Session of 2026

House Substitute for SENATE BILL No. 51

By Committee on Legislative Modernization

3-12

AN ACT concerning information technology; relating to services provided by the chief information technology officer; authorizing the chief information security officer to receive audit reports; authorizing the office of information technology services to provide certain services to political subdivisions and hospitals; amending K.S.A. 46-1135, 75-4704, 75-4705, 75-4709 and 75-4714 and K.S.A. 2025 Supp. 75-7205 and repealing the existing sections.

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

New Section 1. (a) The executive chief information technology officer may enter into an agreement with an entity to extend to such entity the use of state information technology or cybersecurity services under the control of the executive chief information technology officer.

(b) As used in this section, "entity" means:

(1) Any governmental unit, including, but not limited to, any state agency, taxing subdivision of the state or municipality; or

(2) any hospital or nonprofit corporation that the executive chief information technology officer determines is performing any state function on an ongoing basis through agreement or otherwise or any function that will assist a governmental unit in attaining an objective or goal.

Sec. 2. K.S.A. 46-1135 is hereby amended to read as follows: 46-1135. (a) The legislative division of post audit shall conduct information technology audits as directed by the legislative post audit committee. Audit work performed under this section may include:

(1) Assessment of security practices of information technology systems maintained or administered by any state agency or any entity subject to audit under the provisions of K.S.A. 46-1114(c), and amendments thereto; and

(2) continuous audits of ongoing information technology projects by any state agency or any entity subject to audit under the provisions of K.S.A. 46-1114(c), and amendments thereto, including systems development and implementation.

(b) Written reports on the results of such auditing shall be furnished to:

(1) The entity which is being audited;

(2) the chief information technology officer *and chief information*

security officer of the branch of government that the entity being audited is *a* part of;

(3) (A) the governor, if the entity being audited is an executive branch entity;

(B) the legislative coordinating council, if the entity being audited is a legislative entity; or

(C) the chief justice of the Kansas supreme court, if the entity being audited is a judicial entity;

(4) the legislative post audit committee;

(5) the joint committee on information technology; and

(6) such other persons or agencies as may be required by law or by the specifications of the audit or as otherwise directed by the legislative post audit committee.

(c) The provisions of K.S.A. 46-1106(e), and amendments thereto, shall apply to any audit or audit work conducted pursuant to this section.

(d) This section shall be *a* part of and supplemental to the legislative post audit act.

Sec. 3. K.S.A. 75-4704 is hereby amended to read as follows: 75-4704. Under the supervision of the executive chief information technology officer, the office of information technology services shall provide data processing and application hosting *and cloud* services for other *executive branch* divisions, departments and agencies of the state, and shall make charges for such services in accordance with the cost system established under K.S.A. 75-4703, and amendments thereto. The furnishing of data processing services and application hosting by the office of information technology services shall be a transaction to be settled in accordance with the provisions of K.S.A. 75-5516, and amendments thereto. All receipts for sales of services shall be deposited in the information technology fund created under K.S.A. 75-4715, and amendments thereto. The provisions of K.S.A. 75-4215, and amendments thereto, shall apply to the information technology fund to the extent not in conflict with this act.

Sec. 4. K.S.A. 75-4705 is hereby amended to read as follows: 75-4705. (a) Central processing of data by computer *and cloud computing*, for all *executive branch* divisions, departments and agencies of the state shall be performed by the office of information technology services under the supervision of the executive chief information technology officer. No other division, department or agency of the state shall perform central processing computer functions or control or possess any central processing unit of a computer, except as otherwise provided in this section.

(b) With the approval of the executive chief information technology officer, any *executive branch* division, department or agency of the state may possess and operate central processing units of a computer if the same are adjunct to the central processing computer unit or units of the office of

information technology services.

(c) *Infrastructure as a service and platform as a service cloud computing services within the executive branch shall be performed by or contracted for through the office of information technology services. Software as a service applications shall be registered and inventoried with the office of information technology services.*

(d) Any procurement of central processing units or distributed computing equipment with a cost of $75,000 or more by an executive branch division, department or agency shall be approved by the executive branch chief information technology officer.

(e) Data to be centrally processed by the office of information technology services shall be prepared for such processing by the division, department or agency of the state requesting the same to be processed in accordance with rules and regulations adopted by the executive chief information technology officer as provided in K.S.A. 75-4703, and amendments thereto. Programs for processing the data of any division, department or agency of the state shall be prepared by such division, department or agency of the state in accordance with standards prescribed by rules and regulations adopted by the executive chief information technology officer as provided in K.S.A. 75-4703, and amendments thereto. Notwithstanding the other provisions of this subsection, the office of information technology services shall prepare data or programs, or provide technical consultation, when a division, department or agency of the state requests such service of the office of information technology services and the executive chief information technology officer.

~~(d)~~*(f)* This section shall not apply to the universities under the jurisdiction and control of the state board of regents.

Sec. 5. K.S.A. 75-4709 is hereby amended to read as follows: 75-4709. (a) The executive chief information technology officer shall provide for and coordinate all telecommunications services for all divisions, departments and agencies of the state pursuant to policies established by the information technology executive council. The executive chief information technology officer shall have the authority to control the acquisition, retention and use of all telecommunications services for all divisions, departments and agencies of the state, and to develop and review plans and specifications for telecommunications services throughout the state. *The executive chief information technology officer may authorize a division, department or agency to procure its own telecommunications services if such procurement is compatible with the office of information technology services telecommunication services.*

(b) *(1)* The executive chief information technology officer, when feasible, may enter into agreements with any entity defined in this subsection extending to such entity the use of state intercity

telecommunications facilities and services under the control of the executive chief information technology officer.

(2) As used in this subsection, an "entity" means:

~~(1)~~*(A)* Any governmental unit, including any state agency, taxing subdivision of the state or municipality; or

~~(2)~~*(B)* any hospital or nonprofit corporation which the executive chief information technology officer determines to be performing any state function on an ongoing basis through agreement or otherwise, or any function which will assist a governmental unit in attaining an objective or goal, bearing a valid relationship to powers and functions of such unit.

(c) Every record made, maintained or kept by the secretary of administration or the division of information systems and communications, prior to the effective date of this act, shall be maintained or kept by the executive chief information technology officer or the office of information technology services, or any agency or instrumentality thereof, which relates to the acquisition, retention or use of telecommunications services provided to any division, department or agency of the state, state officer or governmental unit and which pertains to individually identifiable individuals using such telecommunication services shall constitute for purposes of the open records act a record of the division, department or agency of the state, state officer or governmental unit to which such records relate. The official custodian of such records for the purposes of the open records act shall be the official custodian of the records of such division, department or agency of the state, state officer or governmental unit.

Sec. 6. K.S.A. 75-4714 is hereby amended to read as follows: 75-4714. Except as otherwise provided by law and subject to the provisions of appropriations acts relating thereto~~,~~*:*

(a) All fees and charges imposed by the executive chief information technology officer for telecommunications *or information technology* services provided or contracted for by the executive chief information technology officer shall be deposited in the state treasury and credited to the information technology fund*; and*

(b) all fees and charges imposed by the executive chief information technology officer for cybersecurity services provided or contracted for by the executive chief information technology officer shall be deposited in the state treasury and credited to the information technology security fund.

Sec. 7. K.S.A. 2025 Supp. 75-7205 is hereby amended to read as follows: 75-7205. (a) There is hereby established within and as a part of the office of information technology services the position of executive chief information technology officer. The executive chief information technology officer shall be in the unclassified service under the Kansas civil service act, shall be appointed by the governor, and shall receive

compensation in an amount fixed by the governor. The executive chief information technology officer shall maintain a presence in any cabinet established by the governor and shall report to the governor.

(b) The executive chief information technology officer shall:

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

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

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

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

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

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

(3) submit recommendations to the division of the budget as to the technical and management merit of information technology projects and information technology project changes and overruns submitted by executive agencies that are reportable pursuant to K.S.A. 75-7209, and amendments thereto;

(4) monitor executive agencies' compliance with:

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

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

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

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

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

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

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

(8) consult with the appropriate legal counsel on topics related to confidentiality of information, the open records act, K.S.A. 45-215 et seq., and amendments thereto, the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto, and any other legal matter related to information technology;

(9) ensure that each executive agency has the necessary information technology and cybersecurity staff imbedded within the agency to accomplish the agency's duties;

(10) maintain all third-party data centers at locations within the United States or with companies that are based in the United States; ~~and~~

(11) create a database of all electronic devices within the branch and ensure that each device is inventoried, cataloged and tagged within an inventory device*;*

(12) prepare and lead the implementation of a strategic direction and enterprise direction for information technology for the executive branch;

(13) establish standards and policies for the consistent and efficient operation of information technology services throughout the executive branch; and

(14) analyze the expenditures made by executive branch agencies on information technology projects to identify opportunities and efficiencies.

(c) An employee of the office of information technology services shall not disclose confidential information of an executive agency.

(d) The executive chief information technology officer may make a request to the adjutant general to permit the Kansas national guard in a state active duty capacity to perform vulnerability assessments or other assessments of the branch for the purpose of enhancing security. During such vulnerability assessments, members performing the assessment shall, to the extent possible, ensure that no harm is done to the systems being assessed. The executive chief information technology officer shall notify the executive agency that owns the information systems being assessed about such assessment and coordinate to mitigate the security risk.

Sec. 8. K.S.A. 46-1135, 75-4704, 75-4705, 75-4709 and 75-4714 and K.S.A. 2025 Supp. 75-7205 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.