

SENATE AMENDMENTS

2nd Printing

By: Capriglione

H.B. No. 1118

A BILL TO BE ENTITLED

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 (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.

ADOPTED

APR 29 2021

Latey Law
Secretary of the Senate

By: _____ .B. No. _____

Substitute the following for _____ .B. No. _____:

By: *Ray West* C.S. _____ .B. No. _____

A BILL TO BE ENTITLED

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

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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 29, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1118 by Capriglione (Relating to state agency and local government compliance with cybersecurity training requirements.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

Any costs associated with the provisions of the bill can be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 300 Trusteed Programs - Gov, 313 Department of Information Resources

LBB Staff: JMc, LBO, KK, BRI, SMAT, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 20, 2021

TO: Honorable Jane Nelson, Chair, House Committee on Finance

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1118 by Capriglione (relating to state agency and local government compliance with cybersecurity training requirements.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

Any costs associated with the provisions of the bill can be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 300 Trusteed Programs - Gov, 313 Department of Information Resources

LBB Staff: JMc, KK, BRI, SMAT, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 16, 2021

TO: Honorable Jane Nelson, Chair, House Committee on Finance

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1118 by Capriglione (Relating to state agency and local government compliance with cybersecurity training requirements.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

Any costs associated with the provisions of the bill can be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 300 Trusteed Programs - Gov

LBB Staff: JMc, KK, BRI, SMAT, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 22, 2021

TO: Honorable Chris Paddie, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1118 by Capriglione (relating to state agency and local government compliance with cybersecurity training requirements.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

Any costs associated with the provisions of the bill can be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 300 Trusteed Programs - Gov

LBB Staff: JMc, SMAT, BRI, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 10, 2021

TO: Honorable Chris Paddie, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1118 by Capriglione (Relating to state agency and local government compliance with cybersecurity training requirements.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Any costs associated with the provisions of the bill can be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 300 Trusteed Programs - Gov

LBB Staff: JMc, SMat, SD, BRi