

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

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8 SYNOPSIS: This bill would create the Alabama Cyber  
9 Technology Authority to encourage the cooperation  
10 of higher education, business, and government in  
11 developing and supporting cyber technology projects  
12 in this state, including research and development  
13 related to cyber security, that are subject to  
14 malicious cyber attacks and exploitation, as well  
15 as in supporting educational opportunities related  
16 to cyber technology education and training.

17 This bill would provide for the appointment  
18 of members of the authority, the duties and  
19 responsibilities of the authority, and provide for  
20 dissolution of the authority.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 To create the Alabama Cyber Technology Authority to  
27 encourage the cooperation and collaboration of higher

1 education, business, and government in developing cyber  
2 technology projects in the state; to provide for appointment  
3 of members of the authority; to provide the duties and  
4 responsibilities of the authority; to provide for dissolution;  
5 and to create the Alabama Cyber Technology Fund within the  
6 State Treasury.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 Section 2. The Legislature finds all of the  
11 following:

12 (1) The rapidly increasing complexity of technology  
13 requirements and critical infrastructure in cyber security has  
14 created a void in the development of information transfer,  
15 storage, and security solutions.

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

19 (3) There is an urgent need for collaboration of  
20 resources, capabilities, and expertise related to the  
21 establishment and operation of secure cyber facilities and  
22 associated infrastructure, and in supporting educational  
23 opportunities to facilitate an immediate transition from the  
24 classroom to the dynamic, multi-faceted, classified work  
25 environment.

26 (4) The development of cyber technology projects in  
27 this state will greatly enhance research capabilities of the

1 state's major research institutions and governmental agencies,  
2 and will attract industry to the state.

3 Section 3. There is created the Alabama Cyber  
4 Technology Authority. The purposes of the authority shall be  
5 to encourage the cooperation and collaboration of higher  
6 education, business, and government in research and  
7 development related to cyber technology projects in this  
8 state.

9 Section 4. (a) The authority shall be composed of  
10 the following members:

11 (1) The President of Auburn University, or his or  
12 her designee.

13 (2) The President of the University of Alabama at  
14 Birmingham, or his or her designee.

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

17 (4) The Chancellor of Postsecondary Education, or  
18 his or her designee.

19 (5) The State Health Officer, or his or her  
20 designee.

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

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

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

26 (9) A member appointed by the Speaker of the House  
27 of Representatives.

1                   (10) A member appointed by the President Pro Tempore  
2 of the Senate.

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

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

6                   (13) The Alabama Attorney General, or his or her  
7 designee.

8                   (14) The United States Department of Homeland  
9 Security's Protective Services Advisor for the State of  
10 Alabama.

11                   (b) (1) The authority shall be chaired and staffed by  
12 Auburn University and the University of Alabama at Birmingham  
13 on a rotating basis, alternating every other year, beginning  
14 with Auburn University. The members of the authority shall  
15 elect a vice chair, and a secretary, each of whom shall serve  
16 two-year terms. The vice chair shall act in the place of the  
17 chair in the chair's absence or disability.

18                   (2) The authority shall meet at such times as  
19 designated by the authority at a place deemed necessary or  
20 convenient, but the chair shall call a meeting once a year.  
21 The chair may also call a special meeting at any time the  
22 chair deems it advisable or necessary.

23                   (3) A quorum shall be a simple majority of the  
24 authority membership. Members of the authority or any  
25 committee of the authority may participate in meetings of the  
26 authority or committees by telephone conference or other  
27 electronic communication device.

1           (4) Members of the authority shall serve without  
2 compensation.

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

6           (1) Disclose matters specifically exempted from  
7 disclosure by state or federal law.

8           (2) Disclose trade secrets or commercial or  
9 financial information which is privileged or confidential.

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

12          (1) To investigate, study, and support research  
13 relative to the development and promotion of cyber technology  
14 projects in this state, both classified and non-classified, to  
15 include, but not be limited to all of the following:

16           a. Secure cyber facilities and networks.

17           b. Military and intelligence concerns.

18           c. Facilities and critical infrastructure, such as  
19 financial systems, utilities, telecommunications, food  
20 systems, transportation, health care, and the health sciences.

21           d. Law enforcement concerns.

22           e. Non-technical disciplines, such as legal and  
23 related social behavioral science.

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

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

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

4           (5) To make its resources available to federal,  
5 state, and local governmental agencies, divisions, boards, and  
6 public corporations, including universities and other  
7 educational and research institutions and organizations; and  
8 to the businesses, industries, and others for any fees or  
9 charges as the authority shall determine to best support,  
10 promote, and encourage research and development of cyber  
11 technology projects in this state, both classified and  
12 non-classified; and to the businesses and industries under  
13 such preferences, priorities, procedures, and policies as the  
14 authority shall deem appropriate.

15           (6) To receive and accept from any source aid or  
16 contributions of money, property, labor, or other items of  
17 value for furtherance of any of its purposes, subject to any  
18 limitations not inconsistent with this act or with the laws of  
19 this state pertaining to contributions, including, but without  
20 limitation to, gifts or grants from any department, agency, or  
21 entity of the federal, state, or local government or business  
22 and industry.

23           (7) To procure insurance and guarantees as the  
24 authority may deem advisable, including, but without  
25 limitation to, insurance and guarantees against any loss in  
26 connection with any of its property or assets, tangible or  
27 intangible, in such amounts and from such public or private

1 entities as it may deem appropriate, and to pay premiums or  
2 other charges for insurance or guarantees.

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

5 (9) To make and enter into contracts, leases,  
6 agreements, and other actions as may be necessary or desirable  
7 to accomplish any corporate purpose and to exercise any power  
8 necessary for the accomplishment of the purposes of the  
9 authority or incidental to the powers expressly set out  
10 herein.

11 (10) To appoint and employ attorneys, accountants,  
12 technical consultants, and other advisors, agents, and  
13 independent contractors as may, in the judgment of the  
14 authority, be necessary or desirable.

15 Section 6. There is hereby established in the State  
16 Treasury a fund to be known as the Alabama Cyber Technology  
17 Fund, which shall be used exclusively for the operation of the  
18 authority. All fees, charges, grants, gifts, appropriations,  
19 or other moneys received by the authority from any source  
20 shall be deposited into the fund. All moneys contained in the  
21 fund at the end of any fiscal year of the state are hereby  
22 reappropriated to the authority for the purposes specified in  
23 this act.

24 Section 7. The properties of the authority, income  
25 of the authority, all lease agreements made by the authority,  
26 and all lien notices, mortgages, assignments, and financing



1 statements filed by the authority shall be exempt from any and  
2 all taxation of the state.

3 Section 8. All contracts made and obligations  
4 incurred by the authority shall be solely and exclusively  
5 obligations of the authority and shall not create debts of the  
6 state.

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

11 Section 10. At any time when the members of the  
12 authority determine that the purposes of the authority have  
13 been accomplished and that all obligations of the authority  
14 have been paid in full, the authority may be dissolved by  
15 affirmative vote of a majority of its members adopting a  
16 resolution declaring its intent that the authority shall be  
17 dissolved. Upon the adoption of the resolution, the authority  
18 shall cease and any property or other assets owned by it at  
19 the time of the dissolution shall be assigned to a state  
20 entity at the discretion of the authority.

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