

**HB207 ENGROSSED**



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



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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 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, 41-28-17, and 41-28-18 to the Code of Alabama 1975, to provide further for the powers of the office, for criminal history background checks, 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



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29 of Sections 41-4-240 through 41-4-243, Code of Alabama 1975,  
30 providing for the manager of printing and publications for the  
31 Department of Finance; and to repeal Article 11 of Chapter 4  
32 of Title 41, consisting of Sections 41-4-280 through 41-4-293,  
33 Code of Alabama 1975, providing for the Telecommunications  
34 Division of the Department of Finance.

35 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

36 Section 1. Sections 41-28-1, 41-28-2, 41-28-4, and  
37 41-28-5 of the Code of Alabama 1975, are amended to read as  
38 follows:

39 "§41-28-1

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

44 "§41-28-2

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

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

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

55 (3) ELECTROMAGNETIC TRANSMISSION EQUIPMENT. Any  
56 transmission medium, switch, instrument, network node, inside



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57 wiring system, wireless system, fiber-optic system, or other  
58 facility which is used, in whole or in part, to provide any  
59 transmission, communication, or processing of information.

60 ~~(2)~~ (4) INFORMATION TECHNOLOGY. Automated All forms of  
61 automated data processing, communications systems, subsystems,  
62 or interconnected systems and services, wide area and local  
63 area networks, the Internet, computer networks, electronic  
64 information systems and related information, databases,  
65 equipment, goods, and services used for gathering, storing,  
66 transmitting, retrieving, manipulating, moving, controlling,  
67 managing, displaying, interchanging, receiving, processing, or  
68 protecting of information.

69 ~~(3)~~ (5) OFFICE. The Office of Information Technology.

70 ~~(4)~~ (6) SECRETARY OF INFORMATION TECHNOLOGY. The chief  
71 administrative and executive officer of the Office of  
72 Information Technology who is also known as the Chief  
73 Information Officer of the state.

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

84 (8) TECHNOLOGY CONTRACT. A contract entered into by any



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85 state agency concerning information technology, cybersecurity,  
86 electromagnetic transmission equipment, or telecommunications  
87 equipment, systems, or related services.

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

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

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

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

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

112 e. Maintenance of the types of devices and means listed



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113 in paragraphs a. through d. and all consulting, designs,  
114 implementation, customization, or management services related  
115 to those devices, their interconnection, and their use."

116 "§41-28-4

117 The secretary shall have all of the following powers  
118 and duties:

119 (1) Develop a comprehensive four-year strategic plan  
120 for the state's information technology to include acquisition,  
121 management, and use of information technology by state  
122 agencies. The plan shall be developed in conjunction with the  
123 planning and budgeting processes for state agencies and may  
124 include review of state agencies' information technology  
125 plans, capital budgets, and operating budgets as appropriate  
126 to accomplish the goals of reducing redundant expenditures and  
127 maximizing the return on information technology investments.  
128 The plan shall be updated annually and submitted to the  
129 Governor and shall be presented during a public meeting to the  
130 Permanent Legislative Oversight Committee on Information  
131 Technology. The plan shall further be coordinated with the  
132 Boards of Directors of the Alabama Supercomputer Authority.

133 (2) Collaborate and coordinate with ~~the Division of~~  
134 ~~Data Systems Management of the Department of Finance as set~~  
135 ~~forth in Article 8 of Chapter 4 of this title,~~ the Alabama  
136 Supercomputer Authority, or any state authority, board, or  
137 agency of like kind, and promote standards and coordinate  
138 services and infrastructure to ensure that information  
139 technology ~~is~~ and cybersecurity are used to support designated  
140 needs areas, including identifying applications, equipment,



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141 and services that may be statewide in scope and assisting  
142 state agencies in avoiding duplication of applications,  
143 equipment, and services.

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

146 (4) Solicit, receive, and administer funds, goods,  
147 services, and equipment from public and private entities to be  
148 used for the purchase of computers, satellites, hardware,  
149 software, and other information technology and cybersecurity  
150 equipment and services and for staff training in the use of  
151 information technology and cybersecurity development programs.

152 (5) Establish an inventory of information technology  
153 resources to allow identification of underutilized or idle  
154 resources and all data and data systems in state agencies to  
155 promote improved asset management, information security, and  
156 cybersecurity utilization, intelligence, and data sharing,  
157 with information technology resources to include personnel,  
158 software, hardware goods, and services. The inventory is not  
159 subject to public disclosure.

160 (6) Manage, plan, and coordinate all telecommunications  
161 and cybersecurity systems under the jurisdiction of the state  
162 through coordination of existing system activities, vendors,  
163 service orders, billing, and recordkeeping functions in  
164 accordance with records retention requirements established by  
165 the State Records Commission and other applicable law;  
166 planning and implementing new systems or services; designing  
167 replacement systems; project management during specification  
168 writing, bid letting, proposal evaluation, and contract



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169 negotiations; implementation and supervision of new systems  
170 and ongoing support; implementation of long-term state plans;  
171 and management of telecommunications networks.

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

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

185 (9) Charge respective user agencies for their  
186 proportionate cost of the installation, maintenance, and  
187 operation of the telecommunications, information technology,  
188 and cybersecurity equipment, systems, and services, including  
189 the operation of the office.

190 (10) Develop coordinated telecommunications,  
191 information technology, and cybersecurity equipment, systems,  
192 and related services including, but not limited to, data,  
193 voice, and Internet systems or services within and among all  
194 state agencies both on and off premises and require, where  
195 appropriate, cooperative utilization of telecommunications  
196 equipment, facilities, and services by aggregating users.





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197           (11) Review, coordinate, approve, or disapprove all  
198 requests by state agencies for the procurement, through  
199 purchase or lease, of radio communications and  
200 telecommunications, information technology, and cybersecurity  
201 equipment, systems, and related services, including  
202 telecommunications, data, Internet protocol, maintenance,  
203 implementation, and consultation contracts.

204           (12) Establish and define telecommunications and  
205 cybersecurity system and service specifications and designs so  
206 as to assure compatibility of telecommunications, information  
207 technology, and cybersecurity equipment, systems, and related  
208 services within state government and any county office of a  
209 state agency.

210           (13) Provide a continuous, comprehensive analysis and  
211 inventory of telecommunications, information technology, and  
212 cybersecurity costs, facilities, and systems within state  
213 government and any county offices of state agencies.

214           (14) Advise and provide consultation services to state  
215 agencies with respect to telecommunications, information  
216 technology, and cybersecurity management planning and related  
217 matters, including training within state agencies.

218           (15) Establish and supervise the administration of data  
219 processing centers deemed necessary to best serve the data  
220 processing needs of all state agencies.

221           (16) Provide for the centralization, consolidation, and  
222 shared use of equipment and services deemed necessary to  
223 obtain maximum utilization and efficiency in data processing  
224 operations.



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225           (17) Transfer to any data processing center the data  
226 processing activities of any state agency.

227           (18) Provide systems design and programming services to  
228 all state agencies.

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

232           (20) Conduct data processing studies as deemed  
233 necessary and enter into contracts with other state agencies,  
234 organizations, corporations, or individuals to complete those  
235 studies.

236           (21) Prepare contract specifications for data systems  
237 equipment and services.

238           ~~(6)~~ (22) Establish and administer a structured system  
239 for review and approval of new information technology and  
240 cybersecurity initiatives and projects, including business  
241 case, cost benefit analysis, and compatibility analysis.

242           ~~(7)~~ (23) Administer any funds appropriated to the  
243 secretary by the Legislature for the establishment, operation,  
244 and coordination of the office.

245           ~~(8)~~ (24) Represent state information technology,  
246 cybersecurity, and related areas with both the private and  
247 public sectors, including the federal government.

248           ~~(9)~~ (25) Issue annual reports to the Governor, the  
249 Legislature, and the general public concerning the  
250 coordination and operation of the office.

251           ~~(10) Promulgate~~ (26) Adopt rules, regulations, and  
252 policies and establish procedures and standards for the



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253 management and operation of information technology by state  
254 agencies to carry out this chapter, including coordinating  
255 state information technology; providing technical assistance  
256 to state agency administrators on design and management of  
257 state information technology systems; evaluating and approving  
258 the cost, system design, and suitability of information  
259 technology equipment and related services; establishing and  
260 enforcing cybersecurity governance for state agencies,  
261 including supporting operations and technology controls;  
262 establishing standards and policies for program and project  
263 management and project methodologies; and developing a unified  
264 and integrated structure and enterprise architecture for  
265 information technology systems for all state agencies.

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

273 a. Ethical guidelines and frameworks.

274 b. Security and privacy controls.

275 c. Ongoing compliance mechanisms.

276 ~~(11)~~ (28) Plan and coordinate information technology and  
277 cybersecurity activities for state agencies in such a manner  
278 as to promote the most economical and effective use of state  
279 resources."

280 "§41-28-5



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281           (a) No public monies shall be expended by the secretary  
282 for any purpose unless the monies have been appropriated by  
283 the Legislature to the entity from which the funds are  
284 received or to the office. Any monies appropriated shall be  
285 budgeted and allotted pursuant to the Budget Management Act in  
286 accordance with Article 4, commencing with Section 41-4-80, of  
287 Chapter 4 of this title, and only in the amounts provided by  
288 the Legislature in the general appropriations act or other  
289 appropriation acts.

290           (b) All user fees collected, direct appropriations, and  
291 other funds received relating to the provision of  
292 telecommunications services under this chapter shall be  
293 deposited into a revolving fund in the State Treasury  
294 designated as the Telecommunications Revolving Fund, and the  
295 secretary may make deposits and expenditures from time to time  
296 from the fund to implement this chapter. All balances of  
297 revenue, income, and receipts remaining in the fund at the end  
298 of each fiscal year shall carry over to the next fiscal year  
299 and shall not revert to the State General Fund or any other  
300 fund."

301           Section 2. Sections 41-28-11, 41-28-12, 41-28-13,  
302 41-28-14, 41-28-15, 41-28-16, 41-28-17, and 41-28-18 are added  
303 to the Code of Alabama 1975, to read as follows:

304           §41-28-11

305           No state agency shall rent, lease, lease to purchase,  
306 or in any way own or pay for the operation of any  
307 telecommunications, information technology, or cybersecurity  
308 equipment, system, or related services or computer networks



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309 out of any funds available for that purpose without the  
310 written approval of the office.

311 §41-28-12

312 The office, on behalf of any state agency, may enter  
313 into an equipment support contract with a vendor of  
314 telecommunications, information technology, or cybersecurity  
315 equipment for the purchase, lease, or lease to purchase of the  
316 equipment in accordance with state competitive bid laws. Each  
317 contract shall be valid for not more than five fiscal years  
318 and shall include the following annual appropriation  
319 dependence clause: "The continuation of the contract is  
320 contingent upon the appropriation by the Legislature of funds  
321 to fulfill the requirements of the contract. If the  
322 Legislature fails to appropriate sufficient monies to provide  
323 for the continuance of the contract, or if funds from other  
324 sources are not available, the contract shall terminate on the  
325 date of the beginning of the fiscal year for which funds are  
326 not appropriated or available."

327 §41-28-13

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

334 §41-28-14

335 The office may enter into contracts for the lease of  
336 telecommunications, information technology, or cybersecurity



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

344 §41-28-15

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

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



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365 state criminal history records check. ALEA shall submit the  
366 verified fingerprints or other positive identifying  
367 information to the Federal Bureau of Investigation for a  
368 national criminal history records check when requested by the  
369 office. The results of the state and national criminal history  
370 records checks shall be returned to the office by ALEA.

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

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

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

389 §41-28-16

390 This chapter shall not apply to two-way radio  
391 communications equipment, systems, or networks operated by  
392 state agencies for purposes related to public safety, the



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393 administration of criminal justice, or highway maintenance and  
394 construction operations.

395 §41-28-17

396 The provisions of this chapter concerning  
397 telecommunications, information technology, or cybersecurity  
398 equipment, services, and solutioning shall not apply to any  
399 county or city board of education, the education television  
400 commission, entities that originated within the State  
401 Department of Education, the Alabama Community College System,  
402 or any public four-year institution of higher education. Upon  
403 request, the office may provide technical consultation and  
404 procurement services for telecommunications, information  
405 technology, or cybersecurity to any county or city board of  
406 education, the education television commission, the Alabama  
407 Community College System, and any public four-year institution  
408 of higher education. The county and city boards of education,  
409 the education television commission, the Alabama Community  
410 College System, and public four-year institutions of higher  
411 education shall continue to be provided instate and  
412 out-of-state long distance voice service by the office, so  
413 long as funding is provided to the Telephone Revolving Fund  
414 from the Education Trust Fund, and shall not be required to  
415 pay any additional charge for that service; however, any  
416 county or city board of education shall have the option of  
417 utilizing the office for instate and out-of-state long  
418 distance voice service only if reimbursement for actual costs  
419 are remitted to the office.

420 §41-28-18





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421           The legislative and judicial branches of government are  
422 exempt from the requirements of this chapter, except under  
423 terms and conditions mutually agreed to in writing between the  
424 office and the branch of government.

425           Section 3. Article 8 of Chapter 4 of Title 41,  
426 consisting of Sections 41-4-220 through 41-4-224, Code of  
427 Alabama 1975, providing for the Division of Data Systems  
428 Management of the Department of Finance, Article 9 of Chapter  
429 4 of Title 41, Consisting of Sections 41-4-240 through  
430 41-4-243, Code of Alabama 1975, providing for the manager of  
431 printing and publications of the Department of Finance, and  
432 Article 11 of Chapter 4 of Title 41, consisting of Sections  
433 41-4-280 through 41-4-293, Code of Alabama 1975, providing for  
434 the Telecommunications Division of the Department of Finance,  
435 are repealed.

436           Section 4. This act shall become effective on October  
437 1, 2025.



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House of Representatives

Read for the first time and referred .....06-Feb-25  
to the House of Representatives  
committee on State Government  
  
Read for the second time and placed .....27-Feb-25  
on the calendar:  
1 amendment  
  
Read for the third time and passed .....18-Mar-25  
as amended  
Yeas 103  
Nays 0  
Abstains 0

John Treadwell  
Clerk