

SENATE BILL NO. 15

BY SENATOR MILLIGAN

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

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AN ACT

To amend and reenact R.S. 38:2237.1, and R.S. 39:1753.1, to enact R.S. 39:15.3(F) and 200(M), and to repeal R.S. 39:1755(5), relative to the procurement of telecommunications or video surveillance equipment or services by state agencies and certain educational entities; to require the procurement of telecommunications or video surveillance equipment or services to comply with federal guidelines under Section 889(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019; to provide for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2237.1 is hereby amended and reenacted to read as follows:

§2237.1. ~~Purchase~~ **Procurement** of ~~approved~~ telecommunications **or video surveillance** equipment **or services** by **state agencies and** certain educational entities

A. ~~No telecommunications or video surveillance equipment as described in Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act shall be purchased by public elementary, secondary, and postsecondary education schools, institutions, and governing authorities; nonpublic elementary, secondary, and postsecondary schools, institutions, and governing authorities that receive state funds; and proprietary schools that receive state funds unless the equipment is from a manufacturer who is in compliance with Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act as provided in this Section.~~ **Agencies and certain educational entities of the state, as defined in R.S. 39:1753.1(A), shall not procure prohibited telecommunications or video surveillance equipment or services as defined in R.S. 39:1753.1(A).**

B. Prior to the ~~purchase of equipment~~ **procurement of telecommunications**

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 industry standards.

26 \* \* \*

27 §200. General provisions

28 The following general provisions shall apply to all procurements under this  
 29 Part:

30 \* \* \*

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           **Part.**

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           **Company or ZTE Corporation, or any subsidiary or affiliate of such entities, as**  
 30           **described in Section 889(f)(3)(A) of the John S. McCain National Defense**

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 for Fiscal Year 2019.

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 Subparagraphs (a) through (e) of this Paragraph.

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.

1            C. 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            €D. 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           ~~B~~ 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

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_