

1 SB234  
2 204764-2  
3 By Senator Givhan  
4 RFD: Governmental Affairs  
5 First Read: 25-FEB-20

SYNOPSIS: This bill would amend the Alabama Uniform Electronic Transactions Act to allow a municipality to use electronic records and signatures in the conduct of its affairs.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to municipalities; to amend Sections 8-1A-17 and 8-1A-18, Code of Alabama 1975, to allow a municipality to use electronic records and signatures in the conduct of its affairs.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§8-1A-17.

"(a) The Alabama Supreme Court and any other court or judicial official or entity with rulemaking authority and each governmental agency of this state with rulemaking

1 authority reviewable under Section 41-22-23 may determine by  
2 rule whether, and the extent to which, it ~~will~~ shall create  
3 and retain electronic records and convert written records to  
4 electronic records.

5 "(b) The governing body of each municipality in the  
6 state may determine by ordinance whether, and the extent to  
7 which, an executive, legislative, or judicial agency,  
8 department, board, commission, authority, institution, or  
9 instrumentality of the municipality shall create and retain  
10 electronic records and convert written records to electronic  
11 records.

12 "§8-1A-18.

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

23 "(2) Except as otherwise provided in subsection (f)  
24 of Section 8-1A-12, the governing body of each municipality in  
25 the state may determine by ordinance whether, and the extent  
26 to which, an executive, legislative, or judicial agency,  
27 department, board, commission, authority, institution, or

1 instrumentality of the municipality shall send and accept  
2 electronic records and electronic signatures to and from other  
3 persons and otherwise create, generate, communicate, store,  
4 process, use, and rely upon electronic records and electronic  
5 signatures.

6 "(b) To the extent that a governmental agency uses  
7 electronic records and electronic signatures under subsection  
8 (a), the governmental agency, giving due consideration to  
9 security, may specify each of the following:

10 "(1) The manner and format in which the electronic  
11 records shall be created, generated, sent, communicated,  
12 received, and stored and the systems established for those  
13 purposes.

14 "(2) If electronic records must be signed by  
15 electronic means, the type of electronic signature required,  
16 the manner and format in which the electronic signature shall  
17 be affixed to the electronic record, and the identity of, or  
18 criteria that shall be met by, any third party used by a  
19 person filing a document to facilitate the process.

20 "(3) Control processes and procedures as appropriate  
21 to ensure adequate preservation, disposition, integrity,  
22 security, confidentiality, and auditability of electronic  
23 records.

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

1                   Section 2. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.