with state competitive bid laws.

§41-28-14

The office may enter into contracts for the lease of telecommunications, information technology, or cybersecurity equipment, systems, or related services. The contract shall be valid for not more than five fiscal years and the office may directly contract for or approve contracts for regulated or tariffed telecommunications, information technology, or cybersecurity services upon a determination that the application of the service is in the best interests of the state.

§41-28-15

This chapter shall not apply to two-way radio communications equipment, systems, or networks operated by state agencies for purposes related to public safety, the administration of criminal justice, or highway maintenance and construction operations.



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§41-28-16

The provisions of this chapter concerning telecommunications, information technology, or cybersecurity equipment, services, and solutioning shall not apply to any county or city board of education, the education television commission, the Alabama Community College System, or any public four-year institution of higher education. Upon request, the office may provide technical consultation and procurement services for telecommunications, information technology, or cybersecurity to any county or city board of education, the education television commission, the Alabama Community College System, and any public four-year institution of higher education. The county and city boards of education, the education television commission, the Alabama Community College System, and public four-year institutions of higher education shall continue to be provided instate and out-of-state long distance voice service by the office, so long as funding is provided to the Telephone Revolving Fund from the Education Trust Fund, and shall not be required to pay any additional charge for that service; however, any county or city board of education shall have the option of utilizing the office for instate and out-of-state long distance voice service only if reimbursement for actual costs are remitted to the office.

§41-28-17

The legislative and judicial branches of government are exempt from the requirements of this chapter, except under terms and conditions mutually agreed to in writing between the



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393 office and the branch of government.

394 Section 3. Article 8 of Chapter 4 of Title 41,
395 consisting of Sections 41-4-220 through 41-4-224, Code of
396 Alabama 1975, providing for the Division of Data Systems
397 Management of the Department of Finance, Article 9 of Chapter
398 4 of Title 41, Consisting of Sections 41-4-240 through
399 41-4-243, Code of Alabama 1975, providing for the manager of
400 printing and publications of the Department of Finance, and
401 Article 11 of Chapter 4 of Title 41, consisting of Sections
402 41-4-280 through 41-4-293, Code of Alabama 1975, providing for
403 the Telecommunications Division of the Department of Finance,
404 are repealed.

405 Section 4. This act shall become effective on October
406 1, 2025.