

1-1 By: Capriglione (Senate Sponsor - Paxton) H.B. No. 1118
 1-2 (In the Senate - Received from the House April 8, 2021;
 1-3 April 12, 2021, read first time and referred to Committee on
 1-4 Finance; April 21, 2021, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 14, Nays 0;
 1-6 April 21, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			
1-18	X			
1-19	X			
1-20	X			
1-21	X			
1-22	X			
1-23			X	

1-24 COMMITTEE SUBSTITUTE FOR H.B. No. 1118 By: West

1-25 A BILL TO BE ENTITLED
 1-26 AN ACT

1-27 relating to state agency and local government compliance with
 1-28 cybersecurity training requirements.

1-29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-30 SECTION 1. Subchapter A, Chapter 772, Government Code, is
 1-31 amended by adding Section 772.012 to read as follows:

1-32 Sec. 772.012. COMPLIANCE WITH CYBERSECURITY TRAINING
 1-33 REQUIREMENTS. (a) In this section, "local government" has the
 1-34 meaning assigned by Section 2054.003.

1-35 (b) To apply for a grant under this chapter, a local
 1-36 government must submit with the grant application a written
 1-37 certification of the local government's compliance with the
 1-38 cybersecurity training required by Section 2054.5191.

1-39 (c) On a determination by the criminal justice division
 1-40 established under Section 772.006 that a local government awarded a
 1-41 grant under this chapter has not complied with the cybersecurity
 1-42 training required by Section 2054.5191, the local government shall
 1-43 pay to this state an amount equal to the amount of the grant award.
 1-44 A local government that is the subject of a determination described
 1-45 by this subsection is ineligible for another grant under this
 1-46 chapter until the second anniversary of the date the local
 1-47 government is determined ineligible.

1-48 SECTION 2. The heading to Section 2054.5191, Government
 1-49 Code, is amended to read as follows:

1-50 Sec. 2054.5191. CYBERSECURITY TRAINING REQUIRED: CERTAIN
 1-51 EMPLOYEES AND OFFICIALS.

1-52 SECTION 3. Section 2054.5191, Government Code, is amended
 1-53 by amending Subsections (a-1) and (b) and adding Subsections (a-2),
 1-54 (e), and (f) to read as follows:

1-55 (a-1) At least once each year, a local government shall:

1-56 (1) identify local government employees and elected
 1-57 and appointed officials who have access to a local government
 1-58 computer system or database and use a computer to perform at least
 1-59 25 percent of the employee's or official's required duties; and

1-60 (2) require the ~~these~~ employees and ~~electe~~d

2-1 officials identified under Subdivision (1) [~~of the local~~
2-2 ~~government]~~ to complete a cybersecurity training program certified
2-3 under Section 2054.519 [~~or offered under Section 2054.519(f)]~~.

2-4 (a-2) The governing body of a local government or the
2-5 governing body's designee may deny access to the local government's
2-6 computer system or database to an individual described by
2-7 Subsection (a-1)(1) who the governing body or the governing body's
2-8 designee determines is noncompliant with the requirements of
2-9 Subsection (a-1)(2).

2-10 (b) The governing body of a local government may select the
2-11 most appropriate cybersecurity training program certified under
2-12 Section 2054.519 [~~or offered under Section 2054.519(f)]~~ for
2-13 employees and officials of the local government to complete. The
2-14 governing body shall:

2-15 (1) verify and report on the completion of a
2-16 cybersecurity training program by employees and officials of the
2-17 local government to the department; and

2-18 (2) require periodic audits to ensure compliance with
2-19 this section.

2-20 (e) The department shall develop a form for use by state
2-21 agencies and local governments in verifying completion of
2-22 cybersecurity training program requirements under this section.
2-23 The form must allow the state agency and local government to
2-24 indicate the percentage of employee completion.

2-25 (f) The requirements of Subsections (a) and (a-1) do not
2-26 apply to employees and officials who have been:

2-27 (1) granted military leave;

2-28 (2) granted leave under the federal Family and Medical
2-29 Leave Act of 1993 (29 U.S.C. Section 2601 et seq.);

2-30 (3) granted leave related to a sickness or disability
2-31 covered by workers' compensation benefits, if that employee no
2-32 longer has access to the state agency's or local government's
2-33 database and systems;

2-34 (4) granted any other type of extended leave or
2-35 authorization to work from an alternative work site if that
2-36 employee no longer has access to the state agency's or local
2-37 government's database and systems; or

2-38 (5) denied access to a local government's computer
2-39 system or database by the governing body of the local government or
2-40 the governing body's designee under Subsection (a-2) for
2-41 noncompliance with the requirements of Subsection (a-1)(2).

2-42 SECTION 4. Section 2056.002(b), Government Code, is amended
2-43 to read as follows:

2-44 (b) The Legislative Budget Board and the governor's office
2-45 shall determine the elements required to be included in each
2-46 agency's strategic plan. Unless modified by the Legislative Budget
2-47 Board and the governor's office, and except as provided by
2-48 Subsection (c), a plan must include:

2-49 (1) a statement of the mission and goals of the state
2-50 agency;

2-51 (2) a description of the indicators developed under
2-52 this chapter and used to measure the output and outcome of the
2-53 agency;

2-54 (3) identification of the groups of people served by
2-55 the agency, including those having service priorities, or other
2-56 service measures established by law, and estimates of changes in
2-57 those groups expected during the term of the plan;

2-58 (4) an analysis of the use of the agency's resources to
2-59 meet the agency's needs, including future needs, and an estimate of
2-60 additional resources that may be necessary to meet future needs;

2-61 (5) an analysis of expected changes in the services
2-62 provided by the agency because of changes in state or federal law;

2-63 (6) a description of the means and strategies for
2-64 meeting the agency's needs, including future needs, and achieving
2-65 the goals established under Section 2056.006 for each area of state
2-66 government for which the agency provides services;

2-67 (7) a description of the capital improvement needs of
2-68 the agency during the term of the plan and a statement, if
2-69 appropriate, of the priority of those needs;

3-1 (8) identification of each geographic region of this
3-2 state, including the Texas-Louisiana border region and the
3-3 Texas-Mexico border region, served by the agency, and if
3-4 appropriate the agency's means and strategies for serving each
3-5 region;

3-6 (9) a description of the training of the agency's
3-7 contract managers under Section 656.052;

3-8 (10) an analysis of the agency's expected expenditures
3-9 that relate to federally owned or operated military installations
3-10 or facilities, or communities where a federally owned or operated
3-11 military installation or facility is located;

3-12 (11) an analysis of the strategic use of information
3-13 resources as provided by the instructions prepared under Section
3-14 2054.095; ~~and~~

3-15 (12) a written certification of the agency's
3-16 compliance with the cybersecurity training required under Sections
3-17 2054.5191 and 2054.5192; and

3-18 (13) other information that may be required.

3-19 SECTION 5. Section 2054.519(f), Government Code, as added
3-20 by Chapter 1308 (H.B. 3834), Acts of the 86th Legislature, Regular
3-21 Session, 2019, is repealed.

3-22 SECTION 6. (a) Section 772.012, Government Code, as added
3-23 by this Act, applies only to a grant application submitted by a
3-24 local government on or after September 1, 2021.

3-25 (b) Section 2056.002(b), Government Code, as amended by
3-26 this Act, applies only to a strategic plan submitted by a state
3-27 agency on or after January 1, 2022.

3-28 SECTION 7. This Act takes effect immediately if it receives
3-29 a vote of two-thirds of all the members elected to each house, as
3-30 provided by Section 39, Article III, Texas Constitution. If this
3-31 Act does not receive the vote necessary for immediate effect, this
3-32 Act takes effect September 1, 2021.

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