

**ACT No. 144**

2020 Regular Session

HOUSE BILL NO. 412

BY REPRESENTATIVE ZERINGUE

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AN ACT

To amend and reenact R.S. 39:100.31(B) and to enact R.S. 39:100.31(C), relative to the State Emergency Response Fund; to provide for authorized uses of monies in the fund; to provide for legislative intent with respect to prior Acts of the legislature; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.31(B) is hereby amended and reenacted and R.S. 39:100.31(C) is hereby enacted to read as follows:

§100.31. State Emergency Response Fund

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B. Monies in the fund shall be appropriated and used to provide a source of funds to pay expenses incurred as a result of activities associated with the preparation for, ~~and~~ response to, and recovery from an emergency or declared disaster. The expenditure for such a purpose from another source may be eligible to be repaid from the fund if the using agency has certified the necessity of such action to the commissioner of administration. Monies in the fund may also be utilized to provide bridge funding in anticipation of reimbursements from the federal government or other source. Any reimbursement received for expenses paid from the fund shall be returned to and deposited into the fund. Transfers of monies from the fund may be made from one agency to another prior to obtaining approval by the Joint Legislative Committee on the Budget in the event of an emergency and if certified by the commissioner of administration to the governor that any delay in the

1 expenditure of such monies would be detrimental to the welfare and safety of the state and  
2 its citizens. The Joint Legislative Committee on the Budget shall be notified in writing of  
3 such declaration and shall meet to consider such action, but if it is found by the committee  
4 that such funds were not needed for an emergency expenditure, such approval may be  
5 withdrawn and any balance remaining shall not be expended.

6 C.(1) The Legislature of Louisiana recognizes the importance of a robust  
7 cybersecurity defense for the state and its political subdivisions. Notwithstanding  
8 the provisions of Subsection B of this Section, monies in the fund may also be used  
9 for the following purposes:

10 (a) Training opportunities for employees of the state and its political  
11 subdivisions in information assurance, security, and recovery; cybersecurity; and  
12 related fields.

13 (b) Funding additional pay for employees of the state and its political  
14 subdivisions who respond to cyber incidents on behalf of the state and its political  
15 subdivisions in addition to performing their primary employment duties.

16 (c) Funding the purchase of updated computer hardware and software and  
17 internet-connected devices for the state and its political subdivisions that are  
18 determined to be necessary by the office of technology services following  
19 vulnerability assessments, inspections, or cyber incident recovery efforts.

20 (d) Funding retention of private-sector information technology professionals.

21 (2) For the purposes of this Subsection, the term "cyber incident" shall mean  
22 any type of malicious, destructive, or harmful software or program that is targeted  
23 at, negatively affects, or impacts computers, computer servers, computer programs,  
24 computer services, computer software, internet-connected devices, or computer  
25 systems or networks owned or operated by the state of Louisiana or its political  
26 subdivisions, including but not limited to cyber threat indicators, denial of service  
27 attacks, malware, or ransom-ware attacks, whether imminent or not.

1           Section 2. The provisions of Section 1 of this Act shall supersede the provisions of  
2           Section 7 of Act No. 404 of the 2019 Regular Session of the Legislature that amend and  
3           reenact R.S. 39:100.31(B).

4           Section 3. The provisions of this Act shall become effective July 1, 2020.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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