

By: Capriglione

H.B. No. 1118

Substitute the following for H.B. No. 1118:

By: Shaheen

C.S.H.B. No. 1118

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

SECTION 2. The heading to Section 2054.5191, Government 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 (e)
5 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 (b) The governing body of a local government may select the
16 most appropriate cybersecurity training program certified under
17 Section 2054.519 [~~or offered under Section 2054.519(f)~~] for
18 employees and officials of the local government to complete. The
19 governing body shall:

20 (1) verify and report on the completion of a
21 cybersecurity training program by employees and officials of the
22 local government to the department; and

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

25 (e) The department shall develop a form for use by state
26 agencies and local governments in verifying completion of
27 cybersecurity training program requirements under this section.

1 The form must allow the state agency and local government to
2 indicate the percentage of employee completion.

3 (f) The requirements of Subsections (a) and (a-1) do not
4 apply to employees who have been granted:

5 (1) military leave;

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

8 (3) leave related to a sickness or disability covered
9 by workers' compensation benefits, if that employee no longer has
10 access to the state agency's or local government's database and
11 systems; or

12 (4) any other type of extended leave or authorization
13 to work from an alternative work site if that employee no longer has
14 access to the state agency's or local government's database and
15 systems.

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

18 (b) The Legislative Budget Board and the governor's office
19 shall determine the elements required to be included in each
20 agency's strategic plan. Unless modified by the Legislative Budget
21 Board and the governor's office, and except as provided by
22 Subsection (c), a plan must include:

23 (1) a statement of the mission and goals of the state
24 agency;

25 (2) a description of the indicators developed under
26 this chapter and used to measure the output and outcome of the
27 agency;

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

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

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

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

14 (7) a description of the capital improvement needs of
15 the agency during the term of the plan and a statement, if
16 appropriate, of the priority of those needs;

17 (8) identification of each geographic region of this
18 state, including the Texas-Louisiana border region and the
19 Texas-Mexico border region, served by the agency, and if
20 appropriate the agency's means and strategies for serving each
21 region;

22 (9) a description of the training of the agency's
23 contract managers under Section 656.052;

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

1 (11) an analysis of the strategic use of information
2 resources as provided by the instructions prepared under Section
3 2054.095; ~~and~~

4 (12) a written certification of the agency's
5 compliance with the cybersecurity training required under Sections
6 2054.5191 and 2054.5192; and

7 (13) other information that may be required.

8 SECTION 5. Section 2054.519(f), Government Code, as added
9 by Chapter 1308 (H.B. 3834), Acts of the 86th Legislature, Regular
10 Session, 2019, is repealed.

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

14 (b) Section 2056.002(b), Government Code, as amended by
15 this Act, applies only to a strategic plan submitted by a state
16 agency on or after January 1, 2022.

17 SECTION 7. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2021.