

HB207 INTRODUCED



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



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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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29 Alabama 1975, to provide further for definitions; to expand
30 the services provided by the office to include cybersecurity
31 and tasks performed by the Division of Data Systems Management
32 and the Telecommunications Division of the Department of
33 Finance; to authorize the office, in consultation with the
34 Governor, to create a technology quality assurance board; to
35 create a Telecommunications Revolving Fund in the State
36 Treasury and provide for the deposit of certain fees and
37 appropriations into the fund and the use of those funds; to
38 add Sections 41-28-11, 41-28-12, 41-28-13, 41-28-14, 41-28-15,
39 41-28-16, and 41-28-17 to the Code of Alabama 1975, to provide
40 further for the powers of the office and exemptions; and to
41 repeal Article 8 of Chapter 4 of Title 41, Code of Alabama
42 1975, consisting of Sections 41-4-220 through 41-4-224, Code
43 of Alabama 1975, providing for the Division of Data Systems
44 Management of the Department of Finance; and to repeal Article
45 9 of Chapter 4 of Title 41, Code of Alabama 1975, consisting
46 of Sections 41-4-240 through 41-4-243, Code of Alabama 1975,
47 providing for the manager of printing and publications for the
48 Department of Finance; and to repeal Article 11 of Chapter 4
49 of Title 41, consisting of Sections 41-4-280 through 41-4-293,
50 Code of Alabama 1975, providing for the Telecommunications
51 Division of the Department of Finance.

52 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

53 Section 1. Sections 41-28-1, 41-28-2, 41-28-4, and
54 41-28-5 of the Code of Alabama 1975, are amended to read as
55 follows:

56 "§41-28-1



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

61 "§41-28-2

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

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

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

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

77 ~~(2)~~ (4) INFORMATION TECHNOLOGY. ~~Automated~~ All forms of
78 automated data processing, communications systems, subsystems,
79 or interconnected systems and services, ~~wide area and local~~
80 ~~area networks, the Internet,~~ computer networks, electronic
81 information systems and related information, databases,
82 equipment, goods, and services used for gathering, storing,
83 transmitting, retrieving, manipulating, moving, controlling,
84 managing, displaying, interchanging, receiving, processing, or



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85 protecting of information.

86 ~~(3)~~ (5) OFFICE. The Office of Information Technology.

87 ~~(4)~~ (6) SECRETARY OF INFORMATION TECHNOLOGY. The chief
88 administrative and executive officer of the Office of
89 Information Technology who is also known as the Chief
90 Information Officer of the state.

91 ~~(5)~~ (7) STATE AGENCIES. All departments, agencies,
92 offices, boards, commissions, bureaus, and authorities of
93 state government. The term shall not include counties,
94 municipalities, the Alabama State Port Authority, the State
95 Department of Education, the Retirement Systems of Alabama, or
96 institutions of higher education governed by a separate board
97 of trustees, although these entities and institutions may
98 enter into cooperative agreements and contracts related to
99 information technology efforts with the state information
100 technology system.

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

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

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



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

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

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

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

133 "§41-28-4

134 The secretary shall have all of the following powers
135 and duties:

136 (1) Develop a comprehensive four-year strategic plan
137 for the state's information technology to include acquisition,
138 management, and use of information technology by state
139 agencies. The plan shall be developed in conjunction with the
140 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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169 (5) Establish an inventory of information technology
170 resources to allow identification of underutilized or idle
171 resources and all data and data systems in state agencies to
172 promote improved asset management, information security, and
173 cybersecurity utilization, intelligence, and data sharing,
174 with information technology resources to include personnel,
175 ~~software, hardware~~ goods, and services.

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

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

192 (8) Act as the centralized approving authority for the
193 acquisition of all telecommunications, information technology,
194 and cybersecurity systems or services provided to state
195 agencies via state procurement means, including pay
196 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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281 (27) In consultation with the Governor, adopt rules to
282 provide for the creation, operation, and oversight of a
283 technology quality assurance board that will promote the
284 responsible and transparent procurement, development, and use
285 of novel technologies within state agencies through
286 establishing and enforcing the following measures for these
287 technologies:

288 a. Ethical guidelines and frameworks.

289 b. Security and privacy controls.

290 c. Ongoing compliance mechanisms.

291 ~~(11)~~ (28) Plan and coordinate information technology and
292 cybersecurity activities for state agencies in such a manner
293 as to promote the most economical and effective use of state
294 resources."

295 "§41-28-5

296 (a) No public monies shall be expended by the secretary
297 for any purpose unless the monies have been appropriated by
298 the Legislature to the entity from which the funds are
299 received or to the office. Any monies appropriated shall be
300 budgeted and allotted pursuant to the Budget Management Act in
301 accordance with Article 4, commencing with Section 41-4-80, of
302 Chapter 4 of this title, and only in the amounts provided by
303 the Legislature in the general appropriations act or other
304 appropriation acts.

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



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

316 Section 2. Sections 41-28-11, 41-28-12, 41-28-13,
317 41-28-14, 41-28-15, 41-28-16, and 41-28-17 are added to the
318 Code of Alabama 1975, to read as follows:

319 §41-28-11

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

326 §41-28-12

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



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

342 §41-28-13

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

349 §41-28-14

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

359 §41-28-15

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



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365 §41-28-16

366 The provisions of this chapter concerning
367 telecommunications, information technology, or cybersecurity
368 equipment, services, and solutioning shall not apply to any
369 county or city board of education, the education television
370 commission, the Alabama Community College System, or any
371 public four-year institution of higher education. Upon
372 request, the office may provide technical consultation and
373 procurement services for telecommunications, information
374 technology, or cybersecurity to any county or city board of
375 education, the education television commission, the Alabama
376 Community College System, and any public four-year institution
377 of higher education. The county and city boards of education,
378 the education television commission, the Alabama Community
379 College System, and public four-year institutions of higher
380 education shall continue to be provided instate and
381 out-of-state long distance voice service by the office, so
382 long as funding is provided to the Telephone Revolving Fund
383 from the Education Trust Fund, and shall not be required to
384 pay any additional charge for that service; however, any
385 county or city board of education shall have the option of
386 utilizing the office for instate and out-of-state long
387 distance voice service only if reimbursement for actual costs
388 are remitted to the office.

389 §41-28-17

390 The legislative and judicial branches of government are
391 exempt from the requirements of this chapter, except under
392 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.