

1 HB177  
2 204764-4  
3 By Representatives Reynolds, Whitt and Simpson  
4 RFD: County and Municipal Government  
5 First Read: 02-FEB-21  
6 PFD: 01/28/2021

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2 ENROLLED, An Act,

3           Relating to municipalities; to amend Sections  
4 8-1A-17, 8-1A-18, and 8-1A-19, Code of Alabama 1975, to allow  
5 a municipality to use electronic records and signatures in the  
6 conduct of its affairs; and to authorize the Office of  
7 Information Technology, by rule, to provide for the acceptance  
8 of electronic signatures by any agency under the purview of  
9 the office.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13           "§8-1A-17.

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

21           "(b) The governing body of each municipality in the  
22 state may determine by ordinance whether, and the extent to  
23 which, an executive, legislative, or judicial agency,  
24 department, board, commission, authority, institution, or  
25 instrumentality of the municipality shall create and retain

1 electronic records and convert written records to electronic  
2 records.

3 "§8-1A-18.

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

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

24 "(b) To the extent that a governmental agency uses  
25 electronic records and electronic signatures under subsection

1 (a), the governmental agency, giving due consideration to  
2 security, may specify each of the following:

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

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

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

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

21 "§8-1A-19.

22 "(a) A governmental agency of this state which  
23 adopts standards pursuant to Section 8-1A-18 may encourage and  
24 promote consistency and interoperability with similar  
25 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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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 11-MAR-21, as amended.

Jeff Woodard  
Clerk

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Senate	20-APR-21	Passed
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