

Veterans, Military, and Security

N-1 Cybersecurity

A number of provisions related to cybersecurity have been considered in the Legislature in recent years, while several other states introduced and enacted cybersecurity measures of their own. An overview of these activities follows.

Recent Legislation

House Sub. for SB 56 (2018 Law)

House Sub. for SB 56 (2018) created the Kansas Cybersecurity Act (Act). The legislation established the position of Chief Information Security Officer (CISO) and the Kansas Information Security Office (KISO) within the Office of Information Technology Services (OITS) to administer the Act and perform various functions related to cybersecurity of executive branch agencies. The definition of “executive branch agency” excludes elected office agencies, the Kansas Public Employees Retirement System, Regents institutions, the Kansas Board of Regents, or the Adjutant General’s Department. Executive branch agency heads are solely responsible for security of all data and information technology resources under its purview through various measures and procedures. Executive branch agencies have the discretion to pay for cybersecurity services from existing budgets, from grants or other revenues, or through special assessments to offset costs. Any increase in fees or charges due to the Act, including cybersecurity fees charged by the KISO, are to be fixed by rules and regulations adopted by the agency and can only be used for cybersecurity.

Sub. for HB 2331 (2017)

Sub. for HB 2331 (2017) would have enacted the Representative Jim Morrison Cybersecurity Act. The bill was based on the previous year’s HB 2509 in that it would have created the KISO and established the position of CISO in statute. The bill would have also established the Kansas Information Technology Enterprise (KITE), which would have consolidated functions of OITS and transfer current OITS employees and officers to KITE.

The House Committee on Government, Technology, and Security introduced HB 2331 during the 2017 Legislative Session. The House Committee recommended a substitute bill be passed that would have included various amendments to the original contents

of 2017 HB 2331, as well as an amended version of 2017 HB 2359 (relating to the creation of KITE). After passing the House Committee of the Whole, the bill was referred to the Senate Committee on Ways and Means. The Senate Committee heard testimony on the bill but failed to take any further action during the 2017 Legislative Session.

HB 2509 (2016)

The House Committee on Vision 2020 introduced 2016 HB 2509, which would have given the Executive Branch chief information technology officer (CITO) authority to approve all information technology expenditures, established KISO within OITS, and designated a CISO within OITS. The bill passed out of committee and the House Committee of the Whole, but the Senate Committee on Commerce removed the contents of the bill and inserted provisions related to economic development programs.

Executive Branch Action

Executive Order 11-46

Governor Brownback issued Executive Order (EO) No. 46 on November 7, 2011. The EO directed all non-Regents executive branch agency information technology (IT) directors and all staff performing IT functions in all executive branch state agencies, departments, or other entities under the Governor’s jurisdiction to report directly to the executive CITO. The CITO would be directed and charged, in addition to the duties set forth in KSA 2018 Supp. 75-7205, to manage and order executive branch IT systems in a uniform, efficient, service-oriented, and cost-effective manner.

Cybersecurity Funding

The Governor recommended funding for cybersecurity in FY 2018 and FY 2019, as follows.

	FY 2018	FY 2019
State General Fund	\$1,877,493	\$3,754,985
All Other Funds	\$1,522,507	\$3,045,015
All Funds	\$3,400,000	\$6,800,000
FTE Positions	17	26

The 2017 Legislature approved cybersecurity funding at a lower level than the Governor’s recommendation, and for FY 2018 only.

	FY 2018
State General Fund	\$938,747
All Other Funds	\$1,522,507
All Funds	\$2,461,254
FTE Positions	17

The 2018 Legislature rejected the Governor’s recommended \$2.7 million appropriation for cybersecurity in FY 2019 and instead allocated those funds to IT modernization for FY 2019. OITS remains authorized to charge agencies a fee for cybersecurity-related services.

State Legislation

In 2018, 36 states, the District of Colombia, and Puerto Rico considered more than 265 bills or resolutions related to cybersecurity, while 14 states have enacted 31 bills related to cybersecurity. Categories of cybersecurity legislation include:

- Improving government security practices;
- Providing funding for cybersecurity programs and initiatives;
- Restricting public disclosure of sensitive security information; and
- Promoting workforce, training, and economic development.

For more information on other states, see <http://www.ncsl.org/research/telecommunications-and-information-technology/cybersecurity-legislation-2018.aspx>.

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