

2020 Regular Session

HOUSE BILL NO. 636

BY REPRESENTATIVE IVEY

LEGISLATIVE COMMITTEES: Creates and provides for the Joint Legislative Committee on Technology and Cybersecurity

1 AN ACT

2 To enact Chapter 11 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 24:671 through 676, relative to the legislature; to create and provide for the
4 Joint Legislative Committee on Technology and Cybersecurity; to provide for its
5 membership, powers, functions, and duties; to require public entities to provide
6 information, data, and assistance to the committee; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 11 of Title 24 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 24:671 through 676, is hereby enacted to read as follows:

10 CHAPTER 11. JOINT LEGISLATIVE COMMITTEE

11 ON TECHNOLOGY AND CYBERSECURITY

12 §671. Committee created; membership and composition

13 A. The Joint Legislative Committee on Technology and Cybersecurity,
14 hereinafter referred to as the "committee", is hereby created and established to assist
15 the legislature in the evaluation and oversight of matters involving information
16 technology for the state and its political subdivisions as deemed appropriate by the
17 committee or the legislature.

18 B.(1) For purposes of this Chapter the phrase "information technology" shall
19 include the equipment, services, and means necessary to provide:

20 (a) Telecommunications systems and services.

21 (b) Network systems and services.

- 1 (c) Server systems and services.
- 2 (d) Storage systems and services.
- 3 (e) Information technology security systems and services.
- 4 (f) Related peripheral systems and services.
- 5 (g) Software and software application services.
- 6 (h) Infrastructure and platform systems and services.
- 7 (i) Desktop computing systems and services.
- 8 (j) Geographic information systems and services.
- 9 (k) Mobile device systems and services.
- 10 (l) Video systems and services.
- 11 (m) Radio systems.
- 12 (n) Any and all systems and services based on emerging and future
- 13 information technologies relating to Subparagraphs (a) through (m) of this
- 14 Paragraph.
- 15 (2) The legislature, by concurrent resolution, may include other matters
- 16 within the committee's scope of authority.
- 17 C. The committee shall be composed of five members of the House of
- 18 Representatives appointed by the speaker of the House of Representatives and five
- 19 members of the Senate appointed by the president of the Senate. In making these
- 20 appointments, the presiding officers shall appoint members with technological
- 21 knowledge and experience, to the extent possible.
- 22 D. No action shall be taken by the committee or by a subcommittee thereof,
- 23 except by the favorable vote of a majority of the members thereof from each house
- 24 present and voting, each house voting separately, a quorum of the committee or
- 25 subcommittee being present. A quorum of a committee or a subcommittee shall
- 26 consist of a majority of the total membership thereof.
- 27 E. The committee shall select a chairman and a vice chairman, and such
- 28 other officers as it deems necessary.

1 F. The members of the committee shall receive the same per diem and travel
2 allowance in the performance of their duties as is provided for standing committees
3 of the legislature.

4 §672. Duties and functions

5 A. The committee may study and examine matters pertaining to information
6 technology of the state and its political subdivisions as deemed appropriate by the
7 committee or the legislature.

8 B. The committee may review the needs and performance of the office of
9 technology services and make periodic recommendations to the legislature and the
10 governor regarding the office and the state master information technology plan.

11 C.(1) The committee shall assess all cybersecurity risks facing public entities
12 in Louisiana, including the potential likelihood, frequency, and severity of
13 cyberattacks and data breaches. The committee shall work with law enforcement
14 and the office of technology services and develop recommendations and strategies
15 to mitigate the damage to the public relative to those cybersecurity risks.

16 (2) The committee shall review cybersecurity investments and expenditures
17 and make recommendations, where appropriate.

18 D. The committee may make such continuing study and examination of
19 matters pertaining to the information technology of the state and its agencies, and
20 make reports and recommendations to the legislature as the committee or legislature
21 deems advisable. The committee may make such studies and hold such hearings
22 with respect to information technology as it deems necessary and appropriate to carry
23 out its duties and functions.

24 E. Any information received by the committee containing confidential,
25 proprietary, or security sensitive information shall be held confidential and the
26 committee may discuss such information in executive session with appropriate notice
27 in accordance with the Open Meetings Law.

1 F. The committee may adopt rules and regulations prescribing and governing
2 its procedures, policies, meetings, and any and all other activities relating to its
3 functions and duties.

4 §673. Budget requests and expenditure requests; technology funds, fees, and
5 donations; review

6 A. At the request of the Joint Legislative Committee on the Budget, the
7 committee shall review any budget request or expenditure request related to
8 technology or cybersecurity. The committee shall perform its review and submit its
9 comments and recommendations regarding the request to the Joint Legislative
10 Committee on the Budget in a timely manner.

11 B. Each agency shall submit any request by the agency to deviate from
12 normal or standard technology procurement processes to the committee for review.

13 C. The committee may review all technology fees and expenditures related
14 to information technology from dedicated funds and shall report its findings and
15 recommendations as it deems appropriate.

16 §674. State agencies, political subdivisions; assistance to committee

17 A. All agencies, boards, commissions, and departments of the state and of
18 any of its political subdivisions, shall assist the committee in its work and furnish
19 such information, reports, aid, services, and assistance as may be requested by the
20 committee.

21 B. In order to assist the committee in its study and examination of
22 information technology required by this Chapter, each public entity shall provide to
23 the committee, upon request, any information the committee requests regarding the
24 entity's information technology.

25 §675. Powers

26 The committee shall have the power and authority to hold hearings, subpoena
27 witnesses, administer oaths, require the production of books and records, and do all
28 other things necessary to discharge its duties and responsibilities, including the
29 power to punish for contempt and to initiate the prosecution, in accordance with the

1 laws of this state, of any individual who refuses to testify or is charged with false
2 swearing or perjury before the committee.

3 §676. Staff assistance

4 A. The committee shall have the authority to employ professional, clerical,
5 and other personnel, and incur such expenses as are necessary for carrying out its
6 duties and responsibilities.

7 B. The staff of the House of Representatives and of the Senate shall assist
8 the committee in the performance of its duties and functions.

9 C. The books and records of the committee shall be audited annually by the
10 legislative auditor.

11 Section 2. No later than thirty days after the effective date of this Act, the presiding
12 officers of the legislature shall appoint the members of the Joint Legislative Committee on
13 Technology and Cybersecurity in the manner provided by the provisions of Section 1 of this
14 Act and jointly shall call the organization meeting of the Joint Legislative Committee on
15 Technology and Cybersecurity no later than September 15, 2020.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 636 Engrossed

2020 Regular Session

Ivey

Abstract: Creates and provides for the powers, functions, and duties of the Joint Legislative Committee on Technology and Cybersecurity to assist the legislature in the evaluation and oversight over matters involving information technology for the state and its political subdivisions.

Proposed law creates and provides for the powers, functions, and duties of the Joint Legislative Committee on Technology and Cybersecurity (committee) to assist the legislature in the evaluation and oversight of matters regarding information technology for the state and its political subdivisions. Defines "information technology" broadly for its purposes. Authorizes the legislature, by concurrent resolution, to include other matters within the committee's scope of authority.

Proposed law provides that the committee shall be composed of five members of the House appointed by the speaker and five members of the Senate appointed by the president. Provides that in making these appointments, the presiding officers shall appoint members with technological knowledge and experience, to the extent possible. Provides that no action shall be taken by the committee or a subcommittee thereof except by the favorable vote of a majority of the members thereof from each house present and voting, each house voting separately, or a quorum of the committee or subcommittee being present. Provides that the

committee shall select a chairman and a vice chairman and such other officers as it deems necessary, and that the members of the committee shall receive the same per diem and travel allowance in the performance of their duties as is provided for standing committees of the legislature.

Proposed law provides that the committee may:

- (1) Study and examine matters pertaining to information technology of the state and its political subdivisions, as deemed appropriate by the committee or the legislature.
- (2) Review the needs and performance of the office of technology services and make periodic recommendations to the legislature and the governor regarding the office and the state master information technology plan.
- (3) Make continuing study and examination of matters pertaining to the information technology and make reports and recommendations as it or the legislature deems advisable.

Proposed law provides that the committee shall:

- (1) Assess all cybersecurity risks facing public entities in La. and work with law enforcement and the office of technology services to develop recommendations and strategies to mitigate the damage to the public relative to those cybersecurity risks.
- (2) Review cybersecurity investments and expenditures and make recommendations.

Proposed law provides that the committee shall hold any confidential, proprietary, or security sensitive information confidential and may discuss such information in executive session with appropriate notice in accordance with the Open Meetings Law. Provides that the committee may adopt rules and regulations governing its procedures, policies, meetings, and any and all other activities relating to its functions and duties.

Proposed law further provides that at the request of the Joint Legislative Committee on the Budget (JLCB), the committee shall review any budget request or expenditure request related to technology or cybersecurity and shall submit its comments and recommendations regarding the request to JLCB in a timely manner. Provides that an agency head shall submit any request by an agency to deviate from normal or standard technology procurement processes to the committee for review. Authorizes the committee to study technology fees and expenditures of funds related to technology from dedicated funds.

Proposed law requires all agencies and political subdivisions to assist the committee in its work and to provide all information and services as may be requested by the committee. Further grants the committee authority to hold hearings, subpoena witnesses, administer oaths, and do all things necessary to discharge its duties and responsibilities. Provides that the committee may employ professional, clerical, and other personnel, and incur such expenses as are necessary for carrying out its duties and responsibilities. Requires the staff of the House and Senate to assist the committee. Provides that the committee shall be audited annually by the legislative auditor.

Proposed law requires the presiding officers to appoint the committee members no later than 30 days after the effective date of proposed law and to jointly call the organizational meeting of the committee no later than Sept. 15, 2020.

(Adds R.S. 24:671-676)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Increase the number of members appointed by the president of the Senate from four to five.
2. Authorize rather than mandate the committee to study and examine matters pertaining to information technology of the state, to review the needs and performance of the office of technology services, and to make certain reports and recommendations; remove the requirement for the committee to make quarterly reports.
3. Remove requirement that agencies submit documentation regarding grants and donations of technology goods and services for review.
4. Remove specific function of committee to assist the legislature in setting information technology priorities.
5. Remove "planning for" from the definition of "information technology".