

1 HB700
2 139436-2
3 By Representatives Wren, Hubbard (M), Love, Barton and Clouse
4 RFD: Technology and Research
5 First Read: 17-APR-12

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 To create the Alabama Cyber Technology Authority to
9 encourage the cooperation and collaboration of higher
10 education, business, and government in developing cyber
11 technology projects in the state; to provide for appointment
12 of members of the authority; to provide the duties and
13 responsibilities of the authority; to provide for dissolution;
14 and to create the Alabama Cyber Technology Fund within the
15 State Treasury.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. This act shall be known and may be cited
18 as the Alabama Cyber Technology Authority Act.

19 Section 2. The Legislature finds all of the
20 following:

21 (1) The rapidly increasing complexity of technology
22 requirements and critical infrastructure in cyber security has
23 created a void in the development of information transfer,
24 storage, and security solutions.

25 (2) The rapidly increasing number of cyber-based
26 threats and attacks have affected government, industry, and
27 the citizens of this state.

1 (3) There is an urgent need for collaboration of
2 resources, capabilities, and expertise related to the
3 establishment and operation of secure cyber facilities and
4 associated infrastructure, and in supporting educational
5 opportunities to facilitate an immediate transition from the
6 classroom to the dynamic, multi-faceted, classified work
7 environment.

8 (4) The development of cyber technology projects in
9 this state will greatly enhance research capabilities of the
10 state's major research institutions and governmental agencies,
11 and will attract industry to the state.

12 Section 3. There is created the Alabama Cyber
13 Technology Authority. The purposes of the authority shall be
14 to encourage the cooperation and collaboration of higher
15 education, business, and government in research and
16 development related to cyber technology projects in this
17 state.

18 Section 4. (a) The authority shall be composed of
19 the following members and shall be inclusive and reflect the
20 racial, gender, geographic, urban/rural, and economic
21 diversity of the state:

22 (1) The President of Auburn University, or his or
23 her designee.

24 (2) The ~~President~~ Chancellor of the University of
25 Alabama ~~at Birmingham~~ System, or his or her designee.

26 (3) The Director of the Alabama Development Office,
27 or his or her designee.

1 (4) The Chancellor of Postsecondary Education, or
2 his or her designee.

3 (5) The State Health Officer, or his or her
4 designee.

5 (6) The State Adjutant General, or his or her
6 designee.

7 (7) The Director of Finance, or his or her designee.

8 (8) The Director of the Alabama Department of
9 Homeland Security, or his or her designee.

10 (9) A member appointed by the Speaker of the House
11 of Representatives.

12 (10) A member appointed by the President Pro Tempore
13 of the Senate.

14 (11) A member appointed by the Lieutenant Governor.

15 (12) A member who is a district attorney appointed
16 by the Office of Prosecution Services.

17 (13) The Alabama Attorney General, or his or her
18 designee.

19 (14) The United States Department of Homeland
20 Security's Protective Services Advisor for the State of
21 Alabama.

22 (15) The Chair of the Permanent Joint Legislative
23 Committee on Energy, or his or her designee.

24 (b) (1) The authority shall be chaired and staffed by
25 Auburn University and the University of Alabama ~~at Birmingham~~
26 System on a rotating basis, alternating every other year,
27 beginning with Auburn University. The members of the authority

1 shall elect a vice chair, and a secretary, each of whom shall
2 serve two-year terms. The vice chair shall act in the place of
3 the chair in the chair's absence or disability.

4 (2) The authority shall meet at such times as
5 designated by the authority at a place deemed necessary or
6 convenient, but the chair shall call a meeting once a year.
7 The chair may also call a special meeting at any time the
8 chair deems it advisable or necessary.

9 (3) A quorum shall be a simple majority of the
10 authority membership. Members of the authority or any
11 committee of the authority may participate in meetings of the
12 authority or committees by telephone conference or other
13 electronic communication device.

14 (4) Members of the authority shall serve without
15 compensation.

16 (c) The authority may close a meeting to the public
17 where it determines by a simple majority vote that an open
18 meeting would be likely to do either of the following:

19 (1) Disclose matters specifically exempted from
20 disclosure by state or federal law.

21 (2) Disclose trade secrets or commercial or
22 financial information which is privileged or confidential.

23 Section 5. The authority shall have the following
24 powers among others specified in this act:

25 (1) To investigate, study, and support research
26 relative to the development and promotion of cyber technology

1 projects in this state, both classified and non-classified, to
2 include, but not be limited to all of the following:

- 3 a. Secure cyber facilities and networks.
- 4 b. Military and intelligence concerns.
- 5 c. Facilities and critical infrastructure, such as
6 financial systems, utilities, telecommunications, food
7 systems, transportation, health care, and the health sciences.
- 8 d. Law enforcement concerns.
- 9 e. Non-technical disciplines, such as legal and
10 related social behavioral science.

11 (2) To institute and defend legal proceedings in any
12 court of competent jurisdiction and proper venue.

13 (3) To have and to use a corporate seal and to alter
14 the same at pleasure.

15 (4) To make and alter all needful bylaws, rules, and
16 regulations for the transaction of the authority's business
17 and the control of its property and affairs.

18 (5) To make its resources available to federal,
19 state, and local governmental agencies, divisions, boards, and
20 public corporations, including universities and other
21 educational and research institutions and organizations; and
22 to the businesses, industries, and others for any fees or
23 charges as the authority shall determine to best support,
24 promote, and encourage research and development of cyber
25 technology projects in this state, both classified and
26 non-classified; and to the businesses and industries under

1 such preferences, priorities, procedures, and policies as the
2 authority shall deem appropriate.

3 (6) To receive and accept from any source aid or
4 contributions of money, property, labor, or other items of
5 value for furtherance of any of its purposes, subject to any
6 limitations not inconsistent with this act or with the laws of
7 this state pertaining to contributions, including, but without
8 limitation to, gifts or grants from any department, agency, or
9 entity of the federal, state, or local government or business
10 and industry.

11 (7) To procure insurance and guarantees as the
12 authority may deem advisable, including, but without
13 limitation to, insurance and guarantees against any loss in
14 connection with any of its property or assets, tangible or
15 intangible, in such amounts and from such public or private
16 entities as it may deem appropriate, and to pay premiums or
17 other charges for insurance or guarantees.

18 (8) To acquire by purchase, gift, or any other
19 lawful means, any real, personal, or mixed property.

20 (9) To make and enter into contracts, leases,
21 agreements, and other actions as may be necessary or desirable
22 to accomplish any corporate purpose and to exercise any power
23 necessary for the accomplishment of the purposes of the
24 authority or incidental to the powers expressly set out
25 herein.

26 (10) To appoint and employ attorneys, accountants,
27 technical consultants, and other advisors, agents, and

1 independent contractors as may, in the judgment of the
2 authority, be necessary or desirable.

3 Section 6. There is hereby established in the State
4 Treasury a fund to be known as the Alabama Cyber Technology
5 Fund, which shall be used exclusively for the operation of the
6 authority. All fees, charges, grants, gifts, appropriations,
7 or other moneys received by the authority from any source
8 shall be deposited into the fund. All moneys contained in the
9 fund at the end of any fiscal year of the state are hereby
10 reappropriated to the authority for the purposes specified in
11 this act.

12 Section 7. The properties of the authority, income
13 of the authority, all lease agreements made by the authority,
14 and all lien notices, mortgages, assignments, and financing
15 statements filed by the authority shall be exempt from any and
16 all taxation of the state.

17 Section 8. All contracts made and obligations
18 incurred by the authority shall be solely and exclusively
19 obligations of the authority and shall not create debts of the
20 state.

21 Section 9. The authority shall be a nonprofit
22 corporation, and no part of its net earnings remaining after
23 payment of its expenses shall inure to the benefit of any
24 private person or entity.

25 Section 10. At any time when the members of the
26 authority determine that the purposes of the authority have
27 been accomplished and that all obligations of the authority

1 have been paid in full, the authority may be dissolved by
2 affirmative vote of a majority of its members adopting a
3 resolution declaring its intent that the authority shall be
4 dissolved. Upon the adoption of the resolution, the authority
5 shall cease and any property or other assets owned by it at
6 the time of the dissolution shall be assigned to a state
7 entity at the discretion of the authority.

8 Section 11. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Technology and
Research..... 17-APR-12

Read for the second time and placed
on the calendar 1 amendment 19-APR-12

Read for the third time and passed
as amended..... 01-MAY-12

Yeas 95, Nays 0, Abstains 0

Greg Pappas
Clerk