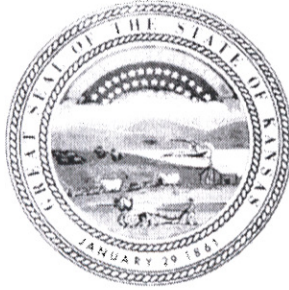


STATE OF KANSAS  
HOUSE OF REPRESENTATIVES



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**PETE DEGRAAF**  
82<sup>nd</sup> District

Monday, March 27, 2017

TO: Madam Chair, Senator Carolyn McGinn  
Senate Ways and Means Committee  
and other Committee Members

SUBJECT: Written Testimony in SUPPORT of H Sub HB 2331 – Enacting the Representative Jim Morrison CyberSecurity Act and establishing the Kansas Information Technology Enterprise (KITE).

As Chairman of the House Government, Security, and Technology Committee I stand in support of the House Substitute for HB 2331. You have already heard a lot of testimony, and while I am prepared to speak to any portion of this bill or questions you might have, let me simply highlight four aspects:

- 1) Who is covered by this Bill and who is NOT (See attachment 1)
- 2) How this Bill is better today due to increased legislative oversight, reporting structures, and the formalizing of an appeal process through I-TAB.
- 3) Why NOW!!
- 4) Three possible amendments

We are in an information war. Protecting our citizens' private personal data is a core function of government. Highly sophisticated criminals want to disrupt or blackmail our government and steal our citizens' private data. This is not a Republican or Democrat issue. This issue must transcend party politics and interagency squabbles.

This bill is an attempt to codify what other states are doing and best practices as identified by the National Association of State Chief Information Officers (NSCIO).

In 2012 the Governor signed EO 11-46 (attachment 2). While the Governor's EO created the CITO and gave him responsibility over all executive branch computer systems, it did not give the CITO operational control or the teeth to enforce best practices. Five years later and three CITO's later the State of Kansas still has numerous agencies that have critical findings when Leg Post Audit completed its IT Security Audits.

I believe it is time for the Legislative Branch to put into statute what we feel is needed not only to run government, but ensure that we protect our citizens' private personal data. While House Substitute for HB 2331 may not be perfect, it is a critical step in the right direction. We should have done this five years ago.

**Attachment 1** – is an organizational chart attempting to show that the bill does NOT deal with the Legislative or Judicial Branch, nor does it deal directly with the computer systems or data bases within the organizations of any duly elected office holder (Secretary of State, Insurance Commissioner, etc). The Bill does allow them to work with the Executive Branch CITO (Chief Information Technology Officer) but it does not require it. This bill focuses on the 13 primary cabinet level agencies, does not include the Regents, and has a two-year delay before what we typically call “fee-funded” agencies also come under these statutes.

Last year the House passed HB 2509 - 119 to 1. The Bill before you is an improvement.

- The House Committee added legislative oversight and reporting requirements for both the CITO and the CISO to this committee, House Appropriations, the JCIT, and any committee that deals with information technology or security issues.
- The House committee also felt there was need especially for the smaller agencies to have a formal way to share their concerns, problems, and to help the CITO prioritize projects. The Bill does this by formalizing I-TAB (the Information Technology Advisory Board) (**see attachment 3**) and having them meet quarterly.

During much of January and February the House Government, Technology, and Security Committee heard report after report of agency after agency that failed their Legislative Post Audit Security Audit. On a scale of zero to 60, our agencies across the State rate a low nine.

Every day we hear of data breaches across the county. Just last week America’s Job Link Alliance of Topeka, Kansas, announced a breach to their system. This is getting very close to home. It is critical that state agencies quickly ensure that they have secured our citizens’ highly sensitive and private personal data from further assault.

If I might share an analogy. Many years ago, people saw the need for castles and walled cities. A place to run to in times of trouble. You just weren’t safe outside the walls.

Senators, we need a walled city again. The barbarians are on the hill. Actually, they are pounding away at the front door. We need our agencies to come inside the walls of the city. It is simply too dangerous and way too expensive for us to allow agencies to do their own thing. Protecting our citizens’ private personal data must be a high priority.

Unfortunately it is the smaller agencies who do not have the resources, expertise, or manpower to adequately address the issues. These smaller agencies become the very door through which “hackers” and those who desire to do us harm gain access to our larger and more sensitive systems.

**POSSIBLE AMENDMENTS:** Should this committee decide to work this Bill, I ask that you consider:

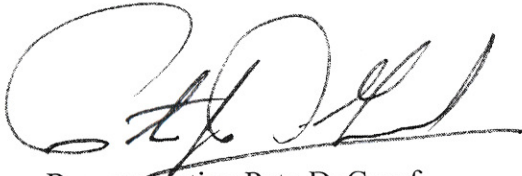
- 1) Stripping out the two year delay and any exceptions.

- 2) If this committee feels that the two-year delay for the smaller fee fund agencies is warranted, then I would ask you to consider, if an agency wants to stay outside the city wall, that is fine; however, if they want to play inside the city wall (i.e. be on the KanWin System) then they also have to abide by the rules and share in the expenses.
- 3) A third thought that came up late in the process was that all government agencies need to protect their computer systems, abide by the ITEC standards, and pay for an annual security audit.

In closing, some might argue that you can have the security piece without the KITE piece. I do not think so. The security piece simply cannot function without the authority, backbone, and financial support created by KITE.

There is much more we could talk about.

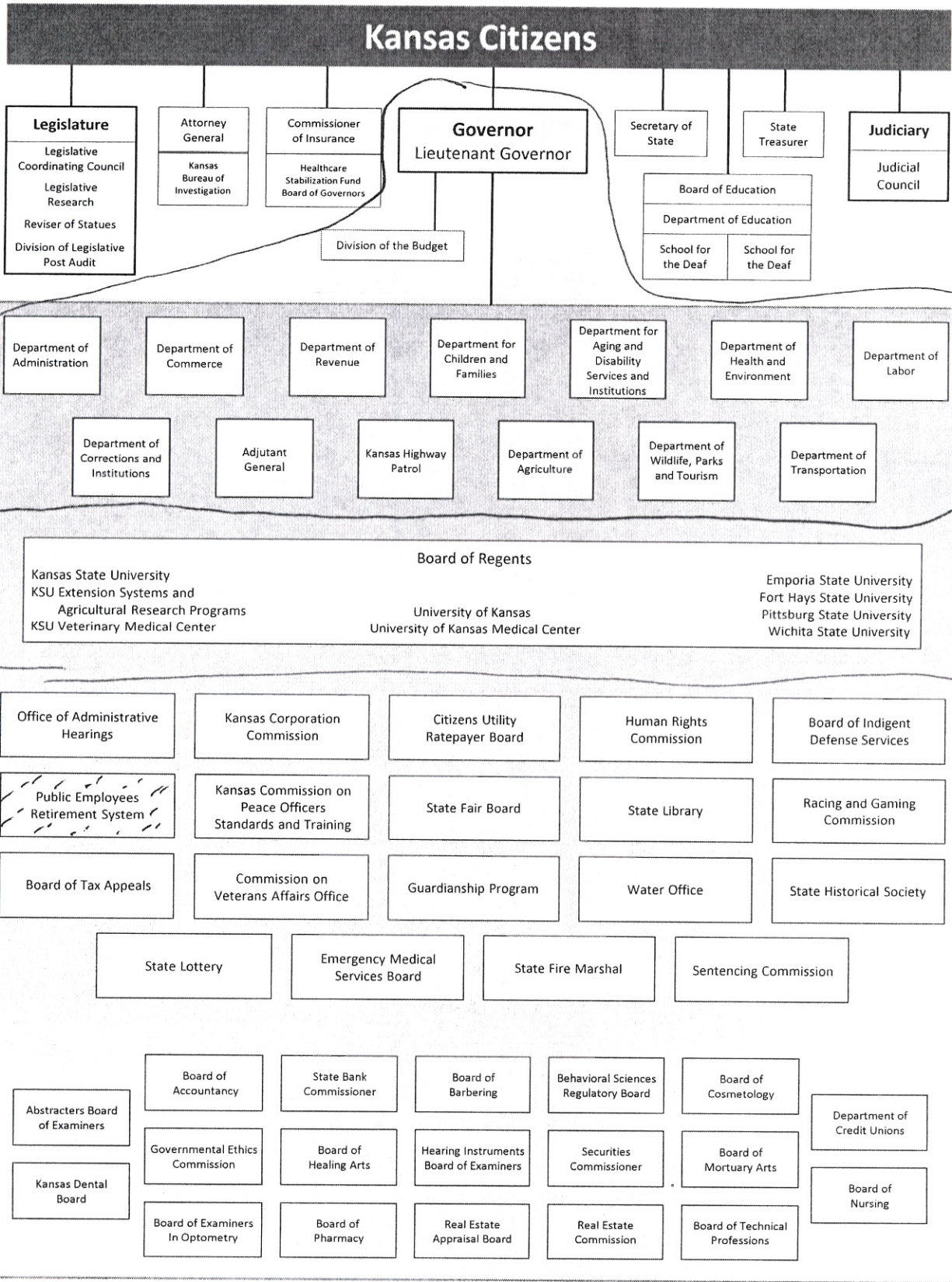
Madam Chair, I stand ready for questions.

A handwritten signature in black ink, appearing to read 'Pete DeGraaf', written in a cursive style with a long horizontal stroke at the end.

Representative Pete DeGraaf  
State of Kansas, District 82

# ATTACHMENT ONE

Executive Branch – Political Version





## ATTACHMENT TWO

# EXECUTIVE ORDER 11-46

Apr 10, 2012

**WHEREAS**, there is a need to establish and increase efficiency and uniformity and to achieve cost savings in the use of information technology within the Executive Branch of state government; and

**WHEREAS**, pursuant to K.S.A. 75-7205, the Executive Chief Information Technology Officer (the “Executive CITO”) within the Department of Administration and reporting to the Office of the Governor is best positioned to further these goals; and

**WHEREAS**, pursuant to K.S.A. 75-7205, the Executive CITO is charged to maintain a presence within and to advise and consult with each Executive Branch agency on all matters relating to information technology;

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby direct and order that all non-Regents Executive Branch agency information technology directors and all staff performing information technology functions in all Executive Branch state agencies, departments, or other entities under my jurisdiction shall report directly to the Executive CITO.

Furthermore, the Executive CITO is directed and charged, in addition to the duties set forth in K.S.A. 75-7205, to manage and order Executive Branch information technology systems in a uniform, efficient, service-oriented, and cost-effective manner. The Executive CITO is directed and charged to deliver information technology services, both within the Executive Branch and to all Kansans who interact with the Executive Branch through information technology systems, in such a way so as to further the priorities of service, effectiveness, prevention of fraud and abuse, and adaptation to

developing technologies.

This document shall be filed with the Secretary of State as Executive Order No. 11-46 and shall become effective immediately.

## ARCHIVES

SELECT MONTH

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# Kansas IT Governance Model

ATTACHMENT THREE

