

2021 Regular Session

HOUSE BILL NO. 128

BY REPRESENTATIVE ZERINGUE

1 AN ACT

2 To amend and reenact R.S. 39:372(D) through (H), R.S. 42:17(A)(3), and R.S. 44:4.1(B)(25)
3 and to enact R.S. 39:372(I) and R.S. 44:4(59), relative to security protocols; to
4 provide with respect to the powers and duties of the Cash Management Review
5 Board regarding financial security and cybersecurity plans; to provide with respect
6 to the confidential nature of certain cybersecurity and financial security discussions
7 and documents; to provide for executive session in public meetings in certain
8 circumstances; to provide with respect to public records exceptions for certain types
9 of cybersecurity and financial information; to direct the Louisiana State Law Institute
10 to make certain technical corrections; to provide for an effective date; and to provide
11 for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 39:372(D) through (H) are hereby amended and reenacted and R.S.
14 39:372(I) is hereby enacted to read as follows:

15 §372. Powers; policies; reports

16 * * *

17 D. Each state agency shall adopt a cybersecurity plan and financial security
18 procedures relative to cash management. Within ninety days of the enactment of this
19 Subsection, each agency shall submit its cybersecurity plan and financial security
20 procedures to the review board. Thereafter, each agency shall submit to the review
21 board any revisions to its approved plan or procedures. The review board shall
22 review and approve such plans, procedures, and revisions. The review board may
23 review implementation of such plans and procedures and make ongoing assessments
24 of the sufficiency of such plans and procedures. Discussion and records of the

1 review board regarding financial security and cybersecurity plans, procedures,
 2 assessments, and implementations shall be confidential and shall not be subject to
 3 production in accordance with the Louisiana Public Records Law.

4 E. The review board shall make a written report to the legislature as the
 5 review board deems necessary prior to the beginning of each regular session of such
 6 recommendations for changes in cash management law and practices as deemed
 7 appropriate. In addition to the other reporting requirements of this Subsection, the
 8 review board shall quarterly make a written report to the Joint Legislative Committee
 9 on the Budget relative to the banking and checking accounts of all state agencies, as
 10 follows:

- 11 (1) The state depositing authority as defined in R.S. 49:319.
- 12 (2) The banking or checking account name, account type, and, if there is
 13 more than one account with the same name, the account number.
- 14 (3) The approval date for the banking or checking account and the name of
 15 the fiscal agent bank.
- 16 (4) The banking or checking account investments, interest earnings, and fee
 17 payments.
- 18 (5) The account balance as of the beginning and the end of the quarter.
- 19 (6) The source of the funds in the account.
- 20 (7) The purpose of the banking or checking account.
- 21 (8) If a banking or checking account is closed during the quarter, the date of
 22 the closure, the balance of the account on the date of the closure, and documentation
 23 from the bank that the account has been closed.

24 ~~E.~~ F. The Joint Legislative Committee on the Budget shall hold a hearing on
 25 the number and types of banking or checking accounts, the need for the agency to
 26 have one or more banking or checking accounts, the source of funds and the balances
 27 in the banking or checking accounts, and whatever other information is deemed
 28 necessary by the chairman.

29 ~~F.~~ G. The Joint Legislative Committee on the Budget shall forward a copy
 30 of the reports that it receives from the review board, with whatever changes it deems

1 necessary, to the Revenue Estimating Conference for its use in estimating fees and
2 self-generated revenues for the official forecast.

3 ~~G.~~ H. The review board is hereby empowered to review all state agency
4 requests for the establishment of escrow funds in the state treasury, and if warranted,
5 to approve the requests in writing. The monthly reports required by the provisions
6 of R.S. 49:320.2(C) for all state agencies with escrow funds in the state treasury shall
7 be submitted to the review board, who shall compile the agency reports into one
8 report and forward it to the Joint Legislative Committee on the Budget.

9 ~~H.~~ I. The legislative auditor shall review each state agency's compliance with
10 the review board's approved cash management policies and procedures. Any
11 noncompliance shall be reported to the Legislative Audit Advisory Council and to
12 the cash management review board.

13 Section 2. R.S. 42:17(A)(3) is hereby amended and reenacted to read as follows:

14 §17. Exceptions to open meetings

15 A. A public body may hold an executive session pursuant to R.S. 42:16 for
16 one or more of the following reasons:

17 * * *

18 (3) Discussion regarding the report, development, or course of action
19 regarding security personnel, plans, or devices, including discussions concerning
20 cybersecurity plans, financial security procedures, and assessment and
21 implementation of any such plans or procedures.

22 * * *

23 Section 3. R.S. 44:4.1(B)(25) is hereby amended and reenacted and R.S. 44:4(59)
24 is hereby enacted to read as follows:

25 §4. Applicability

26 This Chapter shall not apply:

27 * * *

28 (59) To any records, data, writings, accounts, reports, recordings, letters,
29 exhibits, pictures, drawings, charts, photographs, memoranda, evaluations, or copies
30 thereof, in the custody or control of any state agency, department, board, or

1 commission required to deposit monies in the state treasury in accordance with
2 Article VII, Section 9(A) of the Constitution of Louisiana of 1974, concerning
3 cybersecurity plans, financial security procedures, or the assessment or
4 implementation of any such plans or procedures.

5 §4.1. Exceptions

6 * * *

7 B. The legislature further recognizes that there exist exceptions, exemptions,
8 and limitations to the laws pertaining to public records throughout the revised
9 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
10 limitations are hereby continued in effect by incorporation into this Chapter by
11 citation:

12 * * *

13 (25) R.S. ~~39:294~~, 372, 1435

14 * * *

15 Section 4. The Louisiana State Law Institute is hereby directed to correct any
16 references to R.S. 39:372 in the Louisiana Revised Statutes of 1950, including in R.S.
17 49:320.1, to conform with the provisions of this Act.

18 Section 5. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____