

1 HB395
2 149074-3
3 By Representative Wren
4 RFD: Technology and Research
5 First Read: 07-MAR-13

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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

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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 and shall be inclusive and reflect the
11 racial, gender, geographic, urban/rural, and economic
12 diversity of the state:

13 (1) The Director of the Alabama Development Office,
14 or his or her designee.

15 (2) The Chancellor of Postsecondary Education, or
16 his or her designee.

17 (3) The State Health Officer, or his or her
18 designee.

19 (4) The State Adjutant General, or his or her
20 designee.

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

22 (6) The Director of the Alabama Department of
23 Homeland Security, or his or her designee.

24 (7) The President of Auburn University, or his or
25 her designee.

26 (8) The Chancellor of the University of Alabama
27 System, or his or her designee.

1 (9) The President of the University of South
2 Alabama, or his or her designee.

3 (10) A member of the Alabama Experimental Program to
4 Stimulate Competitive Research Steering Committee to be
5 selected by the public research universities represented on
6 the steering committee.

7 (11) A member representing this state's public
8 historically black institutions of higher education to be
9 selected by the presidents of Alabama A&M University, Alabama
10 State University, and Tuskegee University.

11 (12) A member representing the state's public
12 regional institutions of higher education to be selected by
13 the presidents of Jacksonville State University, Troy
14 University, Auburn University at Montgomery, the University of
15 North Alabama, the University of Montevallo, and the
16 University of West Alabama.

17 (13) A member who is from the business sector,
18 appointed by the Speaker of the House of Representatives.

19 (14) A member who is from the business sector,
20 appointed by the President Pro Tempore of the Senate.

21 (15) A member appointed by the Lieutenant Governor.

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

24 (17) The Alabama Attorney General, or his or her
25 designee.

1 (18) The United States Department of Homeland
2 Security's Protective Services Advisor for the State of
3 Alabama.

4 (19) The Chair of the Permanent Joint Legislative
5 Committee on Energy, or his or her designee.

6 (20) The Chief Executive Officer of the Alabama
7 Supercomputer Authority.

8 (b) (1) Except for ex officio members of the
9 authority, a member shall be appointed for a term of two
10 years. Any vacancy in the membership of the authority, other
11 than an ex officio member, shall be filled in the same manner
12 as the original appointment and any successor shall serve for
13 the unexpired term.

14 (2) The members of the authority shall elect a
15 chair, 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 (3) 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 (4) 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 (5) 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 conduct its work in
11 conjunction with the Alabama Cyber Research Consortium, a
12 collaboration of the state's public research institutions, and
13 shall have the following powers among others specified in this
14 act:

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

19 a. Secure cyber networks.

20 b. Military and intelligence concerns.

21 c. Critical infrastructure, such as financial
22 systems, utilities, telecommunications, food systems,
23 transportation, health care, and the health sciences.

24 d. Law enforcement concerns.

25 e. Non-technical disciplines, such as legal and
26 related social behavioral science.

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

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

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

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

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

1 (7) To procure insurance and guarantees as the
2 authority may deem advisable, including, but without
3 limitation to, insurance and guarantees against any loss in
4 connection with any of its property or assets, tangible or
5 intangible, in such amounts and from such public or private
6 entities as it may deem appropriate, and to pay premiums or
7 other charges for insurance or guarantees.

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

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

16 (10) To appoint and employ attorneys, accountants,
17 technical consultants, and other advisors, agents, and
18 independent contractors as may, in the judgment of the
19 authority, be necessary or desirable.

20 Section 6. There is hereby established in the State
21 Treasury a fund to be known as the Alabama Cyber Technology
22 Fund, which shall be used exclusively for the operation of the
23 authority and to support collaborative research projects among
24 the state's public universities. All fees, charges, grants,
25 gifts, appropriations, or other moneys received by the
26 authority from any source shall be deposited into the fund.
27 All moneys contained in the fund at the end of any fiscal year

1 of the state are hereby reappropriated to the authority for
2 the purposes specified in this act.

3 Section 7. The properties of the authority, income
4 of the authority, all lease agreements made by the authority,
5 and all lien notices, mortgages, assignments, and financing
6 statements filed by the authority shall be exempt from any and
7 all taxation of the state.

8 Section 8. All contracts made and obligations
9 incurred by the authority shall be solely and exclusively
10 obligations of the authority and shall not create debts of the
11 state or of its public universities.

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

16 Section 10. Notwithstanding the provisions of this
17 act, the Alabama Cyber Technology Authority shall not take any
18 action or pursue funding from sources that would place the
19 authority in competition with the state's public universities'
20 efforts to seek and procure external funding from federal,
21 state, or local government or business or industry for
22 research and development projects. The authority, its members,
23 or its employees shall have no proprietary interest or
24 property right in any product, process, idea, concept, or
25 procedure subject to protection under a copyright, patent, or
26 trade secret law, which was developed, invented, or discovered

1 as a result of the use of the authority's resources or through
2 the authority's collaboration with public universities.

3 Section 11. At any time when the members of the
4 authority determine that the purposes of the authority have
5 been accomplished and that all obligations of the authority
6 have been paid in full, the authority may be dissolved by
7 affirmative vote of a majority of its members adopting a
8 resolution declaring its intent that the authority shall be
9 dissolved. Upon the adoption of the resolution, the authority
10 shall cease and any property or other assets owned by it at
11 the time of the dissolution shall be assigned to a state
12 entity at the discretion of the authority.

13 Section 12. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.