

By: Capriglione

H.B. No. 3834

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirement that certain state and local government
3 employees and state contractors complete a cybersecurity training
4 program certified by the Department of Information Resources.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Subchapter N-1, Chapter 2054,
7 Government Code, is amended to read as follows:

8 SUBCHAPTER N-1. ~~[STATE]~~ CYBERSECURITY

9 SECTION 2. Section 2054.518(a), Government Code, is amended
10 to read as follows:

11 (a) The department shall develop a plan to address
12 cybersecurity risks and incidents in this state. The department
13 may enter into an agreement with a national organization, including
14 the National Cybersecurity Preparedness Consortium, to support the
15 department's efforts in implementing the components of the plan for
16 which the department lacks resources to address internally. The
17 agreement may include provisions for:

18 (1) ~~[providing fee reimbursement for appropriate~~
19 ~~industry-recognized certification examinations for and training to~~
20 ~~state agencies preparing for and responding to cybersecurity risks~~
21 ~~and incidents;~~

22 ~~[(2) developing and maintaining a cybersecurity risks~~
23 ~~and incidents curriculum using existing programs and models for~~
24 ~~training state agencies;~~

1 ~~[(3) delivering to state agency personnel with access~~
2 ~~to state agency networks routine training related to appropriately~~
3 ~~protecting and maintaining information technology systems and~~
4 ~~devices, implementing cybersecurity best practices, and mitigating~~
5 ~~cybersecurity risks and vulnerabilities,~~

6 ~~[(4)]~~ providing technical assistance services to
7 support preparedness for and response to cybersecurity risks and
8 incidents;

9 (2) ~~[(5)]~~ conducting cybersecurity ~~[training and]~~
10 simulation exercises for state agencies to encourage coordination
11 in defending against and responding to cybersecurity risks and
12 incidents;

13 (3) ~~[(6)]~~ assisting state agencies in developing
14 cybersecurity information-sharing programs to disseminate
15 information related to cybersecurity risks and incidents; and

16 (4) ~~[(7)]~~ incorporating cybersecurity risk and
17 incident prevention and response methods into existing state
18 emergency plans, including continuity of operation plans and
19 incident response plans.

20 SECTION 3. Subchapter N-1, Chapter 2054, Government Code,
21 is amended by adding Sections 2054.519, 2054.5191, and 2054.5192 to
22 read as follows:

23 Sec. 2054.519. STATE CERTIFIED CYBERSECURITY TRAINING
24 PROGRAMS. (a) The department, in consultation with the
25 cybersecurity council established under Section 2054.512 and
26 industry stakeholders, shall annually:

27 (1) certify at least five cybersecurity training

1 programs for state and local government employees; and

2 (2) update standards for maintenance of certification
3 by the cybersecurity training programs under this section.

4 (b) To be certified under Subsection (a), a cybersecurity
5 training program must include activities, case studies,
6 hypothetical situations, and other methods that:

7 (1) focus on forming information security habits and
8 procedures that protect information resources; and

9 (2) teach best practices for detecting, assessing,
10 reporting, and addressing information security threats.

11 (c) The department may contract with an independent third
12 party to certify cybersecurity training programs under this
13 section.

14 (d) The department shall annually publish on the
15 department's Internet website the list of cybersecurity training
16 programs certified under this section.

17 (e) Notwithstanding Subsection (a), a local government that
18 employs a dedicated information resources cybersecurity officer
19 may offer to its employees a cybersecurity training program that
20 satisfies the requirements described by Subsection (b).

21 Sec. 2054.5191. CYBERSECURITY TRAINING REQUIRED: CERTAIN
22 EMPLOYEES. (a) At least once each year, a state employee that uses a
23 computer to complete at least 25 percent of the employee's required
24 duties shall complete a cybersecurity training program certified
25 under Section 2054.519.

26 (a-1) At least once each year, a local government employee
27 that uses a computer to complete at least 25 percent of the

1 employee's required duties shall complete a cybersecurity training
2 program certified under Section 2054.519 or offered under Section
3 2054.519(e).

4 (b) The governing body of a local government may select the
5 most appropriate cybersecurity training program certified under
6 Section 2054.519 or offered under Section 2054.519(e) for employees
7 of the local government to complete. The governing body shall:

8 (1) verify and report on the completion of a
9 cybersecurity training program by employees of the local government
10 to the department; and

11 (2) require periodic audits to ensure compliance with
12 this section.

13 (c) A state agency may select the most appropriate
14 cybersecurity training program certified under Section 2054.519
15 for employees of the state agency. The executive head of each state
16 agency shall verify completion of a cybersecurity training program
17 by employees of the state agency in a manner specified by the
18 department.

19 (d) The executive head of each state agency shall
20 periodically audit the agency to ensure compliance with this
21 section and send the results to the department.

22 Sec. 2054.5192. CYBERSECURITY TRAINING REQUIRED: CERTAIN
23 STATE CONTRACTORS. (a) In this section, "contractor" includes a
24 subcontractor, officer, or employee of the contractor.

25 (b) A state agency shall require any contractor who has
26 access to a state computer system or database to complete a
27 cybersecurity training program certified under Section 2054.519 as

1 selected by the agency.

2 (c) The cybersecurity training program must be completed by
3 a contractor during the term of the contract and during any renewal
4 period.

5 (d) Required completion of a cybersecurity training program
6 must be included in the terms of a contract awarded by a state
7 agency to a contractor.

8 (e) A contractor required to complete a cybersecurity
9 training program under this section shall verify completion of the
10 program to the contracting state agency. The agency's contract
11 manager shall:

12 (1) report the contractor's completion to the
13 department; and

14 (2) conduct periodic audits to ensure compliance with
15 this section.

16 SECTION 4. Section 2054.518(c), Government Code, is
17 repealed.

18 SECTION 5. The changes in law made by this Act apply to a
19 contract entered into or renewed on or after the effective date of
20 this Act. A contract entered into or renewed before the effective
21 date of this Act is governed by the law in effect on the date the
22 contract was entered into or renewed, and the former law is
23 continued in effect for that purpose.

24 SECTION 6. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2019.