

1-1 By: Capriglione (Senate Sponsor - Paxton) H.B. No. 3834  
 1-2 (In the Senate - Received from the House April 26, 2019;  
 1-3 April 29, 2019, read first time and referred to Committee on  
 1-4 Business & Commerce; May 20, 2019, reported favorably by the  
 1-5 following vote: Yeas 9, Nays 0; May 20, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the requirement that certain state and local government  
 1-20 employees and state contractors complete a cybersecurity training  
 1-21 program certified by the Department of Information Resources.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Subchapter N-1, Chapter 2054,  
 1-24 Government Code, is amended to read as follows:

1-25 SUBCHAPTER N-1. [STATE] CYBERSECURITY

1-26 SECTION 2. Section 2054.518(a), Government Code, is amended  
 1-27 to read as follows:

1-28 (a) The department shall develop a plan to address  
 1-29 cybersecurity risks and incidents in this state. The department  
 1-30 may enter into an agreement with a national organization, including  
 1-31 the National Cybersecurity Preparedness Consortium, to support the  
 1-32 department's efforts in implementing the components of the plan for  
 1-33 which the department lacks resources to address internally. The  
 1-34 agreement may include provisions for:

1-35 (1) ~~providing fee reimbursement for appropriate~~  
 1-36 ~~industry-recognized certification examinations for and training to~~  
 1-37 ~~state agencies preparing for and responding to cybersecurity risks~~  
 1-38 ~~and incidents;~~

1-39 (2) ~~developing and maintaining a cybersecurity risks~~  
 1-40 ~~and incidents curriculum using existing programs and models for~~  
 1-41 ~~training state agencies;~~

1-42 (3) ~~delivering to state agency personnel with access~~  
 1-43 ~~to state agency networks routine training related to appropriately~~  
 1-44 ~~protecting and maintaining information technology systems and~~  
 1-45 ~~devices, implementing cybersecurity best practices, and mitigating~~  
 1-46 ~~cybersecurity risks and vulnerabilities;~~

1-47 (4) ~~providing technical assistance services to~~  
 1-48 ~~support preparedness for and response to cybersecurity risks and~~  
 1-49 ~~incidents;~~

1-50 (2) (5) ~~conducting cybersecurity [training and]~~  
 1-51 ~~simulation exercises for state agencies to encourage coordination~~  
 1-52 ~~in defending against and responding to cybersecurity risks and~~  
 1-53 ~~incidents;~~

1-54 (3) (6) ~~assisting state agencies in developing~~  
 1-55 ~~cybersecurity information-sharing programs to disseminate~~  
 1-56 ~~information related to cybersecurity risks and incidents; and~~

1-57 (4) (7) ~~incorporating cybersecurity risk and~~  
 1-58 ~~incident prevention and response methods into existing state~~  
 1-59 ~~emergency plans, including continuity of operation plans and~~  
 1-60 ~~incident response plans.~~

1-61 SECTION 3. Subchapter N-1, Chapter 2054, Government Code,

2-1 is amended by adding Sections 2054.519, 2054.5191, and 2054.5192 to  
 2-2 read as follows:

2-3 Sec. 2054.519. STATE CERTIFIED CYBERSECURITY TRAINING  
 2-4 PROGRAMS. (a) The department, in consultation with the  
 2-5 cybersecurity council established under Section 2054.512 and  
 2-6 industry stakeholders, shall annually:

2-7 (1) certify at least five cybersecurity training  
 2-8 programs for state and local government employees; and

2-9 (2) update standards for maintenance of certification  
 2-10 by the cybersecurity training programs under this section.

2-11 (b) To be certified under Subsection (a), a cybersecurity  
 2-12 training program must include activities, case studies,  
 2-13 hypothetical situations, and other methods that:

2-14 (1) focus on forming information security habits and  
 2-15 procedures that protect information resources; and

2-16 (2) teach best practices for detecting, assessing,  
 2-17 reporting, and addressing information security threats.

2-18 (c) The department may contract with an independent third  
 2-19 party to certify cybersecurity training programs under this  
 2-20 section.

2-21 (d) The department shall annually publish on the  
 2-22 department's Internet website the list of cybersecurity training  
 2-23 programs certified under this section.

2-24 (e) Notwithstanding Subsection (a), a local government that  
 2-25 employs a dedicated information resources cybersecurity officer  
 2-26 may offer to its employees a cybersecurity training program that  
 2-27 satisfies the requirements described by Subsection (b).

2-28 Sec. 2054.5191. CYBERSECURITY TRAINING REQUIRED: CERTAIN  
 2-29 EMPLOYEES. (a) At least once each year, a state employee that uses a  
 2-30 computer to complete at least 25 percent of the employee's required  
 2-31 duties shall complete a cybersecurity training program certified  
 2-32 under Section 2054.519.

2-33 (a-1) At least once each year, a local government employee  
 2-34 that uses a computer to complete at least 25 percent of the  
 2-35 employee's required duties shall complete a cybersecurity training  
 2-36 program certified under Section 2054.519 or offered under Section  
 2-37 2054.519(e).

2-38 (b) The governing body of a local government may select the  
 2-39 most appropriate cybersecurity training program certified under  
 2-40 Section 2054.519 or offered under Section 2054.519(e) for employees  
 2-41 of the local government to complete. The governing body shall:

2-42 (1) verify and report on the completion of a  
 2-43 cybersecurity training program by employees of the local government  
 2-44 to the department; and

2-45 (2) require periodic audits to ensure compliance with  
 2-46 this section.

2-47 (c) A state agency may select the most appropriate  
 2-48 cybersecurity training program certified under Section 2054.519  
 2-49 for employees of the state agency. The executive head of each state  
 2-50 agency shall verify completion of a cybersecurity training program  
 2-51 by employees of the state agency in a manner specified by the  
 2-52 department.

2-53 (d) The executive head of each state agency shall  
 2-54 periodically audit the agency to ensure compliance with this  
 2-55 section and send the results to the department.

2-56 Sec. 2054.5192. CYBERSECURITY TRAINING REQUIRED: CERTAIN  
 2-57 STATE CONTRACTORS. (a) In this section, "contractor" includes a  
 2-58 subcontractor, officer, or employee of the contractor.

2-59 (b) A state agency shall require any contractor who has  
 2-60 access to a state computer system or database to complete a  
 2-61 cybersecurity training program certified under Section 2054.519 as  
 2-62 selected by the agency.

2-63 (c) The cybersecurity training program must be completed by  
 2-64 a contractor during the term of the contract and during any renewal  
 2-65 period.

2-66 (d) Required completion of a cybersecurity training program  
 2-67 must be included in the terms of a contract awarded by a state  
 2-68 agency to a contractor.

2-69 (e) A contractor required to complete a cybersecurity

3-1 training program under this section shall verify completion of the  
3-2 program to the contracting state agency. The agency's contract  
3-3 manager shall:

3-4 (1) report the contractor's completion to the  
3-5 department; and

3-6 (2) conduct periodic audits to ensure compliance with  
3-7 this section.

3-8 SECTION 4. Section 2054.518(c), Government Code, is  
3-9 repealed.

3-10 SECTION 5. The changes in law made by this Act apply to a  
3-11 contract entered into or renewed on or after the effective date of  
3-12 this Act. A contract entered into or renewed before the effective  
3-13 date of this Act is governed by the law in effect on the date the  
3-14 contract was entered into or renewed, and the former law is  
3-15 continued in effect for that purpose.

3-16 SECTION 6. This Act takes effect immediately if it receives  
3-17 a vote of two-thirds of all the members elected to each house, as  
3-18 provided by Section 39, Article III, Texas Constitution. If this  
3-19 Act does not receive the vote necessary for immediate effect, this  
3-20 Act takes effect September 1, 2019.

3-21

\* \* \* \* \*