

## HB207 ENROLLED



1 HB207  
2 EJJ5D99-3  
3 By Representative Shaw  
4 RFD: State Government  
5 First Read: 06-Feb-25



## HB207 Enrolled

1 Enrolled, An Act,

2  
3 Relating to the Office of Information Technology; to  
4 amend Sections 41-28-1, 41-28-2, 41-28-4, and 41-28-5, Code of  
5 Alabama 1975, to provide further for definitions; to expand  
6 the services provided by the office to include cybersecurity  
7 and tasks performed by the Division of Data Systems Management  
8 and the Telecommunications Division of the Department of  
9 Finance; to authorize the office, in consultation with the  
10 Governor, to create a technology quality assurance board; to  
11 create a Telecommunications Revolving Fund in the State  
12 Treasury and provide for the deposit of certain fees and  
13 appropriations into the fund and the use of those funds; to  
14 add Sections 41-28-11, 41-28-12, 41-28-13, 41-28-14, 41-28-15,  
15 41-28-16, 41-28-17, and 41-28-18 to the Code of Alabama 1975,  
16 to provide further for the powers of the office, for criminal  
17 history background checks, and exemptions; and to repeal  
18 Article 8 of Chapter 4 of Title 41, Code of Alabama 1975,  
19 consisting of Sections 41-4-220 through 41-4-224, Code of  
20 Alabama 1975, providing for the Division of Data Systems  
21 Management of the Department of Finance; and to repeal Article  
22 9 of Chapter 4 of Title 41, Code of Alabama 1975, consisting  
23 of Sections 41-4-240 through 41-4-243, Code of Alabama 1975,  
24 providing for the manager of printing and publications for the  
25 Department of Finance; and to repeal Article 11 of Chapter 4  
26 of Title 41, consisting of Sections 41-4-280 through 41-4-293,  
27 Code of Alabama 1975, providing for the Telecommunications  
28 Division of the Department of Finance.



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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

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)~~ (4) INFORMATION TECHNOLOGY. Automated All forms of automated data processing, communications systems, subsystems, or interconnected systems and services, wide area and local



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57 ~~area networks, the Internet, computer networks,~~ electronic  
58 information systems and related information, databases,  
59 equipment, goods, and services used for gathering, storing,  
60 transmitting, retrieving, manipulating, moving, controlling,  
61 managing, displaying, interchanging, receiving, processing, or  
62 protecting of information.

63 ~~(3)~~ (5) OFFICE. The Office of Information Technology.

64 ~~(4)~~ (6) SECRETARY OF INFORMATION TECHNOLOGY. The chief  
65 administrative and executive officer of the Office of  
66 Information Technology who is also known as the Chief  
67 Information Officer of the state.

68 ~~(5)~~ (7) STATE AGENCIES. All departments, agencies,  
69 offices, boards, commissions, bureaus, and authorities of  
70 state government. The term shall not include counties,  
71 municipalities and their instrumentalities, the Alabama State  
72 Port Authority, the State Department of Education, the  
73 Retirement Systems of Alabama, or institutions of higher  
74 education governed by a separate board of trustees, although  
75 these entities and institutions may enter into cooperative  
76 agreements and contracts related to information technology  
77 efforts with the state information technology system.

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

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

84 a. Devices including, but not limited to, telephone



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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.

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:



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

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

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

(4) Solicit, receive, and administer funds, goods,



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141 services, and equipment from public and private entities to be  
142 used for the purchase of computers, satellites, hardware,  
143 software, and other information technology and cybersecurity  
144 equipment and services and for staff training in the use of  
145 information technology and cybersecurity development programs.

146 (5) Establish an inventory of information technology  
147 resources to allow identification of underutilized or idle  
148 resources and all data and data systems in state agencies to  
149 promote improved asset management, information security, and  
150 cybersecurity utilization, intelligence, and data sharing,  
151 with information technology resources to include personnel,  
152 ~~software, hardware~~ goods, and services. The inventory is not  
153 subject to public disclosure.

154 (6) Manage, plan, and coordinate all telecommunications  
155 and cybersecurity systems under the jurisdiction of the state  
156 through coordination of existing system activities, vendors,  
157 service orders, billing, and recordkeeping functions in  
158 accordance with records retention requirements established by  
159 the State Records Commission and other applicable law;  
160 planning and implementing new systems or services; designing  
161 replacement systems; project management during specification  
162 writing, bid letting, proposal evaluation, and contract  
163 negotiations; implementation and supervision of new systems  
164 and ongoing support; implementation of long-term state plans;  
165 and management of telecommunications networks.

166 (7) Establish and coordinate through either state  
167 ownership or commercial leasing, all telecommunications and  
168 cybersecurity equipment, systems, and related services



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169 affecting the management and operations of the state or any  
170 county office of a state agency.

171 (8) Act as the centralized approving authority for the  
172 acquisition of all telecommunications, information technology,  
173 and cybersecurity systems or services provided to state  
174 agencies via state procurement means, including pay  
175 telephones, computer services, Internet delivery systems,  
176 radio communications, or any combination thereof, located on  
177 or off premises owned or operated by the state or any of its  
178 agencies.

179 (9) Charge respective user agencies for their  
180 proportionate cost of the installation, maintenance, and  
181 operation of the telecommunications, information technology,  
182 and cybersecurity equipment, systems, and services, including  
183 the operation of the office.

184 (10) Develop coordinated telecommunications,  
185 information technology, and cybersecurity equipment, systems,  
186 and related services including, but not limited to, data,  
187 voice, and Internet systems or services within and among all  
188 state agencies both on and off premises and require, where  
189 appropriate, cooperative utilization of telecommunications  
190 equipment, facilities, and services by aggregating users.

191 (11) Review, coordinate, approve, or disapprove all  
192 requests by state agencies for the procurement, through  
193 purchase or lease, of radio communications and  
194 telecommunications, information technology, and cybersecurity  
195 equipment, systems, and related services, including  
196 telecommunications, data, Internet protocol, maintenance,



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197 implementation, and consultation contracts.

198 (12) Establish and define telecommunications and  
199 cybersecurity system and service specifications and designs so  
200 as to assure compatibility of telecommunications, information  
201 technology, and cybersecurity equipment, systems, and related  
202 services within state government and any county office of a  
203 state agency.

204 (13) Provide a continuous, comprehensive analysis and  
205 inventory of telecommunications, information technology, and  
206 cybersecurity costs, facilities, and systems within state  
207 government and any county offices of state agencies.

208 (14) Advise and provide consultation services to state  
209 agencies with respect to telecommunications, information  
210 technology, and cybersecurity management planning and related  
211 matters, including training within state agencies.

212 (15) Establish and supervise the administration of data  
213 processing centers deemed necessary to best serve the data  
214 processing needs of all state agencies.

215 (16) Provide for the centralization, consolidation, and  
216 shared use of equipment and services deemed necessary to  
217 obtain maximum utilization and efficiency in data processing  
218 operations.

219 (17) Transfer to any data processing center the data  
220 processing activities of any state agency.

221 (18) Provide systems design and programming services to  
222 all state agencies.

223 (19) Select and procure, by purchase or lease, any data  
224 processing systems and associated software deemed necessary to



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225 best serve the data processing needs of the office.

226 (20) Conduct data processing studies as deemed  
227 necessary and enter into contracts with other state agencies,  
228 organizations, corporations, or individuals to complete those  
229 studies.

230 (21) Prepare contract specifications for data systems  
231 equipment and services.

232 ~~(6)~~ (22) Establish and administer a structured system  
233 for review and approval of new information technology and  
234 cybersecurity initiatives and projects, including business  
235 case, cost benefit analysis, and compatibility analysis.

236 ~~(7)~~ (23) Administer any funds appropriated to the  
237 secretary by the Legislature for the establishment, operation,  
238 and coordination of the office.

239 ~~(8)~~ (24) Represent state information technology,  
240 cybersecurity, and related areas with both the private and  
241 public sectors, including the federal government.

242 ~~(9)~~ (25) Issue annual reports to the Governor, the  
243 Legislature, and the general public concerning the  
244 coordination and operation of the office.

245 ~~(10) Promulgate~~ (26) Adopt rules, ~~regulations,~~ and  
246 policies and establish procedures and standards for the  
247 management and operation of information technology by state  
248 agencies to carry out this chapter, including coordinating  
249 state information technology; providing technical assistance  
250 to state agency administrators on design and management of  
251 state information technology systems; evaluating and approving  
252 the cost, system design, and suitability of information



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technology equipment and related services; establishing and enforcing cybersecurity governance for state agencies, including supporting operations and technology controls; establishing standards and policies for program and project management and ~~project~~ methodologies; and developing a unified and integrated structure and enterprise architecture for information technology systems for all state agencies.

(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



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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 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, 41-28-17, and 41-28-18 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



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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 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



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337 state.

338 §41-28-15

339 (a) Pursuant to the requirements of Public Law 92-544,  
340 the office may conduct a state and national criminal history  
341 background check on current or prospective state employees and  
342 contractors for the purpose of determining whether those  
343 individuals who have or may have access to the state's  
344 telecommunications, information technology, or cybersecurity  
345 infrastructure or otherwise perform functions that impact the  
346 technical operations of state government have been convicted  
347 of a crime that would warrant denying the employee or  
348 contractor access to information technology services to state  
349 government agencies.

350 (b) State and national criminal history records checks  
351 shall be requested by the office from the Alabama State Law  
352 Enforcement Agency (ALEA) and shall be applicable to the  
353 individual identified in the request. The office shall arrange  
354 for the fingerprinting of the individual or for conducting any  
355 other method of positive identification required by ALEA. The  
356 request shall also specify whether a national criminal history  
357 records check is requested by the Federal Bureau of  
358 Investigation on the specified individual in addition to a  
359 state criminal history records check. ALEA shall submit the  
360 verified fingerprints or other positive identifying  
361 information to the Federal Bureau of Investigation for a  
362 national criminal history records check when requested by the  
363 office. The results of the state and national criminal history  
364 records checks shall be returned to the office by ALEA.



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(c) Any criminal history reports received by the office from ALEA shall be marked confidential and shall not be disclosed or made available for public inspection. All criminal history reports received pursuant to this section are specifically excluded from any requirement of public disclosure as a public record. The Secretary of ALEA shall limit access to these reports and may only use the information contained in the reports for the purposes set out in this section.

(d) The Secretary of ALEA may charge fees to the office subject to a fee schedule adopted by the Alabama Justice Information Commission for conducting state and national criminal history records checks.

(e) In conjunction with making criminal history records checks, the Secretary of ALEA shall establish a policy for determining which criminal elements would result in preventing or removing an employee's or contractor's access to sensitive or protected information handled by the office.

§41-28-16

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.

§41-28-17

The provisions of this chapter concerning telecommunications, information technology, or cybersecurity equipment, services, and solutioning shall not apply to any



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county or city board of education, the education television commission, entities that originated within the State Department of Education, 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.

### §41-28-18

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 office and the branch of government.

Section 3. Article 8 of Chapter 4 of Title 41, consisting of Sections 41-4-220 through 41-4-224, Code of



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421 Alabama 1975, providing for the Division of Data Systems  
422 Management of the Department of Finance, Article 9 of Chapter  
423 4 of Title 41, Consisting of Sections 41-4-240 through  
424 41-4-243, Code of Alabama 1975, providing for the manager of  
425 printing and publications of the Department of Finance, and  
426 Article 11 of Chapter 4 of Title 41, consisting of Sections  
427 41-4-280 through 41-4-293, Code of Alabama 1975, providing for  
428 the Telecommunications Division of the Department of Finance,  
429 are repealed.

430 Section 4. This act shall become effective on October  
431 1, 2025.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and  
was passed by the House 18-Mar-25.

John Treadwell  
Clerk

Senate

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**07-May-25**

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Passed