

{As Amended by House Committee of the Whole}

As Further Amended by House Committee

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2509

By Committee on Vision 2020

1-21

1 AN ACT concerning state agencies, relating to the office of information
2 technology services, executive chief information technology officer;
3 ~~concerning agency budgets for information technology security~~ **the**
4 **establishment of the Kansas information security office;**
5 **appointment of the {executive} chief information security officer;**
6 **{executive} chief information security officer duties;** amending
7 K.S.A. 2015 Supp. 75-7205 and repealing the existing section.
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. (a) On and after the effective date of this act, all
11 executive branch ~~state~~ agencies shall be required to receive approval from
12 the executive chief information technology officer for all expenditures for
13 information technology by the **executive branch** agency. ~~Such agencies~~
14 ~~shall annually submit a three-year information technology management~~
15 ~~and budget plan pursuant to K.S.A. 2015 Supp. 75-7209, and amendments~~
16 ~~thereto, that includes planned expenses for information technology.~~ The
17 executive chief information technology officer shall review, coordinate
18 and approve information technology expenses for all such agencies. The
19 head of each ~~state~~ **executive branch** agency shall provide information to
20 and cooperate with the executive chief information technology officer for
21 the purposes of implementing and administering this section and the
22 policies and procedures prescribed by the executive chief information
23 technology officer.

24 (b) The executive chief information technology officer shall annually
25 present the integrated proposed information technology budget for
26 executive branch agencies to the senate committee on ways and means, the
27 house committee on appropriations and the joint committee on information
28 technology.

29 (c) The executive chief information technology officer shall develop
30 and adopt policies and procedures for reviewing and approving the
31 information technology expenses of all executive branch ~~state~~ agencies.

32 (d) The executive chief information technology officer may delegate

1 authority to any—state **executive branch** agency to approve any
2 information technology expenses under conditions and procedures
3 prescribed by the {**executive**} chief information technology officer in
4 accordance with this section.

5 (e) The executive chief information technology officer shall direct the
6 executive chief information security officer to review the: (1) Appropriate
7 information technology structure for ensuring information technology
8 security within—state **executive branch** agencies;

9 (2) security between local governmental entities and—state **executive**
10 **branch** agencies and between—state **executive branch** agencies and private
11 vendors;

12 (3) training programs for—state **executive branch** employees
13 regarding cyber security;

14 (4) existing assistance programs for local governmental entities that
15 interact with—state **executive branch** agencies;

16 (5) compliance monitoring for—state **executive branch** agencies
17 regarding cyber security; and

18 (6) ~~review and restructure, as necessary, current information~~
19 **technology security responsibilities for executive branch agencies and**
20 **restructure as necessary;**

21 (7) ~~coordinate information technology security interests between~~
22 **institutions governed by the regents and executive branch agencies**
23 **and coordinate such interests; and**

24 (8) any other relevant information technology security issues as
25 determined by the executive chief information technology officer.

26 (f) **For the purpose of this section act, "executive branch agency"**
27 **means those agencies under the authority of the governor.**

28 (g) The executive chief information technology officer shall be
29 invited to speak before every standing legislative committee at the
30 beginning of the 2017 regular legislative session.

31 (h) **Based on proven competency and exigent circumstances, the**
32 **{executive} chief information technology officer may exempt an**
33 **executive branch agency from—this requirement the requirements of**
34 **this section. The competency and special circumstances must be**
35 **reviewed annually.**

36 (i) The executive chief information technology officer shall not
37 sweep information technology funds nor personnel that are deemed by
38 the executive branch agency as essential to the executive branch
39 agency's meeting its statutory requirements to serve its constituency
40 and the public well-being, but are not directly associated with
41 information technology security.

42 (j) Subsections (a) through (e) shall not apply to the information
43 technology office of the Kansas lottery.

1 **New Sec. 2. There is hereby established the Kansas information**
2 **security office. The office shall be administered under the direction**
3 **and supervision of the executive chief information security officer who**
4 **shall be appointed by the governor. The executive chief information**
5 **security officer shall be in the unclassified service under the Kansas**
6 **civil service act and shall receive an annual salary fixed by the**
7 **governor. The executive chief information security officer shall report**
8 **to the executive chief information technology officer. The initial scope**
9 **of responsibility of the Kansas information security office shall be**
10 **executive branch agencies. The Kansas information security office's**
11 **scope of responsibility shall be re-evaluated in fiscal year 2020.**

12 **(b) The provisions of the Kansas governmental operations**
13 **accountability law apply to the Kansas information security office,**
14 **and the office is subject to audit, review and evaluation under such**
15 **law.**

16 **(c) The position of executive chief information security officer,**
17 **whose duties shall be performed under the supervision of the executive**
18 **chief information technology officer, shall:**

19 **(1) Manage the Kansas information security office organization;**

20 **(2) develop, implement and monitor a strategic, comprehensive**
21 **information security and information technology risk-management**
22 **plan;**

23 **(3) facilitate information security governance, including the**
24 **formation of an information security steering committee or advisory**
25 **board;**

26 **(4) create and manage a unified and flexible control framework**
27 **to integrate and normalize requirements resulting from global laws,**
28 **standards and regulations;**

29 **(5) facilitate a metrics and reporting framework to measure the**
30 **efficiency and effectiveness of the state information security program;**

31 **(6) provide strategic risk guidance for information technology**
32 **projects, including the evaluation and recommendation of technical**
33 **controls;**

34 **(7) ensure that security programs are in compliance with relevant**
35 **laws, regulations and policies;**

36 **(8) coordinate the use of external resources involved in the**
37 **information security program, including, but not limited to,**
38 **interviewing, negotiating contracts and fees; and managing external**
39 **resources;**

40 **(9) understand and interact with related disciplines through**
41 **committees to ensure the consistent application of policies and**
42 **standards across all technology projects, systems and services,**
43 **including, but not limited to, privacy, risk management, compliance**

1 **and business continuity management;**

2 **(10) liaise with external agencies, such as law enforcement and**
3 **other advisory bodies, as necessary, to ensure a strong security**
4 **posture;**

5 **(11) assist in the development of effective disaster recovery**
6 **policies and standards and align them with enterprise business**
7 **continuity management program goals;**

8 **(12) assist in the development of implementation plans and**
9 **procedures to ensure that business-critical services are recovered, in**
10 **the event of an information security incident;**

11 **(13) review and restructure, as necessary, current information**
12 **technology security responsibilities for executive branch—state—**
13 **agencies;**

14 **(14) coordinate information technology security interests**
15 **among institutions governed by the regents and other state agencies;**

16 **(15) create a framework for roles and responsibilities with regard**
17 **to information ownership, classification, accountability and**
18 **protection;**

19 **(16) provide such services to other governmental agencies as**
20 **resources permit; and**

21 **(17) perform such other functions and duties as provided by law**
22 **or as directed by the executive chief information technology officer.**

23 **Sec. 2-3.** K.S.A. 2015 Supp. 75-7205 is hereby amended to read as
24 follows: 75-7205. (a) There is hereby established within and as a part of
25 the office of information technology services the position of executive
26 chief information technology officer. The executive chief information
27 technology officer shall be in the unclassified service under the Kansas
28 civil service act, shall be appointed by the governor, and shall receive
29 compensation in an amount fixed by the governor. The executive chief
30 information technology officer shall maintain a presence in any cabinet
31 established by the governor and shall report to the governor.

32 (b) The executive chief information technology officer shall:

33 (1) Review and consult with each executive **branch** agency regarding
34 information technology plans, deviations from the state information
35 technology architecture, information technology project estimates and
36 information technology project changes and overruns submitted by such
37 **executive branch** agency pursuant to K.S.A. 2015 Supp. 75-7209, and
38 amendments thereto, to determine whether the agency has complied with:
39 (A) The information technology resource policies and procedures and
40 project management methodologies adopted by the information technology
41 executive council; (B) the information technology architecture adopted by
42 the information technology executive council; (C) the standards for data
43 management adopted by the information technology executive council;

1 and (D) the strategic information technology management plan adopted by
2 the information technology executive council;

3 ~~(2) report to the chief information technology architect all deviations~~
4 ~~from the state information architecture that are reported to the executive~~
5 ~~information technology officer by executive agencies;~~

6 (3) submit recommendations to the division of the budget as to the
7 technical and management merit of information technology project
8 estimates and information technology project changes and overruns
9 submitted by executive **branch** agencies pursuant to K.S.A. 2015 Supp.
10 75-7209, and amendments thereto, based on the determinations made
11 pursuant to subsection (b)(1);

12 ~~(4) (3) monitor executive **branch** agencies' compliance with: (A) The~~
13 ~~information technology resource policies and procedures and project~~
14 ~~management methodologies adopted by the information technology~~
15 ~~executive council; (B) the information technology architecture adopted by~~
16 ~~the information technology executive council; (C) the standards for data~~
17 ~~management adopted by the information technology executive council;~~
18 ~~and (D) the strategic information technology management plan adopted by~~
19 ~~the information technology executive council; and (E) the standards for~~
20 ~~information security adopted by the information technology executive~~
21 ~~council;~~

22 ~~(5) (4) coordinate implementation of new information technology~~
23 ~~among executive **branch** agencies and with the judicial and legislative~~
24 ~~chief information technology officers;~~

25 ~~(6) (5) designate the ownership of information resource processes and~~
26 ~~the lead **executive branch** agency for implementation of new technologies~~
27 ~~and networks shared by multiple agencies within the executive branch of~~
28 ~~state government; and~~

29 ~~(6) review, coordinate and approve all appropriate information~~
30 ~~technology expenditures for all executive branch state agencies pursuant~~
31 ~~to section 1, and amendments thereto; and~~

32 ~~(7) review and restructure, as necessary, current information~~
33 ~~technology security responsibilities for all executive branch state agencies~~
34 ~~pursuant to section 1, and amendments thereto;~~

35 ~~(8) evaluate how to coordinate information technology security~~
36 ~~interests between institutions governed by the regents and other state~~
37 ~~agencies; and~~

38 ~~(7) (9) (7) perform such other functions and duties as provided by law~~
39 ~~or as directed by the governor.~~

40 **(c) The provisions of subsection (b)(6) shall not apply to the**
41 **information technology office of the Kansas lottery.**

42 ~~Sec. 3.~~ **4.** K.S.A. 2015 Supp. 75-7205 is hereby repealed.

43 ~~Sec. 4.~~ **5.** This act shall take effect and be in force from and after its

- 1 publication in the statute book.