

GREEN SHEET REDIGEST

HB 361

2023 Regular Session

Deshotel

ADMINISTRATION: Prohibits the use of TikTok and related applications on computers and networks owned or leased by the state

DIGEST

Proposed law requires the office of technology services to develop a policy, subject to the approval of the Joint Legislative Committee on Technology and Cybersecurity, to prohibit the use of any covered application from computers, devices, and networks owned or leased by the state and to notify the agency head of each executive branch agency of the policy upon becoming aware that the agency is in possession of a computer, device, or network owned or leased by the state.

Proposed law defines "covered application" as the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited.

Proposed law provides that the policy shall not prohibit a public servant from having unrestricted access to a covered application for a legitimate scientific, educational, or law enforcement purpose as determined and approved by the public servant's agency prior to the public servant's access to the covered application. Further provides that the policy shall not prohibit any public servant from having unfiltered or unrestricted access to a covered application on a computer, device, or network that is not owned or leased by the governmental entity, so long as the public servant does not use the computer, device, or network to access a covered application in the course and scope of his public service.

Proposed law requires the agency head of an agency using a state-owned or state-leased computer, device, or network to ensure that the agency properly implements the policy. Further provides that an agency head who fails to properly implement the policy shall be subject to a civil penalty not to exceed \$500 per violation. The agency head shall be personally liable for the payment of such penalty.

Proposed law requires the supreme court and Joint Legislative Committee on Technology and Cybersecurity to develop and implement prohibited technology use policies for the judicial and legislative branches, respectively, that are substantially similar to the policy confected by the office of technology services.

Proposed law requires the office of technology services to develop the policy and submit it to the Joint Committee on Technology and Cybersecurity no later than Aug. 23, 2023.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 42:1471-1473)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Include elected officials within the scope of public servants to whom the policy will apply.
2. Change the deadline for the office of technology services to submit the policy to the joint committee from Aug. 1, 2023, to Aug. 23, 2023.

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

1. Remove the requirement that the office of technology services remove the covered applications from any computer, device, or network owned or leased by the state.
2. Change the language regarding an agency head who fails to properly implement the policy "developed" to "developed and approved".

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the reengrossed bill

1. Specify that the office of technology services is required to notify the agency head of each executive branch agency of the policy regarding prohibited technology use it develops upon becoming aware the agency is in possession of a computer, device, or network owned or leased by the state and to make the policy available to any agency upon request.
2. Task the supreme court and Joint Legislative Committee on Technology and Cybersecurity with the development and implementation of prohibited technology use policies for the judicial and legislative branches, respectively, that are substantially similar to the policy confected by the office of technology services.
3. Provide that the civil penalty assessed for a violation of the prohibited technology policy may be recovered by the state in a civil action instituted by the attorney general.
4. Make technical changes.