

HOUSE BILL No. 2842

By Committee on Appropriations

Requested by Representative B. Carpenter

3-15

Proposed Amendments to HB 2842 - Kbi 2
House Legislative Modernization Committee
Prepared by the Office of Revisor of Statutes
March 19, 2024

Kansas bureau of investigation,

1 AN ACT concerning information technology; relating to transferring
2 information technology employees under the chief information
3 technology officer of each branch; creating a chief information
4 officer within the judicial and legislative branches, requiring the
5 attorney general, secretary of state, state treasurer and insurance
6 commissioner to appoint chief information technology officers; placing
7 the duty of cybersecurity under the chief information technology
8 officer; requiring state agencies to comply with certain minimum
9 cybersecurity standards; exempting certain audit reports from the open
10 records act and eliminating the five-year review of such exemption;
11 making and concerning appropriations for the fiscal years ending June
12 30, 2025, and June 30, 2026, for the office of information technology,
13 Kansas information security office and the adjutant general; authorizing
14 certain transfers and imposing certain limitations and restrictions, and
15 directing or authorizing certain disbursements and procedures for all
16 state agencies; legislative review of state agencies not in compliance
17 with this act; amending K.S.A. 40-110, 75-413, 75-623, 75-710 and 75-
18 7203 and K.S.A. 2023 Supp. 45-229, 75-7205, 75-7206, 75-7208, 75-
19 7238, 75-7239 and 75-7240 and repealing the existing sections.
20

, 75-711

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

21 Section 1. (a) On and after July 1, 2027, all information technology
22 services, including cybersecurity services, for each branch of state
23 government shall be administered by the chief information technology
24 officer and the chief information security officer of such branch. All
25 information technology employees within each branch of state government
26 shall work at the direction of the chief information technology officer of
27 the branch, except that each state agency that maintains confidential
28 information, including, but not limited to, legal, healthcare or tax
29 information may maintain one employee to assist with the information
30 technology related to such information.
31

(b) Prior to January 1, 2026:

32 (1) The executive chief information technology officer shall develop
33 a plan to integrate all information technology services into the office of
34 information technology services. The executive chief information
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1 reports until a verified account of the fees collected by them, or either of
 2 them, during the preceding month, has been filed in the director of
 3 accounts and reports' office. Assistants appointed by the attorney general
 4 shall perform the duties and exercise the powers as prescribed by law and
 5 shall perform other duties as prescribed by the attorney general. Assistants
 6 shall act for and exercise the power of the attorney general to the extent
 7 the attorney general delegates them the authority to do so.

8 (b) The attorney general shall appoint a chief information security
 9 officer who shall be responsible for establishing security standards and
 10 policies to protect the office's information technology systems and
 11 infrastructure. The chief information security officer shall:

12 (1) Develop a cybersecurity program for the office that complies with
 13 the national institute of standards and technology cybersecurity
 14 framework (CSF) 2.0, as in effect on July 1, 2024. The chief information
 15 security officer shall ensure that such programs achieve a national
 16 institute of standards and technology score of 3.0 prior to July 1, 2028,
 17 and a score of 4.0 prior to July 1, 2030.

18 (2) Ensure that the attorney general and all employees complete
 19 cybersecurity awareness training annually and that if an employee does
 20 not complete the required training, such employee's access to any state
 21 issued hardware or the state network is revoked, and

22 (3) (A) Coordinate with the United States cybersecurity and
 23 infrastructure security agency to perform annual audits of the office for
 24 compliance with applicable state and federal laws, rules and regulations
 25 and office policies and standards.

26 (B) Make an audit request to such agency annually, regardless of
 27 whether or not such agency has the capacity to perform the requested
 28 audit; and

29 (C) Results of audits conducted pursuant to this paragraph shall be
 30 confidential and shall not be subject to discovery or disclosure pursuant to
 31 the ~~open records act~~, K.S.A. 45-215 et seq., and amendments thereto.

32 Sec. 14. K.S.A. 75-7203 is hereby amended to read as follows: 75-
 33 7203. (a) The information technology executive council is hereby
 34 authorized to adopt such policies and rules and regulations as necessary to
 35 implement, administer and enforce the provisions of this act.

36 (b) The council shall:

37 (1) Adopt: (A) Information technology resource policies and
 38 procedures and project management methodologies for all state agencies;
 39 (B) an information technology architecture, including telecommunications
 40 systems, networks and equipment, that covers all state agencies; (C)
 41 standards for data management for all state agencies; and (D) a strategic
 42 information technology management plan for the state;

43 (2) provide direction and coordination for the application of the

Sec. 14. K.S.A. 75-711 is hereby amended to read as follows: See last page
 Renumber sections

- 1 the Kansas open records act, K.S.A. 45-215 et seq., and amendments
- 2 thereto. The provisions of this paragraph shall expire on July 1, 2028;
- 3 unless the legislature reviews and renews this provision pursuant to
- 4 K.S.A. 45-229, and amendments thereto, prior to July 1, 2028.
- 5 Sec. 21. K.S.A. 40-110, 75-413, 75-623, 75-710 and 75-7203 and
- 6 K.S.A. 2023 Supp. 45-229, 75-7205, 75-7206, 75-7208, 75-7238, 75-7239
- 7 and 75-7240 are hereby repealed.
- 8 Sec. 22. This act shall take effect and be in force from and after its
- 9 publication in the statute book.

75-711

Sec. 14. K.S.A. 75-711 is hereby amended to read as follows: 75-711. (a) There is hereby established, under the jurisdiction of the attorney general, a division to be known as the Kansas bureau of investigation. The director of the bureau shall be appointed by the attorney general, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall have special training and qualifications for such position. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as director shall exercise any power, duty or function as director until confirmed by the senate. In accordance with appropriation acts, the director shall appoint agents who shall be trained in the detection and apprehension of criminals. The director shall appoint an associate director, and any such assistant directors from within the agency as are necessary for the efficient operation of the bureau, who shall have the qualifications and employee benefits, including longevity, of an agent. The director also may appoint a deputy director and, in accordance with appropriation acts, such administrative employees as are necessary for the efficient operation of the bureau. No person shall be appointed to a position within the Kansas bureau of investigation if the person has been convicted of a felony.

(b) The director, associate director, deputy director, assistant directors and any assistant attorneys general assigned to the bureau shall be within the unclassified service under the Kansas civil service act. All other agents and employees of the bureau shall be in the classified service under the Kansas civil service act and their compensation shall be determined as provided in the Kansas civil service act and shall receive actual and necessary expenses.

(c) Any person who was a member of the bureau at the time of appointment as director, associate director or assistant director, upon the expiration of their appointment, shall be returned to an unclassified or regular classified position under the Kansas civil service act with compensation comparable to and not lower than compensation being received at the time of appointment to the unclassified service. If all such possible positions are filled at that time, a temporary additional position shall be created for the person until a vacancy exists in the position. While serving in the temporary additional position, the person shall continue to be a contributing member of the retirement system for the agents of the Kansas bureau of investigation.

(d) Each agent of the bureau shall subscribe to an oath to faithfully discharge the duties of such agent's office, as is required of other public officials.

(e) The director shall appoint a chief information security officer who shall be responsible for establishing security standards and policies to protect the bureau's information technology systems and infrastructure. The chief information security officer shall:

- (1) Develop a cybersecurity program for the bureau that complies with the national institute of standards and technology cybersecurity framework (CSF) 2.0, as in effect on July 1, 2024. The chief information security officer shall ensure that such programs achieve a CSF tier of 3.0 prior to July 1, 2028, and a CSF tier of 4.0 prior to July 1, 2030;
- (2) ensure that the director and all employees complete cybersecurity awareness training annually and that if an employee does not complete the required training, such employee's access to any state issued hardware or the state network is revoked; and
- (3) (A) coordinate with the United States cybersecurity and infrastructure security agency to perform annual audits of the department for compliance with applicable state and federal laws, rules and regulations and department policies and standards;
- (B) make an audit request to such agency annually, regardless of whether or not such agency has the capacity to perform the requested audit; and
- (C) results of audits conducted pursuant to this paragraph shall be confidential and shall not be subject to discovery or disclosure pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

