

## ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

## ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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### Enabling Legislation for Public-Private Electronic Information Network Partnerships

#### Summary

This act authorizes public entities to establish state boards, commissions and authorities with, but not exclusive to private sector, the private sector for the purpose of providing electronic access for members of the public to public information of agencies via a gateway service. This act addresses such issues as creating a body politic and corporate to be known as the Information Network of (*insert state*) as a public instrumentality with the authority and powers conferred by this act shall be deemed and held to be the performance of an essential governmental function.

#### Model Legislation

**Section 1. {Legislative Findings}** The legislature hereby finds and declares:

(A) As government has changed with the evolution of the internet, it is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that people of the state have access to efficient e-government services.

(B) The ability of the state and its localities to provide efficient e-government services will be enhanced by a public-private program enabling private entities to undertake all or a portion of online services to the public.

(C) A public-private partnership will provide benefits to both the public and private sectors. Public-private models afford close collaboration that combines the best of what the public and private sector have to offer working towards a common goal that assures all public sector e-government objectives are met including speed, savings, reliability, responsiveness, agency autonomy, etc. while maintaining the public trust.

(D) Public entities should be encouraged to take advantage of new opportunities provided by the private sector's technical know-how in the application of advanced technologies.

#### Section 2. {Definitions}

**"Authority"** means the (*insert state*) Providers Network Authority, a political subdivision of the state.

**"Board"** means the board of directors of the authority.

**"Commission"** means a permanent legislative agency.

**"Gateway"** means any centralized electronic information system by which public information shall be provided by the internet.

**"Public information"** means any information created, acquired, or stored in electronic, magnetic, optical or magneto-optical form by state agencies which is included within the information deemed to be public pursuant to (*insert state*) Freedom of Information Act or (*insert state applicable statute*).

**"State agency"** means any agency, institution, board, bureau, commission, council or instrumentality of state government.

**"User association"** means an association of users of information through a gateway.

#### Section 3. {Main Provisions}

(A) Purpose and Duties

(1) The purpose of the Information Network of (*insert state*) is to perform the following duties:

(i) provide electronic access for members of the public to public information of agencies via a gateway service;

(ii) provide appropriate oversight of any network manager;

(iii) explore ways and means of expanding the amount and kind of public information provided, increasing the utility of the public information provided and the form in which provided, expanding the base of users who access such public information and, where appropriate, implementing such changes;

(iv) cooperate with the division of information systems and communications in seeking to achieve the purposes of the Information Network of (insert state);

(v) explore technological ways and means of improving citizen and business access to public information and, where appropriate, implement such technological improvements; and

(vi) explore options of expanding such network and its services to citizens and businesses by providing add-on services such as access to other for-profit information and databases.

(B) Creation of Governing Board, Membership, Election of Officers, Quorum, Vote Provisions

(1) there is hereby created a body politic and corporate to be known as the Information Network of (insert state) is hereby constituted as a public instrumentality and the exercise by the Information Network of (insert state) of the authority and powers conferred by this act shall be deemed and held to be the performance of an essential governmental function.

(2) the Information Network of (insert state) shall be governed by a board consisting of 10 members as follows:

(i) the president of Information Network of (insert state)

(ii) the secretary of state;

(iii) two members who are chief executive officers of agencies of the executive branch, appointed by the governor who shall serve at the pleasure of the governor;

(iv) one member appointed by the governor from a list of three state bar association members submitted by such association. Such member shall serve a three-year term;

(v) three members from other user associations of a statewide character appointed by the governor from a list of not less than nine individuals and their respective user associations compiled initially by the president of the Information Network of (insert state) and thereafter by the board of the Information Network of (insert state) and submitted to the governor. No two members appointed pursuant to this paragraph shall represent the same user association. The terms for such members shall be for a period of three years, except initially, when the terms shall be for one, two and three years, respectively;

(vi) one member appointed by the governor from a list submitted by the president of the (insert state) public libraries association and comprised of three librarians employed by public libraries. Following the initial appointment hereunder, such list shall be comprised of librarians of public libraries which subscribe to the Information Network (insert state). Such member shall serve a three-year term; and

(vii) the director of information systems and communications who shall serve as a member.

(3) the board shall annually elect one member from the board as chairperson of Information Network of (insert state) another as vice-chairperson and another as secretary.

(4) five members of the board shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(C) Duties and Responsibilities of State Agencies, Recovery of Costs and Contract Authority

(1) in order to achieve its purpose as provided in this act, the Information Network (insert state) shall:

(i) serve in an advisory capacity to the secretary of administration, division of information services and communications and other state agencies regarding the provision of state data to the citizens and businesses of (insert state);

(ii) seek advice from the general public, its subscribers, professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of networking, electronic mail, public information access, gateway services, add-on services and electronic filing of information; and

(iii) develop charges for the services provided to subscribers, which include the actual costs of providing such services.

(2) all interested state agencies may participate with the Information Network of (insert state) in providing such assistance as may be requested for the achievement of its purpose. Agencies may recover actual costs incurred by providing such assistance. Services and information to be provided by any agency shall be specified pursuant to contract between the Information Network of (insert state) and such agency and shall comply with the provisions of (insert state statute).

(3) States agencies shall be custodians of their public records, in accordance with state laws, and shall be free to contract directly with interested parties through arrangements outside of the Information Network of (insert state)."

(D) Duties and Compensation for Network Manager

(1) The Information Network of (insert state) shall hire a network manager, which may be either a person or a company or corporation. The Information Network of (insert state) shall draw criteria and specifications in consultation with the division of information services and communications for such a network manager and its duties. The Information Network of (insert state) may negotiate and enter into an employment agreement with

the network manager selected which may provide for such duties, responsibilities and compensation as may be provided for in such agreement.

(i) the network manager shall direct and supervise the day-to-day operations and expansion of such gateway and network, including the initial phase of operations necessary to make such gateway operational, and:

(ii) may employ, supervise and terminate such other employees of the Information Network of *(insert state)* as designated by the Information Network of *(insert state)*.

(iii) shall attend meetings of the Information Network of *(insert state)*.

(vi) shall keep a record of all gateway, network and related operations of the Information Network of *(insert state)* which records shall be the property of the Information Network of *(insert state)* and shall maintain and be a custodian of all financial and operational records, documents and papers filed with the Information Network of *(insert state)* and

(v) shall yearly update and revise the business plan of the Information Network of *(insert state)* in consultation with and under the direction of the Information Network of *(insert state)*.

(E) Contracting Authority of the Information Network of *(insert state)*

(1) the Information Network of *(insert state)* is hereby authorized to negotiate and enter into contracts for professional consulting, research and other services

(2) the Information Network of *(insert state)* shall not be subject to state purchasing laws.

(F) Gifts, donations and grants

(1) the Information Network of *(insert state)* may accept gifts, donations, grants, and any other public or private moneys.

(2) all moneys received by the Information Network of *(insert state)* from gifts, donations, grants or any other source outside the state treasury may be deposited in the state treasury and credited to the Information Network of *(insert state)* fund or may be maintained in interest-bearing accounts in *(insert state)* banks or *(insert state)* savings and loan associations until expended or otherwise disposed of pursuant to this act.

(G) Staff and other assistance and cost of assistance

(1) the Information Network of *(insert state)* and the division of information services and communications may provide to the Information Network of *(insert state)* such staff and other assistance as may be requested thereby, and the actual costs of such assistance shall be paid for by the Information Network of *(insert state)*.

(H) Financing of Operations

(1) the Information Network of *(insert state)* shall fund its operations from revenues generated from subscribers, and from money, goods or in-kind services provided by public or private sources. Initial funding for start-up costs shall be obtained from private donations.

(I) Other

(1) nothing in this act shall be construed as placing any officer or employee of Information Network of *(insert state)* in the classified service or unclassified service under the *(insert state)* civil service act.

(2) subject to policies established by the board of Information Network of *(insert state)* the chairperson of Information Network of *(insert state)* or the chairperson's designee shall be authorized to approve all travel and travel expenses of such officers and employees.

#### Section 4. {Effective Date}

Adopted by ALEC's Telecommunications & Information Technology Task Force on January 13, 2001. Approved by full ALEC Board of Directors February, 2001.

Did you know that global telecommunications company AT&T was the corporate co-chair in 2011?

**About Us and ALEC EXPOSED.** The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish [www.PRWatch.org](http://www.PRWatch.org), [www.SourceWatch.org](http://www.SourceWatch.org), and now [www.ALECExposed.org](http://www.ALECExposed.org). For more information contact: [editor@prwatch.org](mailto:editor@prwatch.org) or 608-260-9713.