2020 Regular Session

HOUSE BILL NO. 398

BY REPRESENTATIVE IVEY

FUNDS/FUNDING: (Constitutional Amendment) Establishes the State Cybersecurity and Information Technology Fund and dedicates revenues to the fund

1	A JOINT RESOLUTION			
2	Proposing to add Article VII, Section 10(F)(4)(i) and 10.17 of the Constitution of Louisiana,			
3	relative to special funds; to establish the State Cybersecurity and Information			
4	Technology Fund; to provide for the deposit, use, and dedication of certain deposits			
5	into the fund; to provide for certain exceptions; to provide for submission of the			
6	proposed amendment to the electors; and to provide for related matters.			
7	Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members			
8	elected to each house concurring, that there shall be submitted to the electors of the state of			
9	Louisiana, for their approval or rejection in the manner provided by law, a proposal to add			
10	Article VII, Section 10(F)(4)(i) and 10.17 of the Constitution of Louisiana, to read as			
11	follows:			
12	§10. Expenditure of State Funds			
13	Section 10.			
14	* * *			
15	(F) Projected Deficit.			
16	* * *			
17	(4) The provisions of Subparagraphs (1) and (2) of this Paragraph shall not			
18	be applicable to, nor affect:			
19	* * *			

Page 1 of 4

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(i) The State Cybersecurity and Information Technology Fund, as provided
2	in Article VII, Section 10.17 of this constitution.
3	* * *
4	§10.17. State Cybersecurity and Information Technology Fund
5	Section 10.17. State Cybersecurity and Information Technology Fund.
6	(A) The State Cybersecurity and Information Technology Fund, hereinafter
7	referred to as the "fund", is hereby established in the state treasury as a special fund.
8	After allocation of money to the Bond Security and Redemption Fund as provided
9	in Article VII, Section 9(B) of this constitution, the treasurer shall deposit in and
10	credit to the fund the revenues as provided for in Paragraph (B) of this Section.
11	(B)(1) Except as provided in Subparagraph (2) of this Paragraph, the
12	treasurer shall deposit an amount equal to thirty-five hundredths of one percent of
13	all revenues that flow through the Bond Security and Redemption Fund as provided
14	for in Article VII, Section 9(B) of this constitution for appropriation from the state
15	general fund into the fund.
16	(2) Monies in the state general fund received by the state or by any state
17	board, agency, or commission, but pledged in connection with issuance of bonds
18	shall not be deposited in the fund.
19	(3) All unexpended and unencumbered monies in the fund at the end of the
20	fiscal year shall remain in the fund. Monies deposited into the fund shall be
21	permanently credited to the fund and shall be invested by the treasurer in a manner
22	provided for by law, and any earnings realized on investment of money in the fund
23	shall be deposited in and credited to the fund.
24	(4) The legislature may by law enacted by two-thirds of the elected members
25	of each house of the legislature change the rate of dedicated revenue provided for in
26	this Paragraph.
27	(C)(1) Appropriations from the State Cybersecurity and Information
28	Technology Fund shall be expended solely for support of projects to enhance or
29	upgrade the state's information technology infrastructure or cybersecurity needs.

1	(2) The legislature may establish a committee to assist in the consideration
2	of priorities for the funding of cybersecurity and information technology
3	infrastructure projects through appropriations of fund money with the consent of a
4	majority of the elected members of each house of the legislature.
5	Section 2. Be it further resolved that the provisions of the amendment contained in
6	this Joint Resolution shall become effective on July 1, 2021.
7	Section 3. Be it further resolved that this proposed amendment shall be submitted
8	to the electors of the state of Louisiana at the statewide election to be held on November 3,
9	2020.
10	Section 4. Be it further resolved that on the official ballot to be used at the election,
11	there shall be printed a proposition, upon which the electors of the state shall be permitted
12	to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
13	follows:
14	Do you support an amendment to establish the State Cybersecurity and
15	Information Technology Fund for the deposit of a portion of state general
16	fund revenues in order to provide enhancements and upgrades to the state's
17	information technology infrastructure and cybersecurity needs? (July 1,
18	2021) (Adds Article VII, Section 10(F)(4)(i) and 10.17)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 398 Original	2020 Regular Session	Ivey

Abstract: Creates the State Cybersecurity and Information Technology Fund as a special treasury fund and requires 0.35% of monies that flow through the Bond Security and Redemption Fund to be deposited into the fund for the state's information technology infrastructure and cybersecurity purposes.

Proposed constitutional amendment creates the State Cybersecurity and Information Technology Fund in the state treasury. Dedicates 0.35% of monies that flow through the Bond Security and Redemption Fund for appropriation from the state general fund into the fund. Does not dedicate money pledged in connection with the issuance of bonds.

Proposed constitutional amendment restricts the use of the money in the fund to enhancements or upgrades to the state's information technology infrastructure and to support cybersecurity needs.

<u>Proposed constitutional amendment</u> provides that unexpended and unencumbered monies in the fund at the end of the fiscal year remain in the fund. The money in the fund shall be invested as provided by law, and any earnings realized on investment of money in the fund shall be deposited in and credited to the fund.

<u>Proposed constitutional amendment</u> authorizes the legislature to create a committee to assist it in consideration of priorities for the funding of information technology infrastructure projects through appropriations from the fund with consent of the majority of the legislature.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 3, 2020.

(Adds Const. Art. VII, §10(F)(4)(i) and 10.17)