2021 Regular Session

ENROLLED

SENATE BILL NO. 15

BY SENATOR MILLIGAN

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

1	AN ACT
2	To amend and reenact R.S. 38:2237.1, and R.S. 39:1753.1, to enact R.S. 39:15.3(F) and
3	200(M), and to repeal R.S. 39:1755(5), relative to the procurement of
4	telecommunications or video surveillance equipment or services by state agencies
5	and certain educational entities; to require the procurement of telecommunications
6	or video surveillance equipment or services to comply with federal guidelines under
7	Section 889(a) of the John S. McCain National Defense Authorization Act for Fiscal
8	Year 2019; to provide for violations; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 38:2237.1 is hereby amended and reenacted to read as follows:
11	§2237.1. Purchase Procurement of approved telecommunications or video
12	surveillance equipment or services by state agencies and certain
13	educational entities
14	A. No telecommunications or video surveillance equipment as described in
15	Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act shall be
16	purchased by public elementary, secondary, and postsecondary education schools,
17	institutions, and governing authorities; nonpublic elementary, secondary, and
18	postsecondary schools, institutions, and governing authorities that receive state
19	funds; and proprietary schools that receive state funds unless the equipment is from
20	a manufacturer who is in compliance with Section 889(a) of the Fiscal Year 2019
21	National Defense Authorization Act as provided in this Section. Agencies and
22	certain educational entities of the state, as defined in R.S. 39:1753.1(A), shall not
23	procure prohibited telecommunications or video surveillance equipment or
24	services as defined in R.S. 39:1753.1(A).
25	B. Prior to the purchase of equipment procurement of telecommunications

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1	or video surveillance equipment or services, the vendor shall provide
2	documentation by affidavit that the telecommunications and video surveillance
3	equipment or services to be purchased procured are is from a manufacturer that is
4	in compliance with Section 889(a) of the Fiscal Year 2019 National Defense
5	Authorization Act not prohibited telecommunications or video surveillance
6	equipment or services as defined in R.S. 39:1753.1(A).
7	C. No award of any bid or purchase procurement shall be made from a
8	vendor or other entity who fails to provide the documentation required in Subsection
9	B of this Section. Any award of a bid to a contractor or purchase or contract to
10	purchase procurement of prohibited telecommunications or video surveillance
11	equipment or services as defined in R.S. 39:1753.1(A), or other procurement in
12	violation of this Section, shall be null and void.
13	D. This Section shall apply only to procurements initiated on or after
14	August 1, 2021, by state agencies, certain educational entities, and their service
15	providers.
16	Section 2. R.S. 39:1753.1 is hereby amended and reenacted and R.S. 39:15.3(F) and
17	200(M) are hereby enacted to read as follows:
18	§15.3. Office of technology services; offices and staff; duties
19	* * *
20	F. On or before October first of each year, the chief information officer
21	shall report to the Joint Legislative Committee on Technology, in executive
22	session, regarding the operational readiness and procurement requirements of
23	the state in cybersecurity and other information security related categories
24	including but not limited to the relationship to applicable and prevailing
25	<u>industry standards.</u>
26	* * *
27	§200. General provisions
28	The following general provisions shall apply to all procurements under this
29	Part:
30	* * *

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1	M. The provisions of R.S. 39:1753.1 shall apply to all procurements of
2	telecommunications or video surveillance equipment or services pursuant to this
3	<u>Part.</u>
4	* * *
5	§1753.1. Purchase of approved Procurement of telecommunications or video
6	surveillance equipment or services by state agencies and certain
7	educational entities
8	A. No telecommunications or video surveillance equipment as described in
9	Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act shall be
10	purchased by public elementary, secondary, and postsecondary education schools,
11	institutions, and governing authorities; nonpublic elementary, secondary, and
12	postsecondary schools, institutions, and governing authorities that receive state
13	funds; and proprietary schools that receive state funds unless the equipment is from
14	a manufacturer who is in compliance with Section 889(a) of the Fiscal Year 2019
15	National Defense Authorization Act as provided in this Section. Definitions. For the
16	purposes of this Section, the words defined in this Subsection shall have the
17	meanings set forth below:
18	(1) "Agency" shall have the same meaning as provided in R.S. 36:3.
19	(2) "Certain educational entities" means all public elementary,
20	secondary, or postsecondary education schools, institutions, and governing
21	authorities; nonpublic elementary, secondary, and postsecondary schools,
22	institutions, and governing authorities that receive state funds; and proprietary
23	schools that receive state funds.
24	(3) "Procure" and "procurement" shall have the same meaning as
25	provided in R.S. 39:1556.
26	(4) "Prohibited telecommunications or video surveillance equipment or
27	services" includes all of the following:
28	(a) Telecommunications equipment produced by Huawei Technologies
29	<u>Company or ZTE Corporation, or any subsidiary or affiliate of such entities, as</u>
30	described in Section 889(f)(3)(A) of the John S. McCain National Defense

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1	Authorization Act for Fiscal Year 2019.
2	(b) Video surveillance equipment or telecommunications equipment
3	produced by Hytera Communications Corporation, Hangzhou Hikvision Digital
4	Technology Company, Dahua Technology Company, or any subsidiary or
5	affiliate of such entities, as described in Section 889(f)(3)(B) of the John S.
6	McCain National Defense Authorization Act for Fiscal Year 2019.
7	(c) Telecommunications or video surveillance equipment or services
8	produced or provided by an entity found to be owned, controlled, or otherwise
9	connected to the government of the People's Republic of China, as described in
10	Section 889(f)(3)(D) of the John S. McCain National Defense Authorization Act
11	<u>for Fiscal Year 2019.</u>
12	(d) Any product or equipment, regardless of manufacturer, containing
13	as a component any equipment identified by Subparagraphs (a) through (c) of
14	this Paragraph. This may include but is not limited to the following:
15	(i) Computers or other equipment containing a component which
16	enables any form of network connectivity or telecommunications regardless of
17	whether the equipment is regularly connected to a network.
18	(ii) Building automation, environmental controls, access controls, or
19	facility management and monitoring systems.
20	(e) Voting machines, peripherals, and election systems that are a
21	product, or a component thereof, that is identified as being produced by those
22	entities listed in Subparagraphs (a) through (c) of this Paragraph, shall be
23	prohibited telecommunications or video surveillance equipment pursuant to this
24	Section.
25	(f) Any services provided using any equipment identified by
26	<u>Subparagraphs (a) through (e) of this Paragraph.</u>
27	B. Agencies and certain educational entities of the state, as defined in
28	Subsection A of this Section, shall not procure prohibited telecommunications
29	or video surveillance equipment or services as defined in Subsection A of this
30	Section.

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1	<u>C.</u> Prior to the purchase of equipment procurement of telecommunications
2	or video surveillance equipment or services, the vendor shall provide
3	documentation by affidavit that the telecommunications and video surveillance
4	equipment or services to be purchased procured is from a manufacturer that is in
5	compliance with Section 889(a) of the Fiscal Year 2019 National Defense
6	Authorization Act. are not prohibited telecommunications or video surveillance
7	equipment or services as defined in Subsection A of this Section.
8	CD. No award of any bid or purchase procurement shall be made from a
9	vendor or other entity who fails to provide the documentation required in Subsection
10	$\mathbf{B} \mathbf{\underline{C}}$ of this Section. Any award of a bid to a contractor or purchase or contract to
11	purchase procurement of prohibited telecommunications or video surveillance
12	equipment or services as defined in Subsection A of this Section, or other
13	procurement in violation of this Section shall be null and void.
14	E. This Section shall apply only to procurements initiated on or after
15	August 1, 2021, by state agencies, certain educational entities, and their service
16	providers.
17	Section 3. R.S. 39:1755(5) is hereby repealed.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____