

2020 Regular Session

HOUSE BILL NO. 412

BY REPRESENTATIVE ZERINGUE

FUNDS/FUNDING: Expands the authorized uses of monies in the State Emergency Response Fund

1 AN ACT

2 To amend and reenact R.S. 39:100.31(B) and to enact R.S. 39:100.31(C), relative to the  
3 State Emergency Response Fund, to provide for authorized uses of monies in the  
4 fund; to provide for legislative intent with respect to prior Acts of the legislature; and  
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 39:100.31(B) is hereby amended and reenacted and R.S.  
8 39:100.31(C) is hereby enacted to read as follows:

9 §100.31. State Emergency Response Fund

10 \* \* \*

11 B. Monies in the fund shall be appropriated and used to provide a source of  
12 funds to pay expenses incurred as a result of activities associated with the  
13 preparation for, ~~and~~ response to, and recovery from an emergency or declared  
14 disaster. The expenditure for such a purpose from another source may be eligible to  
15 be repaid from the fund if the using agency has certified the necessity of such action  
16 to the commissioner of administration. Monies in the fund may also be utilized to  
17 provide bridge funding in anticipation of reimbursements from the federal  
18 government or other source. Any reimbursement received for expenses paid from the  
19 fund shall be returned to and deposited into the fund. Transfers of monies from the  
20 fund may be made from one agency to another prior to obtaining approval by the

1 Joint Legislative Committee on the Budget in the event of an emergency and if  
2 certified by the commissioner of administration to the governor that any delay in the  
3 expenditure of such monies would be detrimental to the welfare and safety of the  
4 state and its citizens. The Joint Legislative Committee on the Budget shall be  
5 notified in writing of such declaration and shall meet to consider such action, but if  
6 it is found by the committee that such funds were not needed for an emergency  
7 expenditure, such approval may be withdrawn and any balance remaining shall not  
8 be expended.

9 C.(1) The Legislature of Louisiana recognizes the importance of a robust  
10 cybersecurity defense for the state and its political subdivisions. Notwithstanding  
11 the provisions of Subsection B of this Section, monies in the fund may also be used  
12 for the following purposes:

13 (a) Training opportunities for employees of the state and its political  
14 subdivisions in information assurance, security, and recovery; cybersecurity; and  
15 related fields.

16 (b) Funding additional pay for employees of the state and its political  
17 subdivisions who respond to cyber incidents on behalf of the state and its political  
18 subdivisions in addition to performing their primary employment duties.

19 (c) Funding the purchase of updated computer hardware and software and  
20 internet-connected devices for the state and its political subdivisions that are  
21 determined to be necessary by the office of technology services following  
22 vulnerability assessments, inspections, or cyber incident recovery efforts.

23 (d) Funding retention of private-sector information technology professionals.

24 (2) For the purposes of this Subsection, the term "cyber incident" shall mean  
25 any type of malicious, destructive, or harmful software or program that is targeted  
26 at, negatively affects, or impacts computers, computer servers, computer programs,  
27 computer services, computer software, internet-connected devices, or computer  
28 systems or networks owned or operated by the state of Louisiana or its political

1            subdivisions, including but not limited to cyber threat indicators, denial of service  
2            attacks, malware, or ransom-ware attacks, whether imminent or not.

3            Section 2. The provisions of Section 1 of this Act shall supersede the provisions of  
4            Section 7 of Act No. 404 of the 2019 Regular Session of the Legislature that amend and  
5            reenact R.S. 39:100.31(B).

6            Section 3. The provisions of this Act shall become effective July 1, 2020.

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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)]

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HB 412 Engrossed

2020 Regular Session

Zeringue

**Abstract:** Expands authorized uses of funds in the State Emergency Response Fund (SERF) for cybersecurity and for recovery from an emergency or declared disaster.

Present law establishes SERF to provide a source of funds for preparation for and response to declared disasters and emergencies. Proposed law retains present law.

Proposed law expands the authorized use of SERF monies to recovery from a declared disaster or emergency.

Proposed law recognizes the need for a robust cybersecurity defense for the state and its political subdivisions. In addition to authorized uses in present law, authorizes SERF monies to be used for the following:

- (1) Training opportunities for employees of the state and its political subdivisions in information assurance, security, and recover, cybersecurity, and related fields.
- (2) Funding additional pay for employees of the state and its political subdivisions who respond to cyber incidents on behalf of the state and its political subdivisions in addition to performing their primary employment duties.
- (3) Funding the purchase of updated computer hardware and software and internet-connected devices for the state and its political subdivisions that are determined to be necessary by the office of technology services following vulnerability assessments, inspections, or cyber incident recovery efforts.
- (4) Funding retention of private-sector information technology professionals.

Further defines "cyber incident" as used in proposed law to mean: any type of malicious, destructive or harmful software or program that is targeted at or negatively affects or impacts computers, computer servers, computer programs, computer services, computer software, internet-connected devices, or computer systems or networks owned or operated by the state of Louisiana or its political subdivisions, including but not limited to cyber threat indicators, denial of service attacks, malware, or ransom-ware attacks, whether imminent or not.

Act 404 of the 2019 Regular Session of the Legislature amended present law relative to SERF to become effective July 1, 2020. Proposed law retains the legislature's amendments

to R.S. 39:100.31(B) made in Act 404. Further provides that the provisions of proposed law are intended to supercede the changes made by Act 404.

Effective July 1, 2020.

(Amends R.S. 39:100.31(B); Adds R.S. 39:100.31(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Make a technical correction.