

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Capriglione

H.B. No. 3834

A BILL TO BE ENTITLED

1 AN ACT

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

H.B. No. 3834

1 Act takes effect September 1, 2019.

ADOPTED

VV

MAY 22 2019

*Henry Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Agla Spaw*

1 Amend H.B. No. 3834 (senate committee printing) in SECTION 3  
2 of the bill as follows:

3 (1) In added Section 2054.519(b), Government Code (page 2,  
4 lines 12-13), strike "include activities, case studies,  
5 hypothetical situations, and other methods that".

6 (2) In added Section 2054.519, Government Code (page 2,  
7 between lines 17 and 18), add the following appropriately lettered  
8 subsection, reletter subsequent subsections of the section  
9 accordingly, and conform any cross-references to those provisions:

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

14 (3) Strike added Sections 2054.5191(a) and (a-1),  
15 Government Code (page 2, lines 29-37), and substitute the  
16 following:

17 (a) Each state agency shall identify state employees who use  
18 a computer to complete at least 25 percent of the employee's  
19 required duties. At least once each year, an employee identified by  
20 the state agency and each elected or appointed officer of the agency  
21 shall complete a cybersecurity training program certified under  
22 Section 2054.519.

23 (a-1) At least once each year, a local government shall  
24 identify local government employees who have access to a local  
25 government computer system or database and require those employees  
26 and elected officials of the local government to complete a  
27 cybersecurity training program certified under Section 2054.519 or  
28 offered under Section 2054.519(e).

29 (4) In added Section 2054.5191(d), Government Code (page 2,

1 lines 54-55), strike "audit the agency to ensure compliance with  
2 this section and send the results to the department" and substitute  
3 "require an internal review of the agency to ensure compliance with  
4 this section".

5 (5) In added Section 2054.5192(e), Government Code (page 3,  
6 lines 2-3), strike "agency's contract manager" and substitute  
7 "person who oversees contract management for the agency".

8 (6) In added Section 2054.5192(e)(2), Government Code (page  
9 3, line 6), strike "conduct periodic audits" and substitute  
10 "periodically review agency contracts".



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB3834** by Capriglione (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.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 2054 of the Government Code to amend and add provisions related to cybersecurity training. The bill would require the Department of Information Resources (DIR), in consultation with the cybersecurity council, to annually certify at least 5 cybersecurity training programs for state and local government employees; DIR would be authorized to contract with an independent third party to certify the cybersecurity training programs. The bill would require certain state employees to annually complete a certified cybersecurity training program. Certain local government employees would be required to annually complete either a certified cybersecurity training program or a cybersecurity training program offered by the local government's information resources cybersecurity officer. The bill would also require a state agency to require any contractor with access to a state computer system or database to complete a certified cybersecurity training program.

This analysis assumes the cost for DIR to annually certify at least 5 cybersecurity training programs could be absorbed within existing resources. Several state agencies indicated that costs to provide certified training programs for employees would be minimal. Other agencies indicated there would be a cost to meet the training requirements; this analysis assumes the cost could be absorbed within existing resources.

**Local Government Impact**

According to the Texas Association of Counties and the Texas Municipal League, there will be a fiscal impact on units of local government, but the exact amount cannot be determined at this time.

**Source Agencies:**     306 Library & Archives Commission, 313 Department of Information Resources, 360 State Office of Administrative Hearings, 455 Railroad Commission, 464 Board of Professional Land Surveying, 529 Health and Human Services Commission, 601 Department of Transportation, 809 Preservation Board

**LBB Staff:** WP, CLo, NV, LCO, CMa, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 2, 2019**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB3834** by Capriglione (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.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 2054 of the Government Code to amend and add provisions related to cybersecurity training. The bill would require the Department of Information Resources (DIR), in consultation with the cybersecurity council, to annually certify at least 5 cybersecurity training programs for state and local government employees; DIR would be authorized to contract with an independent third party to certify the cybersecurity training programs. The bill would require certain state employees to annually complete a certified cybersecurity training program. Certain local government employees would be required to annually complete either a certified cybersecurity training program or a cybersecurity training program offered by the local government's information resources cybersecurity officer. The bill would also require a state agency to require any contractor with access to a state computer system or database to complete a certified cybersecurity training program.

This analysis assumes the cost for DIR to annually certify at least 5 cybersecurity training programs could be absorbed within existing resources. Several state agencies indicated that costs to provide certified training programs for employees would be minimal. Other agencies indicated there would be a cost to meet the training requirements; this analysis assumes the cost could be absorbed within existing resources.

**Local Government Impact**

According to the Texas Association of Counties and the Texas Municipal League, there will be a fiscal impact on units of local government, but the exact amount cannot be determined at this time.

**Source Agencies:**     306 Library & Archives Commission, 313 Department of Information Resources, 360 State Office of Administrative Hearings, 455 Railroad Commission, 464 Board of Professional Land Surveying, 529 Health and Human Services Commission, 601 Department of Transportation, 809 Preservation Board

**LBB Staff:** WP, CLo, NV, LCO, CMa, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 14, 2019**

**TO:** Honorable Dade Phelan, Chair, House Committee on State Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3834** by Capriglione (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.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 2054 of the Government Code to amend and add provisions related to cybersecurity training. The bill would require the Department of Information Resources (DIR), in consultation with the cybersecurity council, to annually certify at least 20 cybersecurity training programs for state and local government employees; DIR would be authorized to contract with an independent third party to certify the cybersecurity training programs. The bill would require certain state and local government employees to annually complete a certified cybersecurity training program. The bill would also require a state agency to require any contractor with access to a state computer system or database to complete a certified cybersecurity training program.

According to DIR, the agency would incur costs in each fiscal year for the purpose of contracting with a vendor to certify at least 20 cybersecurity training programs; this analysis assumes the cost could be absorbed within existing resources. Several state agencies indicated that costs to provide certified training programs for employees would be minimal. Other agencies indicated there would be a cost to meet the training requirements; this analysis assumes the cost could be absorbed within existing resources.

**Local Government Impact**

According to the Texas Association of Counties and the Texas Municipal League, there will be a fiscal impact on units of local government, but the exact amount cannot be determined at this time.

**Source Agencies:**        306 Library & Archives Commission, 313 Department of Information Resources, 360 State Office of Administrative Hearings, 455 Railroad Commission, 464 Board of Professional Land Surveying, 529 Health and Human Services Commission, 601 Department of Transportation, 809 Preservation Board

**LBB Staff:** WP, CMa, NV, LCO, AF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 31, 2019**

**TO:** Honorable Dade Phelan, Chair, House Committee on State Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3834** by Capriglione (Relating to the requirement that certain state and local government employees and state contractors complete a cybersecurity training program certified by the state cybersecurity coordinator.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 2054 of the Government Code to amend and add provisions related to cybersecurity training. The bill would require the state cybersecurity coordinator employed by the Department of Information Resources (DIR), in consultation with the cybersecurity council, to annually certify at least 20 cybersecurity training programs for state and local government employees; DIR would be authorized to contract with an independent third party to certify the cybersecurity training programs. The bill would require certain state and local government employees to annually complete a certified cybersecurity training program. The bill would also require a state agency to require any contractor with access to a state computer system or database to complete a certified cybersecurity training program.

According to DIR, the agency would incur costs in each fiscal year for the purpose of contracting with a vendor to certify at least 20 cybersecurity training programs; this analysis assumes the cost could be absorbed within existing resources. Several state agencies indicated that costs to provide certified training programs for employees would be minimal. Other agencies indicated there would be a cost to meet the training requirements; this analysis assumes the cost could be absorbed within existing resources.

**Local Government Impact**

According to the Texas Association of Counties and the Texas Municipal League, there will be a fiscal impact on units of local government, but the exact amount cannot be determined at this time.

**Source Agencies:**        306 Library & Archives Commission, 313 Department of Information Resources, 360 State Office of Administrative Hearings, 455 Railroad Commission, 464 Board of Professional Land Surveying, 529 Health and Human Services Commission, 601 Department of Transportation, 809 Preservation Board

**LBB Staff:** WP, CMa, NV, LCO, AF