

## HOUSE BILL No. 2077

By Joint Committee on Information Technology

1-18

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1 AN ACT concerning information technology; relating to information  
2 technology projects and reporting requirements; information  
3 technology security training and cybersecurity reports; requiring certain  
4 information to be provided to the joint committee on information  
5 technology; amending K.S.A. 46-2102, 75-7201, 75-7205, 75-7206,  
6 75-7208, 75-7209, 75-7210, 75-7211, 75-7237, 75-7239, 75-7240 and  
7 75-7242 and repealing the existing sections.  
8

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

10 Section 1. K.S.A. 46-2102 is hereby amended to read as follows: 46-  
11 2102. In addition to other powers and duties authorized or prescribed by  
12 law or by the legislative coordinating council, the joint committee on  
13 information technology shall:

14 (a) Study the use by state agencies and institutions of computers,  
15 telecommunications and other information technologies;

16 (b) review new governmental computer hardware and software  
17 acquisition, information storage, transmission, processing and  
18 telecommunications technologies proposed by state agencies and  
19 institutions, and the implementation plans therefor, including all  
20 information technology project budget estimates and three-year strategic  
21 information technology plans that are submitted to the joint committee  
22 pursuant to K.S.A. 2000-Supp. 75-7210, and amendments thereto;

23 (c) *advise and consult on all state agency information technology*  
24 *projects, as defined in K.S.A. 75-7201, and amendments thereto, that pose*  
25 *a significant business risk as determined by the information technology*  
26 *executive council's policies and in accordance with K.S.A. 75-7209, and*  
27 *amendments thereto;*

28 (d) make recommendations on all such implementation plans, budget  
29 estimates, *requests for proposals for information technology projects* and  
30 three-year plans to the ways and means committee of the senate and the  
31 committee on appropriations of the house of representatives;

32 ~~(d)~~(e) study the progress and results of all newly implemented  
33 governmental computer hardware and software, information storage,  
34 transmission, processing and telecommunications technologies of state  
35 agencies and institutions including all information technology projects for  
36 state agencies which have been authorized or for which appropriations

1 have been approved by the legislature; and

2 (e)(f) make an annual report to the legislative coordinating council as  
3 provided in K.S.A. 46-1207, and amendments thereto, and such special  
4 reports to committees of the house of representatives and senate as are  
5 deemed appropriate by the joint committee.

6 Sec. 2. K.S.A. 75-7201 is hereby amended to read as follows: 75-  
7 7201. As used in K.S.A. 75-7201 through 75-7212, and amendments  
8 thereto:

9 (a) *"Business risk" means the overall level of risk determined by a*  
10 *business risk assessment that includes, but is not limited to, cost,*  
11 *information security and other elements as determined by the information*  
12 *technology executive council's policies.*

13 (b) *"Cumulative cost" means the total expenditures, from all sources,*  
14 *for any information technology project by one or more state agencies to*  
15 *meet project objectives from project start to project completion or the date*  
16 *and time the project is terminated if it is not completed.*

17 (b)(c) *"Executive agency" means any state agency in the executive*  
18 *branch of government.*

19 (e)(d) *"Information technology project" means a project for a major*  
20 *computer, telecommunications or other information technology*  
21 *improvement with an estimated cumulative cost of \$250,000 or more and*  
22 *includes any such project that has proposed expenditures for: (1) New or*  
23 *replacement equipment or software; (2) upgrade improvements to existing*  
24 *equipment and any computer systems, programs or software upgrades*  
25 *therefor; or (3) data or consulting or other professional services for such a*  
26 *project an information technology effort by a state agency of defined and*  
27 *limited duration that implements, effects a change in or presents a risk to*  
28 *processes, services, security, systems, records, data, human resources or*  
29 *architecture.*

30 (d)(e) *"Information technology project change or overrun" means any*  
31 *of the following any change in:*

32 (1) ~~Any change in~~ Planned expenditures for an information  
33 technology project that would result in the total authorized cost of the  
34 project being increased above the currently authorized cost of such project  
35 by more than ~~either \$1,000,000 or~~ 10% of such currently authorized cost  
36 of such project, ~~whichever is lower~~ or an established threshold within the  
37 *information technology executive council's policies;*

38 (2) ~~any change in~~ the scope or project timeline of an information  
39 technology project, as such scope or timeline was presented to and  
40 reviewed by the joint committee or the chief information technology  
41 officer to whom the project was submitted pursuant to K.S.A. 75-7209,  
42 and amendments thereto, *that is a change of more than 10% or a change*  
43 *that is significant as determined by the information technology executive*

1 *council's policies*; or

2 (3) ~~any change in~~ the proposed use of any new or replacement  
3 information technology equipment or in the use of any existing  
4 information technology equipment that has been significantly upgraded.

5 ~~(e)~~(f) "Joint committee" means the joint committee on information  
6 technology.

7 ~~(f)~~(g) "Judicial agency" means any state agency in the judicial branch  
8 of government.

9 ~~(g)~~(h) "Legislative agency" means any state agency in the legislative  
10 branch of government.

11 ~~(h)~~(i) "Project" means a planned series of events or activities that is  
12 intended to accomplish a specified outcome in a specified time period,  
13 under consistent management direction within a state agency or shared  
14 among two or more state agencies, and that has an identifiable budget for  
15 anticipated expenses.

16 ~~(i)~~(j) "Project completion" means the date and time when the head of  
17 a state agency having primary responsibility for an information technology  
18 project certifies that the improvement being produced or altered under the  
19 project is ready for operational use.

20 ~~(j)~~(k) "Project start" means the date and time when a state agency  
21 begins a formal study of a business process or technology concept to  
22 assess the needs of the state agency, determines project feasibility or  
23 prepares an information technology project budget estimate under K.S.A.  
24 75-7209, and amendments thereto.

25 ~~(k)~~(l) "State agency" means any state office or officer, department,  
26 board, commission, institution or bureau, or any agency, division or unit  
27 thereof.

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

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

38 (1) Review and consult with each executive agency regarding  
39 information technology plans, deviations from the state information  
40 technology architecture, information technology project estimates and  
41 information technology project changes and overruns submitted by such  
42 agency pursuant to K.S.A. 75-7209, and amendments thereto, to determine  
43 whether the agency has complied with:

1 (A) The information technology resource policies and procedures and  
2 project management methodologies adopted by the information technology  
3 executive council;

4 (B) the information technology architecture adopted by the  
5 information technology executive council;

6 (C) the standards for data management adopted by the information  
7 technology executive council; and

8 (D) the strategic information technology management plan adopted  
9 by the information technology executive council;

10 (2) report to the chief information technology architect all deviations  
11 from the state information architecture that are reported to the executive  
12 information technology officer by executive agencies;

13 (3) submit recommendations to the division of the budget as to the  
14 technical and management merit of information technology ~~project~~  
15 ~~estimates projects~~ and information technology project changes and  
16 overruns submitted by executive agencies *that are reportable* pursuant to  
17 K.S.A. 75-7209, and amendments thereto, ~~based on the determinations~~  
18 ~~made pursuant to subsection (b)(1);~~

19 (4) monitor executive agencies' compliance with:

20 (A) The information technology resource policies and procedures and  
21 project management methodologies adopted by the information technology  
22 executive council;

23 (B) the information technology architecture adopted by the  
24 information technology executive council;

25 (C) the standards for data management adopted by the information  
26 technology executive council; and

27 (D) the strategic information technology management plan adopted  
28 by the information technology executive council;

29 (5) coordinate implementation of new information technology among  
30 executive agencies and with the judicial and legislative chief information  
31 technology officers;

32 (6) designate the ownership of information resource processes and the  
33 lead agency for implementation of new technologies and networks shared  
34 by multiple agencies within the executive branch of state government; and

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

37 Sec. 4. K.S.A. 75-7206 is hereby amended to read as follows: 75-  
38 7206. (a) There is hereby established within and as a part of the office of  
39 the state judicial administrator the position of judicial chief information  
40 technology officer. The judicial chief information technology officer shall  
41 be appointed by the judicial administrator, subject to approval of the chief  
42 justice, and shall receive compensation determined by the judicial  
43 administrator, subject to approval of the chief justice.

1 (b) The judicial chief information technology officer shall:

2 (1) Review and consult with each judicial agency regarding  
3 information technology plans, deviations from the state information  
4 technology architecture, information technology project estimates and  
5 information technology project changes and overruns submitted by such  
6 agency pursuant to K.S.A. 75-7209, and amendments thereto, to determine  
7 whether the agency has complied with:

8 (A) The information technology resource policies and procedures and  
9 project management methodologies adopted by the information technology  
10 executive council;

11 (B) the information technology architecture adopted by the  
12 information technology executive council;

13 (C) the standards for data management adopted by the information  
14 technology executive council; and

15 (D) the strategic information technology management plan adopted  
16 by the information technology executive council;

17 (2) report to the chief information technology architect all deviations  
18 from the state information architecture that are reported to the judicial  
19 information technology officer by judicial agencies;

20 (3) submit recommendations to the judicial administrator as to the  
21 technical and management merit of information technology ~~project~~  
22 ~~estimates projects~~ and information technology project changes and  
23 overruns submitted by judicial agencies *that are reportable* pursuant to  
24 K.S.A. 75-7209, and amendments thereto, ~~based on the determinations~~  
25 ~~pursuant to subsection (b)(1);~~

26 (4) monitor judicial agencies' compliance with:

27 (A) The information technology resource policies and procedures and  
28 project management methodologies adopted by the information technology  
29 executive council;

30 (B) the information technology architecture adopted by the  
31 information technology executive council;

32 (C) the standards for data management adopted by the information  
33 technology executive council; and

34 (D) the strategic information technology management plan adopted  
35 by the information technology executive council;

36 (5) coordinate implementation of new information technology among  
37 judicial agencies and with the executive and legislative chief information  
38 technology officers;

39 (6) designate the ownership of information resource processes and the  
40 lead agency for implementation of new technologies and networks shared  
41 by multiple agencies within the judicial branch of state government; and

42 (7) perform such other functions and duties as provided by law or as  
43 directed by the judicial administrator.

1 Sec. 5. K.S.A. 75-7208 is hereby amended to read as follows: 75-  
2 7208. The legislative chief information technology officer shall:

3 (a) Review and consult with each legislative agency regarding  
4 information technology plans, deviations from the state information  
5 technology architecture, information technology project estimates and  
6 information technology project changes and overruns submitted by such  
7 agency pursuant to K.S.A. 75-7209, and amendments thereto, to determine  
8 whether the agency has complied with *the*:

9 (1) ~~The~~ Information technology resource policies and procedures and  
10 project management methodologies adopted by the information technology  
11 executive council;

12 (2) ~~the~~ information technology architecture adopted by the  
13 information technology executive council;

14 (3) ~~the~~ standards for data management adopted by the information  
15 technology executive council; and

16 (4) ~~the~~ strategic information technology management plan adopted by  
17 the information technology executive council;

18 (b) report to the chief information technology architect all deviations  
19 from the state information architecture that are reported to the legislative  
20 information technology officer by legislative agencies;

21 (c) submit recommendations to the legislative coordinating council as  
22 to the technical and management merit of information technology ~~project~~  
23 ~~estimates projects~~ and information technology project changes and  
24 overruns submitted by legislative agencies *that are reportable* pursuant to  
25 K.S.A. 75-7209, and amendments thereto, ~~based on the determinations~~  
26 ~~pursuant to subsection (a)~~;

27 (d) monitor legislative agencies' compliance with *the*:

28 (1) ~~The~~ Information technology resource policies and procedures and  
29 project management methodologies adopted by the information technology  
30 executive council;

31 (2) ~~the~~ information technology architecture adopted by the  
32 information technology executive council;

33 (3) ~~the~~ standards for data management adopted by the information  
34 technology executive council; and

35 (4) ~~the~~ strategic information technology management plan adopted by  
36 the information technology executive council;

37 (e) coordinate implementation of new information technology among  
38 legislative agencies and with the executive and judicial chief information  
39 technology officers;

40 (f) designate the ownership of information resource processes and the  
41 lead agency for implementation of new technologies and networks shared  
42 by multiple agencies within the legislative branch of state government;

43 (g) serve as staff of the joint committee; and

1 (h) perform such other functions and duties as provided by law or as  
2 directed by the legislative coordinating council or the joint committee.

3 Sec. 6. K.S.A. 75-7209 is hereby amended to read as follows: 75-  
4 7209. (a) (1) Whenever an agency proposes an information technology  
5 project, such agency shall prepare and submit *information technology*  
6 *project documentation* to the chief information technology officer of the  
7 branch of state government of which the agency is a part of a project  
8 budget estimate therefor, and for each amendment or revision thereof, in  
9 accordance with this section. Each information technology project budget  
10 estimate shall be in such form as required by the director of the budget, in  
11 consultation with the chief information technology architect, and by this  
12 section. In each case, the agency shall prepare and include as a part of such  
13 project budget estimate a plan consisting of a written program statement  
14 describing the project. The program statement shall:

15 (1) ~~Include a detailed description of and justification for the project,~~  
16 ~~including: (A) An analysis of the programs, activities and other needs and~~  
17 ~~intended uses for the additional or improved information technology; (B) a~~  
18 ~~statement of project scope including identification of the organizations and~~  
19 ~~individuals to be affected by the project and a definition of the~~  
20 ~~functionality to result from the project; and (C) an analysis of the~~  
21 ~~alternative means by which such information technology needs and uses~~  
22 ~~could be satisfied;~~

23 (2) ~~describe the tasks and schedule for the project and for each phase~~  
24 ~~of the project, if the project is to be completed in more than one phase;~~

25 (3) ~~include a financial plan showing: (A) The proposed source of~~  
26 ~~funding and categorized expenditures for each phase of the project; and~~  
27 ~~(B) cost estimates for any needs analyses or other investigations,~~  
28 ~~consulting or other professional services, computer programs, data,~~  
29 ~~equipment, buildings or major repairs or improvements to buildings and~~  
30 ~~other items or services necessary for the project; and~~

31 (4) ~~include a cost-benefit statement based on an analysis of~~  
32 ~~qualitative as well as financial benefits. Such information technology~~  
33 ~~project documentation shall:~~

34 (A) ~~Include a financial plan showing the proposed source of funding~~  
35 ~~and categorized expenditures for each phase of the project and cost~~  
36 ~~estimates for any needs analyses or other investigations, consulting or~~  
37 ~~other professional services, computer programs, data, equipment,~~  
38 ~~buildings or major repairs or improvements to buildings and other items~~  
39 ~~or services necessary for the project; and~~

40 (B) ~~be consistent with:~~

41 (i) ~~Information technology resource policies and procedures and~~  
42 ~~project management methodologies for all state agencies;~~

43 (ii) ~~an information technology architecture, including~~

1 *telecommunications systems, networks and equipment, that covers all state*  
2 *agencies;*

3 *(iii) standards for data management for all state agencies; and*

4 *(iv) a strategic information technology management plan for the*  
5 *state.*

6 *(2) Any information technology project with significant business risk,*  
7 *as determined pursuant to the information technology executive council's*  
8 *policies, shall be presented to the joint committee on information*  
9 *technology by such branch chief information technology officer.*

10 ~~(b) (1) Before one or more state agencies proposing an information~~  
11 ~~technology project begin implementation of the project, the project plan,~~  
12 ~~including the architecture and the cost-benefit analysis, shall be approved~~  
13 ~~by the head of each state agency proposing the project and by the chief~~  
14 ~~information technology officer of each branch of state government of~~  
15 ~~which the agency or agencies are a part. Approval of those projects that~~  
16 ~~involve telecommunications services shall also be subject to the provisions~~  
17 ~~of K.S.A. 75-4709, 75-4710 and 75-4712, and amendments thereto.~~

18 ~~(2) All specifications for bids or proposals related to an approved~~  
19 ~~information technology project of one or more state agencies shall be~~  
20 ~~reviewed by the chief information technology officer of each branch of~~  
21 ~~state government of which the agency or agencies are a part. Prior to the~~  
22 ~~release of any request for proposal for an information technology project~~  
23 ~~with significant business risk:~~

24 *(A) Specifications for bids or proposals for such project shall be*  
25 *submitted to the chief information technology officer of the branch of state*  
26 *government of which the agency or agencies are a part. Information*  
27 *technology projects requiring chief information technology officer*  
28 *approval shall also require the chief information technology officer's*  
29 *written approval on specifications for bids or proposals; and*

30 *(B) (i) The chief information technology officer of the appropriate*  
31 *branch over the state agency or agencies that are involved in such project*  
32 *shall submit the project, the project plan, including the architecture, and*  
33 *the cost-benefit analysis to the joint committee on information technology*  
34 *to advise and consult on the project. Such chief information technology*  
35 *officer shall submit such information to each member of the joint*  
36 *committee and to the director of the legislative research department. Each*  
37 *such project plan summary shall include a notice specifying the date the*  
38 *summary was mailed or emailed. After receiving any such project plan*  
39 *summary, each member shall review the information and may submit*  
40 *questions, requests for additional information or request a presentation*  
41 *and review of the proposed project at a meeting of the joint committee. If*  
42 *two or more members of the joint committee contact the director of the*  
43 *legislative research department within seven business days of the date*

1 *specified in the summary description and request that the joint committee*  
2 *schedule a meeting for such presentation and review, then the director of*  
3 *the legislative research department shall notify the chief information*  
4 *technology officer of the appropriate branch, the head of such agency and*  
5 *the chairperson of the joint committee that a meeting has been requested*  
6 *for such presentation and review on the next business day following the*  
7 *members' contact with the director of the legislative research department.*  
8 *Upon receiving such notification, the chairperson shall call a meeting of*  
9 *the joint committee as soon as practicable for the purpose of such*  
10 *presentation and review and shall furnish the chief information technology*  
11 *officer of the appropriate branch and the head of such agency with notice*  
12 *of the time, date and place of the meeting. Except as provided in*  
13 *subsection (b)(1)(B)(ii), the state agency shall not authorize or approve*  
14 *the release of any request for proposal or other bid event for an*  
15 *information technology project without having first advised and consulted*  
16 *with the joint committee at a meeting.*

17 *(ii) The state agency or agencies shall be deemed to have advised*  
18 *and consulted with the joint committee about such proposed release of any*  
19 *request for proposal or other bid event for an information technology*  
20 *project and may authorize or approve such proposed release of any*  
21 *request for proposal or other bid event for an information technology*  
22 *project if:*

23 *(a) Fewer than two members of the joint committee contact the*  
24 *director of the legislative research department within seven business days*  
25 *of the date the project plan summary was mailed and request a committee*  
26 *meeting for a presentation and review of any such proposed request for*  
27 *proposal or other bid event for an information technology project; or*

28 *(b) a committee meeting is requested by at least two members of the*  
29 *joint committee pursuant to this paragraph, but such meeting does not*  
30 *occur within two calendar weeks of the chairperson receiving the*  
31 *notification from the director of the legislative research department of a*  
32 *request for such meeting.*

33 ~~(3)(2) (A) Agencies are prohibited from contracting with a vendor to~~  
34 ~~implement the project if that vendor prepared or assisted in the preparation~~  
35 ~~of the program statement required under subsection (a), the project~~  
36 ~~planning documents required under subsection (b)(1), or any other project~~  
37 ~~plans prepared prior to the project being approved by the chief information~~  
38 ~~technology officer as required under subsection (b)(1) by this section.~~

39 ~~(B) Information technology projects with an estimated cumulative~~  
40 ~~cost of less than \$5,000,000 are exempted from the provisions of~~  
41 ~~subparagraph (A).~~

42 ~~(C) The provisions of subparagraph (A) may be waived with prior~~  
43 ~~written permission from the chief information technology officer.~~

1 (c) Annually at the time specified by the chief information technology  
2 officer of the branch of state government of which the agency is a part,  
3 each agency shall submit to such officer:

4 (1) A copy of a three-year strategic information technology plan that  
5 sets forth the agency's current and future information technology needs  
6 and utilization plans for the next three ensuing fiscal years, in such form  
7 and containing such additional information as prescribed by the chief  
8 information technology officer; and

9 (2) any deviations from the state information technology architecture  
10 adopted by the information technology executive council.

11 (d) The provisions of this section shall not apply to the information  
12 network of Kansas (INK).

13 Sec. 7. K.S.A. 75-7210 is hereby amended to read as follows: 75-  
14 7210. ~~(a)~~ Not later than ~~October~~ *November* 1 of each year, the executive,  
15 judicial and legislative chief information technology officers shall submit  
16 to the joint committee and to the legislative research department all  
17 information technology project budget estimates and amendments and  
18 revisions thereto, all three-year plans and all deviations from the state  
19 information technology architecture submitted to such officers pursuant to  
20 K.S.A. 75-7209, and amendments thereto. ~~The legislative chief~~  
21 ~~information technology officer~~ *joint committee* shall review all such  
22 estimates and amendments and revisions thereto, plans and deviations and  
23 shall make recommendations to the ~~joint committee~~ *house standing*  
24 *committee on appropriations and the senate standing committee on ways*  
25 *and means* regarding the merit thereof and appropriations therefor.

26 ~~(b) The executive and judicial chief information technology officers~~  
27 ~~shall report to the legislative chief information technology officer, at times~~  
28 ~~agreed upon by the three officers:~~

29 ~~(1) Progress regarding implementation of information technology~~  
30 ~~projects of state agencies within the executive and judicial branches of~~  
31 ~~state government; and~~

32 ~~(2) all proposed expenditures for such projects, including all revisions~~  
33 ~~to such proposed expenditures, for the current fiscal year and for ensuing~~  
34 ~~fiscal years.~~

35 Sec. 8. K.S.A. 75-7211 is hereby amended to read as follows: 75-  
36 7211. (a) ~~The legislative chief information technology officer, under the~~  
37 ~~direction of the joint committee; shall monitor state agency execution of~~  
38 ~~reported information technology projects and, at times agreed upon by.~~  
39 *The joint committee shall require* the three chief information technology  
40 officers, ~~shall~~ *to* report progress regarding the implementation of such  
41 projects and all proposed expenditures therefor, including all revisions to  
42 such proposed expenditures for the current fiscal year and for ensuing  
43 fiscal years.

1 (b) *For information technology projects, the joint committee may:*

2 (1) *Require the head of a any state agency with primary responsibility*  
3 *for an information technology project ~~may authorize or approve, without~~*  
4 *~~prior consultation with the joint committee, any change in planned~~*  
5 *~~expenditures for an information technology project that would result in the~~*  
6 *~~total cost of the project being increased above the currently authorized cost~~*  
7 *~~of such project but that increases the total cost of such project by less than~~*  
8 *~~the lower of either \$1,000,000 or 10% of the currently authorized cost, and~~*  
9 *~~any change in planned expenditures for an information technology project~~*  
10 *~~involving a cost reduction, other than a change in the proposed use of any~~*  
11 *~~new or replacement information technology equipment or in the use of any~~*  
12 *~~existing information technology equipment that has been significantly~~*  
13 *~~upgraded to advise and consult on the status and progress of such~~*  
14 *~~information technology project, including revisions to expenditures for the~~*  
15 *~~current fiscal year and ensuing fiscal years; and~~*

16 (2) *report on the status and progress of such information technology*  
17 *projects to the senate standing committee on ways and means, the house of*  
18 *representatives standing committee on appropriations and the legislative*  
19 *budget committee.*

20 (c) *Prior to authorizing or approving any information technology*  
21 *project change or overrun, the head of a state agency with primary*  
22 *responsibility for ~~an such~~ information technology project shall ~~not~~*  
23 *~~authorize or approve, without first advising and consulting with the joint~~*  
24 *~~committee any information technology project change or overrun report~~*  
25 *~~all such information technology project changes or overruns to the joint~~*  
26 *~~committee through the chief information technology officer of the branch~~*  
27 *~~of state government of which the agency is a part pursuant to the~~*  
28 *~~information technology executive council's policy. The joint committee~~*  
29 *~~shall report all such changes and overruns to the senate standing~~*  
30 *~~committee on ways and means and, the house of representatives standing~~*  
31 *~~committee on appropriations and the legislative budget committee.~~*

32 Sec. 9. K.S.A. 75-7237 is hereby amended to read as follows: 75-  
33 7237. As used in K.S.A. 75-7236 through 75-7243, and amendments  
34 thereto:

35 (a) "Act" means the Kansas cybersecurity act.

36 (b) "Breach" or "breach of security" means unauthorized access of  
37 data in electronic form containing personal information. Good faith access  
38 of personal information by an employee or agent of an executive branch  
39 agency does not constitute a breach of security, provided that the  
40 information is not used for a purpose unrelated to the business or subject to  
41 further unauthorized use.

42 (c) "CISO" means the executive branch chief information security  
43 officer.

1 (d) "Cybersecurity" is the body of information technologies,  
2 processes and practices designed to protect networks, computers, programs  
3 and data from attack, damage or unauthorized access.

4 (e) "Cybersecurity positions" do not include information technology  
5 positions within executive branch agencies.

6 (f) "Data in electronic form" means any data stored electronically or  
7 digitally on any computer system or other database and includes  
8 recordable tapes and other mass storage devices.

9 (g) "Executive branch agency" means any agency in the executive  
10 branch of the state of Kansas, but does not include elected office agencies,  
11 the adjutant general's department, the Kansas public employees retirement  
12 system, regents' institutions, or the board of regents.

13 (h) "KISO" means the Kansas information security office.

14 (i) (1) "Personal information" means:

15 (A) An individual's first name or first initial and last name, in  
16 combination with at least one of the following data elements for that  
17 individual:

18 (i) Social security number;

19 (ii) driver's license or identification card number, passport number,  
20 military identification number or other similar number issued on a  
21 government document used to verify identity;

22 (iii) financial account number or credit or debit card number, in  
23 combination with any security code, access code or password that is  
24 necessary to permit access to an individual's financial account;

25 (iv) any information regarding an individual's medical history, mental  
26 or physical condition or medical treatment or diagnosis by a healthcare  
27 professional; or

28 (v) an individual's health insurance policy number or subscriber  
29 identification number and any unique identifier used by a health insurer to  
30 identify the individual; or

31 (B) a user name or email address, in combination with a password or  
32 security question and answer that would permit access to an online  
33 account.

34 (2) "Personal information" does not include information:

35 (A) About an individual that has been made publicly available by a  
36 federal agency, state agency or municipality; or

37 (B) that is encrypted, secured or modified by any other method or  
38 technology that removes elements that personally identify an individual or  
39 that otherwise renders the information unusable.

40 (j) *"State agency" means the same as defined in K.S.A. 75-7201, and*  
41 *amendments thereto.*

42 Sec. 10. K.S.A. 75-7239 is hereby amended to read as follows: 75-  
43 7239. (a) There is hereby established within and as a part of the office of

1 information technology services the Kansas information security office.  
2 The Kansas information security office shall be administered by the CISO  
3 and be staffed appropriately to effect the provisions of the Kansas  
4 cybersecurity act.

5 (b) For the purpose of preparing the governor's budget report and  
6 related legislative measures submitted to the legislature, the Kansas  
7 information security office, established in this section, shall be considered  
8 a separate state agency and shall be titled for such purpose as the "Kansas  
9 information security office." The budget estimates and requests of such  
10 office shall be presented as from a state agency separate from the  
11 ~~department of administration~~ *office of information technology services*,  
12 and such separation shall be maintained in the budget documents and  
13 reports prepared by the director of the budget and the governor, or either of  
14 them, including all related legislative reports and measures submitted to  
15 the legislature.

16 (c) Under direction of the CISO, the KISO shall:

17 (1) Administer the Kansas cybersecurity act;

18 (2) assist the executive branch in developing, implementing and  
19 monitoring strategic and comprehensive information security risk-  
20 management programs;

21 (3) facilitate executive branch information security governance,  
22 including the consistent application of information security programs,  
23 plans and procedures;

24 (4) using standards adopted by the information technology executive  
25 council, create and manage a unified and flexible control framework to  
26 integrate and normalize requirements resulting from applicable state and  
27 federal laws, and rules and regulations;

28 (5) facilitate a metrics, logging and reporting framework to measure  
29 the efficiency and effectiveness of state information security programs;

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

33 (7) assist in the development of executive branch agency  
34 cybersecurity programs ~~that are in~~ *to ensure* compliance with applicable  
35 state and federal laws and rules and regulations and standards adopted by  
36 the information technology executive council;

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

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

42 (10) assist in the development of plans and procedures to manage and  
43 recover business-critical services in the event of a cyberattack or other

1 disaster;

2 (11) assist executive branch agencies to create a framework for roles  
3 and responsibilities relating to information ownership, classification,  
4 accountability and protection;

5 (12) ensure a cybersecurity training program is provided to executive  
6 branch agencies at no cost to the agencies *awareness training program is*  
7 *made available to all branches of state government; and*

8 ~~(13) provide cybersecurity threat briefings to the information~~  
9 ~~technology executive council;~~

10 ~~(14) provide an annual status report of executive branch cybersecurity~~  
11 ~~programs of executive branch agencies to the joint committee on~~  
12 ~~information technology and the house committee on government,~~  
13 ~~technology and security; and~~

14 ~~(15) perform such other functions and duties as provided by law and~~  
15 ~~as directed by the CISO.~~

16 Sec. 11. K.S.A. 75-7240 is hereby amended to read as follows: 75-  
17 7240. (a) The executive branch agency heads shall:

18 ~~(a)(1)~~ Be solely responsible for security of all data and information  
19 technology resources under such agency's purview, irrespective of the  
20 location of the data or resources. Locations of data may include:

21 ~~(1)(A)~~ Agency sites;

22 ~~(2)(B)~~ agency real property;

23 ~~(3)(C)~~ infrastructure in state data centers;

24 ~~(4)(D)~~ third-party locations; and

25 ~~(5)(E)~~ in transit between locations;

26 ~~(b)(2)~~ ensure that an agency-wide information security program is in  
27 place;

28 ~~(e)(3)~~ designate an information security officer to administer the  
29 agency's information security program that reports directly to executive  
30 leadership;

31 ~~(d)(4)~~ participate in CISO-sponsored statewide cybersecurity program  
32 initiatives and services;

33 ~~(e)(5)~~ implement policies and standards to ensure that all the agency's  
34 data and information technology resources are maintained in compliance  
35 with applicable state and federal laws and rules and regulations;

36 ~~(f)(6)~~ implement appropriate cost-effective safeguards to reduce,  
37 eliminate or recover from identified threats to data and information  
38 technology resources;

39 ~~(g)(7)~~ include all appropriate cybersecurity requirements in the  
40 agency's request for proposal specifications for procuring data and  
41 information technology systems and services;

42 ~~(h)(1)(8)~~ (A) submit a cybersecurity ~~assessment~~ *self-assessment*  
43 report to the CISO by October 16 of each even-numbered year, including

1 an executive summary of the findings, that assesses the extent to which a  
 2 computer, a computer program, a computer network, a computer system, a  
 3 printer, an interface to a computer system, including mobile and peripheral  
 4 devices, computer software, or the data processing of the agency or of a  
 5 contractor of the agency is vulnerable to unauthorized access or harm,  
 6 including the extent to which the agency's or contractor's electronically  
 7 stored information is vulnerable to alteration, damage, erasure or  
 8 inappropriate use;

9 ~~(2)(B)~~ ensure that the agency conducts annual internal assessments of  
 10 its security program. Internal assessment results shall be considered  
 11 confidential and shall not be subject to discovery by or release to any  
 12 person or agency, outside of the KISO or CISO, *without authorization*  
 13 *from the executive branch agency director or head.* This provision  
 14 regarding confidentiality shall expire on July 1, 2023, unless the  
 15 legislature reviews and reenacts such provision pursuant to K.S.A. 45-229,  
 16 and amendments thereto, prior to July 1, 2023; and

17 ~~(3)(C)~~ prepare or have prepared a ~~summary~~ *financial summary*  
 18 *identifying cybersecurity expenditures addressing the findings* of the  
 19 ~~cybersecurity assessment self-assessment~~ report required in paragraph ~~(4)~~  
 20 ~~(8)(A)~~, excluding information that might put the data or information  
 21 resources of the agency or its contractors at risk and submit such report to  
 22 the house of representatives committee on ~~government, technology and~~  
 23 ~~security or its successor committee~~ *appropriations* and the senate  
 24 committee on ways and means;

25 ~~(i)~~ participate in annual agency leadership training to ensure  
 26 understanding of: (1) The information and information systems that  
 27 support the operations and assets of the agency; (2) The potential impact of  
 28 common types of cyberattacks and data breaches on the agency's  
 29 operations and assets; (3) how cyberattacks and data breaches on the  
 30 agency's operations and assets could impact the operations and assets of  
 31 other governmental entities on the state enterprise network; (4) how  
 32 cyberattacks and data breaches occur; (5) steps to be undertaken by the  
 33 executive director or agency head and agency employees to protect their  
 34 information and information systems; and (6) the annual reporting  
 35 requirements required of the executive director or agency head; and

36 ~~(j)(9)~~ ensure that if an agency owns, licenses or maintains  
 37 computerized data that includes personal information, confidential  
 38 information or information, the disclosure of which is regulated by law,  
 39 such agency shall, in the event of a breach or suspected breach of system  
 40 security or an unauthorized exposure of that information:

41 ~~(k)(A)~~ Comply with the notification requirements set out in K.S.A.  
 42 2022 Supp. 50-7a01 et seq., and amendments thereto, and applicable  
 43 federal laws and rules and regulations, to the same extent as a person who

1 conducts business in this state; and

2 ~~(2)(B)~~ not later than 48 hours after the discovery of the breach,  
3 suspected breach or unauthorized exposure, notify: ~~(A)(i)~~ The CISO; and  
4 ~~(B)(ii)~~ if the breach, suspected breach or unauthorized exposure involves  
5 election data, the secretary of state.

6 (b) *The director or head of each state agency shall:*

7 (1) *Participate in annual agency leadership training to ensure*  
8 *understanding of:*

9 (A) *The potential impact of common types of cyberattacks and data*  
10 *breaches on the agency's operations and assets;*

11 (B) *how cyberattacks and data breaches on the agency's operations*  
12 *and assets may impact the operations and assets of other governmental*  
13 *entities on the state enterprise network;*

14 (C) *how cyberattacks and data breaches occur; and*

15 (D) *steps to be undertaken by the executive director or agency head*  
16 *and agency employees to protect their information and information*  
17 *systems;*

18 (2) *ensure that all information technology login credentials are*  
19 *disabled the same day that any employee ends their employment with the*  
20 *state; and*

21 (3) *require that all employees with access to information technology*  
22 *receive a minimum of one hour of information technology security training*  
23 *per year.*

24 (c) (1) *The CISO, with input from the joint committee on information*  
25 *technology and the joint committee on Kansas security, shall develop a*  
26 *self-assessment report template for use under subsection (a)(8)(A). The*  
27 *most recent version of such template shall be made available to state*  
28 *agencies prior to July 1 of each even-numbered year. The CISO shall*  
29 *aggregate data from the self-assessments received under subsection (a)(8)*  
30 *(A) and provide a summary of such data to the joint committee on*  
31 *information technology and the joint committee on Kansas security.*

32 (2) *Self-assessment reports made to the CISO pursuant to subsection*  
33 *(a)(8)(A) shall be confidential and shall not be subject to the provisions of*  
34 *the Kansas open records act, K.S.A. 45-215 et seq., and amendments*  
35 *thereto. The provisions of this paragraph shall expire on July 1, 2028,*  
36 *unless the legislature reviews and reenacts this provision pursuant to*  
37 *K.S.A. 45-229, and amendments thereto, prior to July 1, 2028.*

38 Sec. 12. K.S.A. 75-7242 is hereby amended to read as follows: 75-  
39 7242. Information collected to effectuate this act shall be considered  
40 confidential by ~~the executive branch agency and CISO~~ *all state and local*  
41 *governmental organizations* unless all data elements or information that  
42 specifically identifies a target, vulnerability or weakness that would place  
43 the organization at risk have been redacted, including: (a) System

1 information logs; (b) vulnerability reports; (c) risk assessment reports; (d)  
2 system security plans; (e) detailed system design plans; (f) network or  
3 system diagrams; and (g) audit reports. The provisions of this section shall  
4 expire on July 1, 2023, unless the legislature reviews and reenacts this  
5 provision pursuant to K.S.A. 45-229, and amendments thereto, prior to  
6 July 1, 2023.

7 Sec. 13. K.S.A. 46-2102, 75-7201, 75-7205, 75-7206, 75-7208, 75-  
8 7209, 75-7210, 75-7211, 75-7237, 75-7239, 75-7240 and 75-7242 are  
9 hereby repealed.

10 Sec. 14. This act shall take effect and be in force from and after its  
11 publication in the statute book.