

SENATE CONCURRENT RESOLUTION NO. 14

BY SENATOR FOIL

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

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

WHEREAS, without the intent to place unduly burdensome restrictions on MSPs and

MSSPs, or novate existing contracts and agreements, subject matter experts in relevant fields will collectively resolve to create a new mechanism for the state to recover cyber incident recovery costs from faulty MSPs and MSSPs in a manner that does not prevent the exercise of any rights by victims or unduly prejudice these vendors; and

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

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

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

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

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

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

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

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

(6) The special agent in charge of the New Orleans field office of the Federal Bureau of Investigation or another employee of the office as designated by the special agent in charge.

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

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

charge.

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

(10) The president of the Cyber Innovation Center in Bossier City, or another employee of the center as designated by the president.

(11) The chairman of the Senate Select Committee on Homeland Security, or a member of the committee designated by the chairman.

(12) The chairman of the House Select Committee on Homeland Security, or a member of the committee designated by the chairman.

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

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

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

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

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

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

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES