

As Further Amended by House Committee

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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 chief information security officer; chief**
6 **information security officer duties;** amending K.S.A. 2015 Supp. 75-
7 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
33 authority to any ~~state~~ **executive branch** agency to approve any
34 information technology expenses under conditions and procedures

1 prescribed by the chief information technology officer in accordance with
2 this section.

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

7 (2) security between local governmental entities and ~~state~~ **executive**
8 **branch** agencies and between ~~state~~ **executive branch** agencies and private
9 vendors;

10 (3) training programs for ~~state~~ **executive branch** employees
11 regarding cyber security;

12 (4) existing assistance programs for local governmental entities that
13 interact with ~~state~~ **executive branch** agencies;

14 (5) compliance monitoring for ~~state~~ **executive branch** agencies
15 regarding cyber security; ~~and~~

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

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

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

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

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

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

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

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

41 **New Sec. 2. There is hereby established the Kansas information**
42 **security office. The office shall be administered under the direction**
43 **and supervision of the executive chief information security officer who**

1 shall be appointed by the governor. The executive chief information
2 security officer shall be in the unclassified service under the Kansas
3 civil service act and shall receive an annual salary fixed by the
4 governor. The executive chief information security officer shall report
5 to the executive chief information technology officer. The initial scope
6 of responsibility of the Kansas information security office shall be
7 executive branch agencies. The Kansas information security office's
8 scope of responsibility shall be re-evaluated in fiscal year 2020.

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

13 (c) The position of executive chief information security officer,
14 whose duties shall be performed under the supervision of the executive
15 chief information technology officer, shall:

16 (1) Manage the Kansas information security office organization;

17 (2) develop, implement and monitor a strategic, comprehensive
18 information security and information technology risk-management
19 plan;

20 (3) facilitate information security governance, including the
21 formation of an information security steering committee or advisory
22 board;

23 (4) create and manage a unified and flexible control framework
24 to integrate and normalize requirements resulting from global laws,
25 standards and regulations;

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

28 (6) provide strategic risk guidance for information technology
29 projects, including the evaluation and recommendation of technical
30 controls;

31 (7) ensure that security programs are in compliance with relevant
32 laws, regulations and policies;

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

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

42 (10) liaise with external agencies, such as law enforcement and
43 other advisory bodies, as necessary, to ensure a strong security

1 posture;

2 (11) assist in the development of effective disaster recovery
3 policies and standards and align them with enterprise business
4 continuity management program goals;

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

8 (13) review and restructure, as necessary, current information
9 technology security responsibilities for executive branch—state—
10 agencies;

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

13 (15) create a framework for roles and responsibilities with regard
14 to information ownership, classification, accountability and
15 protection;

16 (16) provide such services to other governmental agencies as
17 resources permit; and

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

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

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

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

43 (2)—report to the chief information technology architect all deviations

1 ~~from the state information architecture that are reported to the executive~~
2 ~~information technology officer by executive agencies;~~

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

9 ~~(4)~~ (3) monitor executive **branch** agencies' compliance with: (A) The
10 information technology resource policies and procedures and project
11 management methodologies adopted by the information technology
12 executive council; (B) the information technology architecture adopted by
13 the information technology executive council; (C) the standards for data
14 management adopted by the information technology executive council;
15 ~~and~~ (D) the strategic information technology management plan adopted by
16 the information technology executive council; *and (E) the standards for*
17 *information security adopted by the information technology executive*
18 *council;*

19 ~~(5)~~ (4) coordinate implementation of new information technology
20 among executive **branch** agencies and with the judicial and legislative
21 chief information technology officers;

22 ~~(6)~~ (5) designate the ownership of information resource processes and
23 the lead **executive branch** agency for implementation of new technologies
24 and networks shared by multiple agencies within the executive branch of
25 state government; ~~and~~

26 ~~(6)~~ *review, coordinate and approve all appropriate information*
27 *technology expenditures for all executive branch-state agencies pursuant*
28 *to section 1, and amendments thereto; and*

29 ~~(7)~~ *review and restructure, as necessary, current information-*
30 *technology security responsibilities for all executive branch state agencies*
31 *pursuant to section 1, and amendments thereto;*

32 ~~(8)~~ *evaluate how to coordinate information technology security-*
33 *interests between institutions governed by the regents and other state*
34 *agencies; and*

35 ~~(7)~~ (9) (7) perform such other functions and duties as provided by law
36 or as directed by the governor.

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

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

40 ~~Sec. 4.~~ **5.** This act shall take effect and be in force from and after its
41 publication in the statute book.