

2023 Regular Session

SENATE BILL NO. 152

BY SENATOR MILLIGAN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INFORMATION TECHNOLOGY. Creates the Louisiana Cybersecurity Commission.
(8/1/23)

1 AN ACT

2 To enact R.S. 36:4(B)(1)(l) and Subpart C-2 of Part I of Chapter 1 of Subtitle I of Title 39

3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:15.11 through

4 15.15, relative to the Louisiana Cybersecurity Commission; to create the Louisiana

5 Cybersecurity Commission within the division of administration; to provide for

6 legislative intent; to provide for definitions; to provide for commission membership;

7 to provide for the powers and duties of the commission; to provide for staffing; to

8 provide for an annual report; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 36:4(B)(1)(l) is hereby enacted to read as follows:

11 §4. Structure of executive branch of state government

12 * * *

13 B. The office of the governor shall be in the executive branch of state

14 government. The governor may allocate within his office the powers, duties, funds,

15 functions, appropriations, responsibilities, and personnel of the agencies within his

16 office and provide for the administration thereof and for the organization of his

17 office. The following agencies and their powers, duties, functions, and

1 responsibilities are hereby transferred to the office of the governor:

2 (1) Division of administration (including but not limited to Subtitle I of Title
3 39 of the Louisiana Revised Statutes of 1950 generally). The following agencies are
4 placed within the division of administration:

5 * * *

6 **(1) Louisiana Cybersecurity Commission (R.S. 39:15.11 et seq.)**

7 * * *

8 Section 2. Subpart of C-2 of Part I of Chapter 1 of Subtitle I of Title 39 of
9 the Louisiana Revised Statutes of 1950, comprised of R.S. 39:15.11 through 15.15,
10 is hereby enacted to read as follows:

11 **SUBPART C-2. LOUISIANA CYBERSECURITY COMMISSION**

12 **§15.11. Legislative intent**

13 **The legislature of Louisiana hereby finds all of the following:**

14 **(1) The mission of the Louisiana Cybersecurity Commission, which was**
15 **created by executive order of the governor, is the coordination of cybersecurity**
16 **efforts among local, state, tribal, and federal governments, as well as the private**
17 **sector to maintain the stability of public services while ensuring proper privacy**
18 **and protection of data entrusted to the state.**

19 **(2) Information systems, networks, and critical infrastructure around the**
20 **world are threatened by increasingly sophisticated cyber-attacks.**

21 **(3) Cyber-attacks aimed at breaching and damaging computers,**
22 **networks, and critical infrastructure in Louisiana represent a major security**
23 **risk and increase the state's vulnerability to economic disruption, critical**
24 **infrastructure damage, privacy violations, and identity theft.**

25 **(4) The increasing number and complexity of cyber-attacks demand**
26 **heightened levels of coordination, information sharing, and emergency response**
27 **between local, state, tribal, and federal governments and the private sector to**
28 **protect computer networks and critical infrastructure, as defined by the**
29 **Cybersecurity and Infrastructure Agency of the federal Department of**

1 Homeland Security, from damage or unauthorized access.

2 (5) As a result of the increasing threat of cyber-attacks and to solidify
3 the collaboration between governments and the private sector, the Louisiana
4 Cybersecurity Commission should be formally created to ensure continuation
5 of its important mission. The commission's proven track record of improving
6 the resiliency of the cyber ecosystems in the state of Louisiana justify and
7 warrant its statutory creation.

8 §15.12. Definitions

9 As used in this Part, these terms shall have the following meanings:

10 (1) "Commission" means the Louisiana Cybersecurity Commission.

11 (2) "Critical infrastructure sectors" includes the following sectors which
12 the Cybersecurity and Infrastructure Security Agency of the federal
13 Department of Homeland Security has identified as critical:

14 (a) Chemical.

15 (b) Commercial facilities.

16 (c) Communications.

17 (d) Critical manufacturing.

18 (e) Dams.

19 (f) Defense industrial base.

20 (g) Emergency services.

21 (h) Energy.

22 (i) Financial services.

23 (j) Food and agriculture.

24 (k) Government facilities.

25 (l) Healthcare and public health.

26 (m) Information technology.

27 (n) Nuclear reactors, materials, and waste.

28 (o) Transportation systems.

29 (p) Water and wastewater systems.

1 (q) Any other sector which the Cybersecurity and Infrastructure
2 Security Agency deems to be critical in the future.

3 §15.13. Louisiana Cybersecurity Commission; creation; membership

4 A. The Louisiana Cybersecurity Commission is hereby created within
5 the division of administration to coordinate cybersecurity efforts among state
6 governmental entities, local governments, tribal governments, private
7 companies, academic institutions, and other entities in both the public and
8 private sectors. The commission shall encourage participation by federal
9 agencies and private sector stakeholders to ensure that the objectives of the
10 commission are met and to ensure proper coordination between the state, local,
11 and federal government agencies and private companies.

12 B.(1) The commission shall be composed of the following twenty-one
13 members, eleven of which are appointed by virtue of their governmental
14 positions and ten members appointed by the governor:

- 15 (a) The state chief information officer.
16 (b) The adjutant general.
17 (c) The commissioner of higher education.
18 (d) The superintendent of the Louisiana State Police.
19 (e) The attorney general.
20 (f) The secretary of state.
21 (g) The secretary of economic development.
22 (h) The chairman of the Public Service Commission.
23 (i) The director of the Governor's Office of Homeland Security and
24 Emergency Preparedness.
25 (j) The chairman of the House Select Committee on Homeland Security.
26 (k) The chairman of the Senate Select Committee on Homeland Security.
27 (l) Four members appointed by the governor from institutions of higher
28 education in this state. No institution shall have more than one member
29 appointed to the commission. At least one of the members shall be appointed

1 from a Historically Black College or University.

2 (m) Four members appointed by the governor from the private sector in
3 an industry related to one or more of the critical infrastructure sectors
4 contained within the boundaries of the state of Louisiana.

5 (n) Two members appointed by the governor from local government who
6 have significant experience in emergency management operations.

7 (2) The members appointed by the governor shall serve for a term of
8 four years. If a vacancy occurs in the membership of the commission, the
9 vacancy shall be filled in the same manner in which the original appointment
10 was made. The members appointed pursuant to Subparagraphs (1)(a) through
11 (k) of this Subsection may authorize a designee to attend commission meetings.

12 C. The governor shall designate a chairman and co-chairman for the
13 commission. The chairman and co-chairman of the commission may invite
14 public officials or individuals from the private sector who, in the judgment of
15 the chairman or co-chairman, can provide valuable assistance to the
16 commission in the conduct of its duties.

17 D.(1) The members of the commission, or their designees, shall not
18 receive additional compensation nor per diem for their service on the
19 commission.

20 (2) Commission members who are employees or elected public officials
21 of the state or a political subdivision may seek reimbursement of travel expenses
22 from their employing government agency or elective office, in accordance with
23 state travel guidelines issued by the division of administration.

24 §15.14. Purposes and powers of the commission

25 A. The commission shall have the following purposes, duties, and
26 powers:

27 (1) Identify, prioritize, and mitigate Louisiana's cyber risk.

28 (2) Develop a cybersecurity strategy for the state and identify sources
29 of support for strategy implementation.

1 (3) Promote cybersecurity awareness and recommend best practices for
2 the security of all of Louisiana's cyber ecosystem.

3 (4) Promote actions, including legislative, administrative, and regulatory,
4 where appropriate, to enhance cybersecurity in Louisiana.

5 (5) Grow Louisiana's cybersecurity workforce and educate the public
6 and private sectors about cybersecurity.

7 (6) Enhance Louisiana cyber emergency preparedness and response
8 capabilities.

9 (7) Monitor, understand, and share cyber threat information.

10 (8) Build comprehensive digital forensics and cyber investigative
11 capability.

12 (9) Identify, prioritize, acquire, and establish funding mechanisms to
13 enhance Louisiana's cybersecurity efforts.

14 (10) Facilitate economic development by promoting a cyber-safe
15 Louisiana for businesses and consumers.

16 (11) Serve as an advisory body to the governor relating to all issues
17 relating to cybersecurity and protecting critical infrastructure.

18 B. In furtherance of its powers and duties, the commission may create
19 standing or special committees and rules necessary and proper to ensure
20 efficient accomplishment of its mission.

21 §15.15. Staffing of the commission; reports

22 A.(1) The Military Department, state of Louisiana shall provide the
23 primary staff to assist the commission in its duties and mission. The commission
24 may request the assistance of other state agencies, including but not limited to
25 the Governor's Office of Homeland Security and Emergency Preparedness, the
26 office of technology services of the division of administration, and the Louisiana
27 State Police.

28 (2) All state agencies and political subdivisions of the state shall
29 cooperate with the commission and its staff in implementing the provisions of

1 **this Subpart.**

2 **B. The commission shall provide an annual report containing an**

3 **overview of goals, objectives, priorities, estimated completion dates of activities,**

4 **and recommendations to the office of the governor, the Joint Legislative**

5 **Committee on Technology and Cybersecurity, and the House and Senate select**

6 **committees on homeland security.**

The original instrument was prepared by Brandi Cannon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

DIGEST

SB 152 Engrossed

2023 Regular Session

Milligan

Proposed law enacts the Louisiana Cybersecurity Commission within the division of administration to coordinate cybersecurity efforts among local, state, tribal, and federal governments, as well as the private sector, to maintain the stability of public services while ensuring proper privacy and protection of data entrusted to the state.

Proposed law provides for 21 members of the commission, 11 of which are appointed by virtue of their governmental positions and 10 members appointed by the governor. Proposed law further provides that the governor shall designate a chairman and co-chairman for the commission who may invite public officials or individuals from the private sector to assist the commission in the conduct of its duties.

Proposed law provides that the members of the commission, or their designees, shall not receive additional compensation nor per diem for their service on the commission. Proposed law further provides that commission members who are employees or elected public officials of the state or a political subdivision may seek reimbursement of travel expenses from their employing government agency or elective office, in accordance with state travel guidelines issued by the division of administration.

Proposed law provides for the purposes, duties, and powers of the commission in order to identify, prioritize, and mitigate Louisiana's cyber risk.

Proposed law provides that the Military Dept. will provide the primary staff to assist the commission in its duties and mission. Proposed law further provides that the commission may request the assistance of other state agencies and all state agencies and political subdivisions of the state shall cooperate with the commission and its staff.

Proposed law requires the commission to provide an annual report containing an overview of goals, objectives, priorities, estimated completion dates of activities, and recommendations to the office of the governor, the Joint Legislative Committee on Technology and Cybersecurity, and the house and senate select committees on homeland security.

Effective August 1, 2023.

(Adds R.S. 36:4(B)(1)(I) and R.S. 39:15.11-15.15)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.
2. Provides that the Military Dept. will provide the primary staff to assist the commission.