

1 HB389  
2 149074-2  
3 By Representatives Wren, Hubbard (M), Love and Clouse  
4 RFD: Technology and Research  
5 First Read: 05-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

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

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

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

15           (12) A member who is from the business sector,  
16 appointed by the Speaker of the House of Representatives.

17           (13) A member who is from the business sector,  
18 appointed by the President Pro Tempore of the Senate.

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

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

22           (16) The Alabama Attorney General, or his or her  
23 designee.

24           (17) The United States Department of Homeland  
25 Security's Protective Services Advisor for the State of  
26 Alabama.

1           (18) The Chair of the Permanent Joint Legislative  
2 Committee on Energy, or his or her designee.

3           (19) The Chief Executive Officer of the Alabama  
4 Supercomputer Authority.

5           (b) (1) The members of the authority shall elect a  
6 chair, a vice chair, and a secretary, each of whom shall serve  
7 two-year terms. The vice chair shall act in the place of the  
8 chair in the chair's absence or disability.

9           (2) The authority shall meet at such times as  
10 designated by the authority at a place deemed necessary or  
11 convenient, but the chair shall call a meeting once a year.  
12 The chair may also call a special meeting at any time the  
13 chair deems it advisable or necessary.

14           (3) A quorum shall be a simple majority of the  
15 authority membership. Members of the authority or any  
16 committee of the authority may participate in meetings of the  
17 authority or committees by telephone conference or other  
18 electronic communication device.

19           (4) Members of the authority shall serve without  
20 compensation.

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

24           (1) Disclose matters specifically exempted from  
25 disclosure by state or federal law.

26           (2) Disclose trade secrets or commercial or  
27 financial information which is privileged or confidential.

1           Section 5. The authority shall conduct its work in  
2 conjunction with the Alabama Cyber Research Consortium, a  
3 collaboration of the state's public research institutions, and  
4 shall have the following powers among others specified in this  
5 act:

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

10           a. Secure cyber networks.

11           b. Military and intelligence concerns.

12           c. Critical infrastructure, such as financial  
13 systems, utilities, telecommunications, food systems,  
14 transportation, health care, and the health sciences.

15           d. Law enforcement concerns.

16           e. Non-technical disciplines, such as legal and  
17 related social behavioral science.

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

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

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

25           (5) To make its resources available to federal,  
26 state, and local governmental agencies, divisions, boards, and  
27 public corporations, including universities and other

1 educational and research institutions and organizations; and  
2 to the businesses, industries, and others for any fees or  
3 charges as the authority shall determine to best support,  
4 promote, and encourage research and development of cyber  
5 technology projects in this state, both classified and  
6 non-classified; and to the businesses and industries under  
7 such preferences, priorities, procedures, and policies as the  
8 authority shall deem appropriate.

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

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

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

26 (9) To make and enter into contracts, leases,  
27 agreements, and other actions as may be necessary or desirable



1 to accomplish any corporate purpose and to exercise any power  
2 necessary for the accomplishment of the purposes of the  
3 authority or incidental to the powers expressly set out  
4 herein.

5 (10) To appoint and employ attorneys, accountants,  
6 technical consultants, and other advisors, agents, and  
7 independent contractors as may, in the judgment of the  
8 authority, be necessary or desirable.

9 Section 6. There is hereby established in the State  
10 Treasury a fund to be known as the Alabama Cyber Technology  
11 Fund, which shall be used exclusively for the operation of the  
12 authority and to support collaborative research projects among  
13 the state's public universities. All fees, charges, grants,  
14 gifts, appropriations, or other moneys received by the  
15 authority from any source shall be deposited into the fund.  
16 All moneys contained in the fund at the end of any fiscal year  
17 of the state are hereby reappropriated to the authority for  
18 the purposes specified in this act.

19 Section 7. The properties of the authority, income  
20 of the authority, all lease agreements made by the authority,  
21 and all lien notices, mortgages, assignments, and financing  
22 statements filed by the authority shall be exempt from any and  
23 all taxation of the state.

24 Section 8. All contracts made and obligations  
25 incurred by the authority shall be solely and exclusively  
26 obligations of the authority and shall not create debts of the  
27 state or of its public universities.

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

5           Section 10. Notwithstanding the provisions of this  
6 act, the Alabama Cyber Technology Authority shall not take any  
7 action or pursue funding from sources that would place the  
8 authority in competition with the state's public universities'  
9 efforts to seek and procure external funding from federal,  
10 state, or local government or business or industry for  
11 research and development projects. The authority, its members,  
12 or its employees shall have no proprietary interest or  
13 property right in any product, process, idea, concept, or  
14 procedure subject to protection under a copyright, patent, or  
15 trade secret law, which was developed, invented, or discovered  
16 as a result of the use of the authority's resources or through  
17 the authority's collaboration with public universities.

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

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