

AN ACT

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

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

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

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

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

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

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

~~[(2) developing and maintaining a cybersecurity risks and incidents curriculum using existing programs and models for 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:

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

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

10 (c) The department may identify and certify under  
11 Subsection (a) training programs provided by state agencies and  
12 local governments that satisfy the training requirements described  
13 by Subsection (b).

14 (d) The department may contract with an independent third  
15 party to certify cybersecurity training programs under this  
16 section.

17 (e) The department shall annually publish on the  
18 department's Internet website the list of cybersecurity training  
19 programs certified under this section.

20 (f) Notwithstanding Subsection (a), a local government that  
21 employs a dedicated information resources cybersecurity officer  
22 may offer to its employees a cybersecurity training program that  
23 satisfies the requirements described by Subsection (b).

24 Sec. 2054.5191. CYBERSECURITY TRAINING REQUIRED: CERTAIN  
25 EMPLOYEES. (a) Each state agency shall identify state employees  
26 who use a computer to complete at least 25 percent of the employee's  
27 required duties. At least once each year, an employee identified by

1 the state agency and each elected or appointed officer of the agency  
2 shall complete a cybersecurity training program certified under  
3 Section 2054.519.

4 (a-1) At least once each year, a local government shall  
5 identify local government employees who have access to a local  
6 government computer system or database and require those employees  
7 and elected officials of the local government to complete a  
8 cybersecurity training program certified under Section 2054.519 or  
9 offered under Section 2054.519(f).

10 (b) The governing body of a local government may select the  
11 most appropriate cybersecurity training program certified under  
12 Section 2054.519 or offered under Section 2054.519(f) for employees  
13 of the local government to complete. The governing body shall:

14 (1) verify and report on the completion of a  
15 cybersecurity training program by employees of the local government  
16 to the department; and

17 (2) require periodic audits to ensure compliance with  
18 this section.

19 (c) A state agency may select the most appropriate  
20 cybersecurity training program certified under Section 2054.519  
21 for employees of the state agency. The executive head of each state  
22 agency shall verify completion of a cybersecurity training program  
23 by employees of the state agency in a manner specified by the  
24 department.

25 (d) The executive head of each state agency shall  
26 periodically require an internal review of the agency to ensure  
27 compliance with this section.

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

4       (b) A state agency shall require any contractor who has  
5 access to a state computer system or database to complete a  
6 cybersecurity training program certified under Section 2054.519 as  
7 selected by the agency.

8       (c) The cybersecurity training program must be completed by  
9 a contractor during the term of the contract and during any renewal  
10 period.

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

14       (e) A contractor required to complete a cybersecurity  
15 training program under this section shall verify completion of the  
16 program to the contracting state agency. The person who oversees  
17 contract management for the agency shall:

18               (1) report the contractor's completion to the  
19 department; and

20               (2) periodically review agency contracts to ensure  
21 compliance with this section.

22       SECTION 4. Section 2054.518(c), Government Code, is  
23 repealed.

24       SECTION 5. The changes in law made by this Act apply to a  
25 contract entered into or renewed on or after the effective date of  
26 this Act. A contract entered into or renewed before the effective  
27 date of this Act is governed by the law in effect on the date the

1 contract was entered into or renewed, and the former law is  
2 continued in effect for that purpose.

3 SECTION 6. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3834 was passed by the House on April 25, 2019, by the following vote: Yeas 130, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3834 on May 24, 2019, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3834 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

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

Date

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Governor