

2022 Regular Session

SENATE CONCURRENT RESOLUTION NO. 14

BY SENATOR FOIL

LEGIS POWERS/FUNCTIONS. Establishes the Cybersecurity Redhibition Task Force.

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A CONCURRENT RESOLUTION

To establish the Cybersecurity Redhibition Task Force and to recognize the task force as the unified and coordinated body of information technology and security professionals from various branches of federal and state government to consider creating a distinct cause of action for state agencies that respond to cyber incidents as part of the state's emergency support function to recover qualifying expenses from managed service providers and managed security service providers servicing public bodies and critical infrastructure whose actions or omissions contributed to the cyber incident.

WHEREAS, the state of Louisiana authorizes certain agencies to perform emergency support functions for cyber incident response management, referred to as "ESF-17", in accordance with Executive Order, JBE 19-12, entitled "Emergency Operations Plan"; and

WHEREAS, since its inception in 2019, ESF-17 responded to numerous cyber incidents across the state; and

WHEREAS, ESF-17's efforts to remediate these cyber incidents come at great financial expense to the state and put substantial pressure on those public servants with the skill and expertise to respond on behalf of the state; and

WHEREAS, the state continues its commitment to enhancing and preserving the cybersecurity of its political subdivisions and critical infrastructure; and

1 WHEREAS, through its efforts, ESF-17 occasionally found that the substantial
2 contributing factor or proximate cause of the cyber incidents were negligent and, in some
3 cases, intentional acts or omissions by the third-party vendors serving as managed service
4 providers (MSPs) and managed security service providers (MSSPs) to political subdivisions
5 and critical infrastructure; and

6 WHEREAS, without the intent to place unduly burdensome restrictions on MSPs and
7 MSSPs, or novate existing contracts and agreements, subject matter experts in relevant fields
8 will collectively resolve to create a new mechanism for the state to recover cyber incident
9 recovery costs from faulty MSPs and MSSPs in a manner that does not prevent the exercise
10 of any rights by victims or unduly prejudice these vendors; and

11 WHEREAS, it is further endeavored that this task force and its efforts will improve
12 the quality of services from managed service providers and managed security service
13 providers that conduct business with political subdivisions of the state and entities
14 supporting critical infrastructure.

15 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
16 establish the Cybersecurity Redhibition Task Force.

17 BE IT FURTHER RESOLVED that the Cybersecurity Redhibition Task Force shall
18 be comprised of the following members:

19 (1) The superintendent of the Louisiana State Police or another employee of the state
20 police designated by the superintendent.

21 (2) The director of the Louisiana State Analytical Fusion Exchange or another
22 member of the exchange designated by the director.

23 (3) The director of the Governor's Office of Homeland Security and Emergency
24 Preparedness or another employee of the office designated by the director.

25 (4) The chief information officer of the office of technology services of the Division
26 of Administration or another employee of the office designated by the chief information
27 officer.

28 (5) The attorney general or another employee of the Department of Justice designated
29 by the attorney general.

30 (6) The special agent in charge of the New Orleans field office of the Federal Bureau

1 of Investigation or another employee of the office as designated by the special agent in
2 charge.

3 (7) The special agent in charge of the New Orleans field office of the United States
4 Secret Service or another employee of the office as designated by the special agent in charge.

5 (8) The officer in charge of the Baton Rouge office of the United States Department
6 of Homeland Security or another employee of the office as designated by the officer in
7 charge.

8 (9) The adjutant general of the Louisiana Army National Guard or another employee
9 of the Louisiana Army National Guard as designated by the adjutant general.

10 BE IT FURTHER RESOLVED that the names of the members chosen or designated
11 as provided herein shall be submitted to the director of the Governor's Office of Homeland
12 Security and Emergency Preparedness by August 15, 2022.

13 BE IT FURTHER RESOLVED that the Cybersecurity Redhibition Task Force shall
14 determine its own leadership structure and shall convene its first administrative governing
15 body meeting no later than October 1, 2022, on the call of the director of the Governor's
16 Office of Homeland Security and Emergency Preparedness, at which time the Cybersecurity
17 Redhibition Task Force shall adopt rules of procedure, a planning schedule, and any
18 additional measures that it deems necessary for the timely performance of its duties,
19 including selection of officers.

20 BE IT FURTHER RESOLVED that the members of the Cybersecurity Redhibition
21 Task Force shall serve without compensation, except per diem or expense reimbursement
22 to which they may be individually entitled to as members of the constituent organizations.

23 BE IT FURTHER RESOLVED that a majority of the total membership shall
24 constitute a quorum of the task force and any official action by the task force shall require
25 an affirmative vote of a majority of the quorum present and voting.

26 BE IT FURTHER RESOLVED that the task force may seek input, information, and
27 data from any persons, agencies, entities, or stakeholders that it deems necessary to fulfill
28 the purposes of this Resolution.

29 BE IT FURTHER RESOLVED that the Governor's Office of Homeland Security and
30 Emergency Preparedness shall provide staff support to the task force.

1 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
 2 superintendent of the Louisiana State Police, the director of the Louisiana State Analytical
 3 Fusion Exchange, the director of the Governor's Office of Homeland Security and
 4 Emergency Preparedness, the chief information officer of the office of technology services
 5 of the Division of Administration, the attorney general, special agent in charge of the New
 6 Orleans field office of the Federal Bureau of Investigation, the special agent in charge of the
 7 New Orleans field office of the United States Secret Service, the officer in charge of the
 8 Baton Rouge office of the United States Department of Homeland Security, and adjutant
 9 general of the Louisiana Army National Guard.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alan Miller.

SCR 14 Original	DIGEST 2022 Regular Session	Foil
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Establishes the Cybersecurity Redhibition Task Force.

Comprises the task force of:

- (1) The superintendent of Louisiana State Police or his designee.
- (2) The director of the Louisiana State Analytical Fusion Exchange or his designee.
- (3) The director of the Governor's Office of Homeland Security and Emergency Preparedness or his designee.
- (4) The chief information officer, office of technology services, Division of Administration or his designee.
- (5) The Louisiana attorney general or his designee.
- (6) The special agent in charge of the New Orleans field office of the Federal Bureau of Investigation or his designee.
- (7) The special agent in charge of the New Orleans field office of the United States Secret Service or his designee.
- (8) The officer in charge of the Baton Rouge office of the Department of Homeland Security or his designee.
- (9) The adjutant general of the Louisiana Army National Guard or his designee.