

1 AN ACT

2 relating to state agency and local government compliance with  
3 cybersecurity training requirements.

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

5 SECTION 1. Subchapter A, Chapter 772, Government Code, is  
6 amended by adding Section 772.012 to read as follows:

7 Sec. 772.012. COMPLIANCE WITH CYBERSECURITY TRAINING  
8 REQUIREMENTS. (a) In this section, "local government" has the  
9 meaning assigned by Section 2054.003.

10 (b) To apply for a grant under this chapter, a local  
11 government must submit with the grant application a written  
12 certification of the local government's compliance with the  
13 cybersecurity training required by Section 2054.5191.

14 (c) On a determination by the criminal justice division  
15 established under Section 772.006 that a local government awarded a  
16 grant under this chapter has not complied with the cybersecurity  
17 training required by Section 2054.5191, the local government shall  
18 pay to this state an amount equal to the amount of the grant award.  
19 A local government that is the subject of a determination described  
20 by this subsection is ineligible for another grant under this  
21 chapter until the second anniversary of the date the local  
22 government is determined ineligible.

23 SECTION 2. The heading to Section 2054.5191, Government  
24 Code, is amended to read as follows:

1           Sec. 2054.5191. CYBERSECURITY TRAINING REQUIRED: CERTAIN  
2 EMPLOYEES AND OFFICIALS.

3           SECTION 3. Section 2054.5191, Government Code, is amended  
4 by amending Subsections (a-1) and (b) and adding Subsections (a-2),  
5 (e), and (f) to read as follows:

6           (a-1) At least once each year, a local government shall:

7                   (1) identify local government employees and elected  
8 and appointed officials who have access to a local government  
9 computer system or database and use a computer to perform at least  
10 25 percent of the employee's or official's required duties; and

11                   (2) require the [~~those~~] employees and [~~elected~~]  
12 officials identified under Subdivision (1) [~~of the local~~  
13 ~~government~~] to complete a cybersecurity training program certified  
14 under Section 2054.519 [~~or offered under Section 2054.519(f)~~].

15           (a-2) The governing body of a local government or the  
16 governing body's designee may deny access to the local government's  
17 computer system or database to an individual described by  
18 Subsection (a-1)(1) who the governing body or the governing body's  
19 designee determines is noncompliant with the requirements of  
20 Subsection (a-1)(2).

21           (b) The governing body of a local government may select the  
22 most appropriate cybersecurity training program certified under  
23 Section 2054.519 [~~or offered under Section 2054.519(f)~~] for  
24 employees and officials of the local government to complete. The  
25 governing body shall:

26                   (1) verify and report on the completion of a  
27 cybersecurity training program by employees and officials of the

1 local government to the department; and

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

4 (e) The department shall develop a form for use by state  
5 agencies and local governments in verifying completion of  
6 cybersecurity training program requirements under this section.  
7 The form must allow the state agency and local government to  
8 indicate the percentage of employee completion.

9 (f) The requirements of Subsections (a) and (a-1) do not  
10 apply to employees and officials who have been:

11 (1) granted military leave;

12 (2) granted leave under the federal Family and Medical  
13 Leave Act of 1993 (29 U.S.C. Section 2601 et seq.);

14 (3) granted leave related to a sickness or disability  
15 covered by workers' compensation benefits, if that employee no  
16 longer has access to the state agency's or local government's  
17 database and systems;

18 (4) granted any other type of extended leave or  
19 authorization to work from an alternative work site if that  
20 employee no longer has access to the state agency's or local  
21 government's database and systems; or

22 (5) denied access to a local government's computer  
23 system or database by the governing body of the local government or  
24 the governing body's designee under Subsection (a-2) for  
25 noncompliance with the requirements of Subsection (a-1)(2).

26 SECTION 4. Section 2056.002(b), Government Code, is amended  
27 to read as follows:

1           (b) The Legislative Budget Board and the governor's office  
2 shall determine the elements required to be included in each  
3 agency's strategic plan. Unless modified by the Legislative Budget  
4 Board and the governor's office, and except as provided by  
5 Subsection (c), a plan must include:

6           (1) a statement of the mission and goals of the state  
7 agency;

8           (2) a description of the indicators developed under  
9 this chapter and used to measure the output and outcome of the  
10 agency;

11           (3) identification of the groups of people served by  
12 the agency, including those having service priorities, or other  
13 service measures established by law, and estimates of changes in  
14 those groups expected during the term of the plan;

15           (4) an analysis of the use of the agency's resources to  
16 meet the agency's needs, including future needs, and an estimate of  
17 additional resources that may be necessary to meet future needs;

18           (5) an analysis of expected changes in the services  
19 provided by the agency because of changes in state or federal law;

20           (6) a description of the means and strategies for  
21 meeting the agency's needs, including future needs, and achieving  
22 the goals established under Section 2056.006 for each area of state  
23 government for which the agency provides services;

24           (7) a description of the capital improvement needs of  
25 the agency during the term of the plan and a statement, if  
26 appropriate, of the priority of those needs;

27           (8) identification of each geographic region of this

1 state, including the Texas-Louisiana border region and the  
2 Texas-Mexico border region, served by the agency, and if  
3 appropriate the agency's means and strategies for serving each  
4 region;

5 (9) a description of the training of the agency's  
6 contract managers under Section [656.052](#);

7 (10) an analysis of the agency's expected expenditures  
8 that relate to federally owned or operated military installations  
9 or facilities, or communities where a federally owned or operated  
10 military installation or facility is located;

11 (11) an analysis of the strategic use of information  
12 resources as provided by the instructions prepared under Section  
13 [2054.095](#); ~~and~~

14 (12) a written certification of the agency's  
15 compliance with the cybersecurity training required under Sections  
16 [2054.5191](#) and [2054.5192](#); and

17 (13) other information that may be required.

18 SECTION 5. Section [2054.519](#)(f), Government Code, as added  
19 by Chapter 1308 (H.B. 3834), Acts of the 86th Legislature, Regular  
20 Session, 2019, is repealed.

21 SECTION 6. (a) Section 772.012, Government Code, as added  
22 by this Act, applies only to a grant application submitted by a  
23 local government on or after September 1, 2021.

24 (b) Section [2056.002](#)(b), Government Code, as amended by  
25 this Act, applies only to a strategic plan submitted by a state  
26 agency on or after January 1, 2022.

27 SECTION 7. This Act takes effect immediately if it receives

H.B. No. 1118

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2021.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1118 was passed by the House on April 8, 2021, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1118 on May 5, 2021, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1118 was passed by the Senate, with amendments, on April 29, 2021, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

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

Date

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Governor