

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 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 agency. ~~Such agencies shall annually~~
14 ~~submit a three-year information technology management and budget plan~~
15 ~~pursuant to K.S.A. 2015 Supp. 75-7209, and amendments thereto, that~~
16 ~~includes planned expenses for information technology.~~ The executive chief
17 information technology officer shall review, coordinate and approve
18 information technology expenses for all such agencies. The head of each
19 ~~state executive branch~~ agency shall provide information to and cooperate
20 with the executive chief information technology officer for the purposes of
21 implementing and administering this section and the policies and
22 procedures prescribed by the executive chief information technology
23 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
35 prescribed by the chief information technology officer in accordance with
36 this section.

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

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

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

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

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

14 (6) **review and restructure, as necessary, current information**
15 **technology security responsibilities for executive branch agencies;**

16 (7) **coordinate information technology security interests between**
17 **institutions governed by the regents and executive branch agencies;**
18 **and**

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

21 (f) **For the purpose of this section "executive branch agency"**
22 **means those agencies under the authority of the governor.**

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

26 (h) **Based on proven competency and exigent circumstances, the**
27 **chief information technology officer may exempt an agency from this**
28 **requirement. The competency and special circumstances must be**
29 **reviewed annually.**

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

35 (j) **Subsections (a) through (e) shall not apply to the information**
36 **technology office of the Kansas lottery.**

37 **New Sec. 2. There is hereby established the Kansas information**
38 **security office. The office shall be administered under the direction**
39 **and supervision of the chief information security officer who shall be**
40 **appointed by the governor. The chief information security officer shall**
41 **be in the unclassified service under the Kansas civil service act and**
42 **shall receive an annual salary fixed by the governor. The chief**
43 **information security officer shall report to the chief information**

1 technology officer. The initial scope of responsibility of the Kansas
2 information security office shall be executive branch agencies. The
3 Kansas information security office's scope of responsibility shall be re-
4 evaluated in fiscal year 2020.

5 (b) The provisions of the Kansas governmental operations
6 accountability law apply to the Kansas information security office,
7 and the office is subject to audit, review and evaluation under such
8 law.

9 (c) The position of chief information security officer, whose duties
10 shall be performed under the supervision of the executive chief
11 information technology officer, shall:

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

13 (2) develop, implement and monitor a strategic, comprehensive
14 information security and information technology risk-management
15 plan;

16 (3) facilitate information security governance, including the
17 formation of an information security steering committee or advisory
18 board;

19 (4) create and manage a unified and flexible control framework
20 to integrate and normalize requirements resulting from global laws,
21 standards and regulations;

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

24 (6) provide strategic risk guidance for information technology
25 projects, including the evaluation and recommendation of technical
26 controls;

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

29 (8) coordinate the use of external resources involved in the
30 information security program, including, but not limited to,
31 interviewing, negotiating contracts and fees, and managing external
32 resources;

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

38 (10) liaise with external agencies, such as law enforcement and
39 other advisory bodies as necessary, to ensure a strong security
40 posture;

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

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

4 (13) review and restructure, as necessary, current information
5 technology security responsibilities for executive branch state
6 agencies;

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

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

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

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

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

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

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

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

42 (3) submit recommendations to the division of the budget as to the
43 technical and management merit of information technology project

1 estimates and information technology project changes and overruns
2 submitted by executive agencies pursuant to K.S.A. 2015 Supp. 75-7209,
3 and amendments thereto, based on the determinations made pursuant to
4 subsection (b)(1);

5 ~~(4)~~ (3) monitor executive agencies' compliance with: (A) The
6 information technology resource policies and procedures and project
7 management methodologies adopted by the information technology
8 executive council; (B) the information technology architecture adopted by
9 the information technology executive council; (C) the standards for data
10 management adopted by the information technology executive council;
11 ~~and~~ (D) the strategic information technology management plan adopted by
12 the information technology executive council; *and (E) the standards for*
13 *information security adopted by the information technology executive*
14 *council;*

15 ~~(5)~~ (4) coordinate implementation of new information technology
16 among executive agencies and with the judicial and legislative chief
17 information technology officers;

18 ~~(6)~~ (5) designate the ownership of information resource processes and
19 the lead agency for implementation of new technologies and networks
20 shared by multiple agencies within the executive branch of state
21 government; ~~and~~

22 (6) *review, coordinate and approve all appropriate information*
23 *technology expenditures for all executive branch state agencies pursuant*
24 *to section 1, and amendments thereto; and*

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

28 ~~(8) evaluate how to coordinate information technology security-~~
29 ~~interests between institutions governed by the regents and other state~~
30 ~~agencies; and~~

31 ~~(7)~~ (7) perform such other functions and duties as provided by law
32 or as directed by the governor.

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

35 Sec. 3. 4. K.S.A. 2015 Supp. 75-7205 is hereby repealed.

36 Sec. 4. 5. This act shall take effect and be in force from and after its
37 publication in the statute book.