

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1881

Introduced by Assembly Member Chang
(Coauthor: Assembly Member Lackey)

February 10, 2016

An act to amend Section 11545 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as amended, Chang. Director of Technology: state baseline security controls.

Existing law establishes within the Government Operations Agency the Department of Technology, under the supervision of the Director of Technology, also known as the State Chief Information Officer. Existing law requires the director to, among other things, advise the Governor on the strategic management and direction of the state's information technology resources and provide technology direction to agency and department chief information officers to ensure the integration of statewide technology initiatives. Existing law further requires the director to produce an annual information technology performance report that assesses and measures the state's progress toward specified goals.

This bill would require the director to develop, tailor, and subsequently review and revise baseline security controls for the state based on *emerging industry standards* and baseline security controls published by the National Institute of Standards and Technology. The bill would

require state agencies to comply with, and prohibit state agencies from tailoring their individual baseline security controls to fall below, the state baseline security controls. The bill would require that the director’s annual information technology performance report also assess and measure the state’s progress toward developing, tailoring, and complying with the state baseline security controls.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11545 of the Government Code is
2 amended to read:

3 11545. (a) (1) There is in state government the Department
4 of Technology within the Government Operations Agency. The
5 Director of Technology shall be appointed by, and serve at the
6 pleasure of, the Governor, subject to Senate confirmation. The
7 Director of Technology shall supervise the Department of
8 Technology and report directly to the Governor on issues relating
9 to information technology.

10 (2) Unless the context clearly requires otherwise, whenever the
11 term “office of the State Chief Information Officer” or “California
12 Technology Agency” appears in any statute, regulation, or contract,
13 or any other code, it shall be construed to refer to the Department
14 of Technology, and whenever the term “State Chief Information
15 Officer” or “Secretary of California Technology” appears in any
16 statute, regulation, or contract, or any other code, it shall be
17 construed to refer to the Director of Technology.

18 (3) The Director of Technology shall be the State Chief
19 Information Officer.

20 (b) The duties of the Director of Technology shall include, but
21 are not limited to, all of the following:

22 (1) Advising the Governor on the strategic management and
23 direction of the state’s information technology resources.

24 (2) Establishing and enforcing state information technology
25 strategic plans, policies, standards, and enterprise architecture.
26 This shall include the periodic review and maintenance of the
27 information technology sections of the State Administrative
28 Manual, except for sections on information technology procurement
29 procedures, and information technology fiscal policy. The Director

1 of Technology shall consult with the Director of General Services,
2 the Director of Finance, and other relevant agencies concerning
3 policies and standards these agencies are responsible to issue as
4 they relate to information technology.

5 (3) Minimizing overlap, redundancy, and cost in state operations
6 by promoting the efficient and effective use of information
7 technology.

8 (4) Providing technology direction to agency and department
9 chief information officers to ensure the integration of statewide
10 technology initiatives, compliance with information technology
11 policies and standards, and the promotion of the alignment and
12 effective management of information technology services. Nothing
13 in this paragraph shall be deemed to limit the authority of a
14 constitutional officer, cabinet agency secretary, or department
15 director to establish programmatic priorities and business direction
16 to the respective agency or department chief information officer.

17 (5) Working to improve organizational maturity and capacity
18 in the effective management of information technology.

19 (6) Establishing performance management and improvement
20 processes to ensure state information technology systems and
21 services are efficient and effective.

22 (7) Approving, suspending, terminating, and reinstating
23 information technology projects.

24 (8) Performing enterprise information technology functions and
25 services, including, but not limited to, implementing Geographic
26 Information Systems (GIS), shared services, applications, and
27 program and project management activities in partnership with the
28 owning agency or department.

29 (9) Developing and tailoring baseline security controls for the
30 state based on *emerging industry standards and* baseline security
31 controls published by the National Institute of Standards and
32 Technology (NIST). The Director of Technology shall review and
33 revise the state baseline security controls whenever the NIST
34 updates its baseline security controls *or advancing industry*
35 *standards warrant* but, in no event, less frequently than once every
36 ~~three years~~ *year*. State agencies shall comply with the state
37 baseline security controls and shall not tailor their individual
38 baseline security controls to fall below the state baseline security
39 controls.

1 (c) The Director of Technology shall produce an annual
2 information technology strategic plan that shall guide the
3 acquisition, management, and use of information technology. State
4 agencies shall cooperate with the department in the development
5 of this plan, as required by the Director of Technology.

6 (1) Upon establishment of the information technology strategic
7 plan, the Director of Technology shall take all appropriate and
8 necessary steps to implement the plan, subject to any modifications
9 and adjustments deemed necessary and reasonable.

10 (2) The information technology strategic plan shall be submitted
11 to the Joint Legislative Budget Committee by January 15 of every
12 year.

13 (d) The Director of Technology shall produce an annual
14 information technology performance report that shall assess and
15 measure the state's progress toward enhancing information
16 technology human capital management; reducing and avoiding
17 costs and risks associated with the acquisition, development,
18 implementation, management, and operation of information
19 technology assets, infrastructure, and systems; improving energy
20 efficiency in the use of information technology assets; enhancing
21 the security, reliability, and quality of information technology
22 networks, services, and systems; developing, tailoring, and
23 complying with state baseline security controls; and improving
24 the information technology procurement process. The department
25 shall establish those policies and procedures required to improve
26 the performance of the state's information technology program.

27 (1) The department shall submit an information technology
28 performance management framework to the Joint Legislative
29 Budget Committee by May 15, 2009, accompanied by the most
30 current baseline data for each performance measure or metric
31 contained in the framework. The information technology
32 performance management framework shall include the performance
33 measures and targets that the department will utilize to assess the
34 performance of, and measure the costs and risks avoided by, the
35 state's information technology program. The department shall
36 provide notice to the Joint Legislative Budget Committee within
37 30 days of making changes to the framework. This notice shall
38 include the rationale for changes in specific measures or metrics.

1 (2) State agencies shall take all necessary steps to achieve the
2 targets set forth by the department and shall report their progress
3 to the department on a quarterly basis.

4 (3) Notwithstanding Section 10231.5, the information
5 technology performance report shall be submitted to the Joint
6 Legislative Budget Committee by January 15 of every year. To
7 enhance transparency, the department shall post performance
8 targets and progress toward these targets on its public Internet Web
9 site.

10 (4) The department shall at least annually report to the Director
11 of Finance cost savings and avoidances achieved through
12 improvements to the way the state acquires, develops, implements,
13 manages, and operates state technology assets, infrastructure, and
14 systems. This report shall be submitted in a timeframe determined
15 by the Department of Finance and shall identify the actual savings
16 achieved by each office, department, and agency. Notwithstanding
17 Section 10231.5, the department shall also, within 30 days, submit
18 a copy of that report to the Joint Legislative Budget Committee,
19 the Senate Committee on Appropriations, the Senate Committee
20 on Budget and Fiscal Review, the Assembly Committee on
21 Appropriations, and the Assembly Committee on Budget.

22 (e) If the Governor's Reorganization Plan No. 2 of 2012
23 becomes effective, this section shall prevail over Section 186 of
24 the Governor's Reorganization Plan No. 2 of 2012, regardless of
25 the dates on which this section and that plan take effect, and this
26 section shall become operative on July 1, 2013.