

HOUSE BILL No. 2634

By Committee on Utilities

1-15

AN ACT concerning telecommunications facilities and services of certain state agencies; amending K.S.A. 2001 Supp. 75-4709 and repealing the existing section.

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

Section 1. K.S.A. 2001 Supp. 75-4709 is hereby amended to read as follows: 75-4709. (a) The secretary of administration 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 secretary of administration 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.

(b) The secretary of administration, 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 secretary.

As used in this subsection, an "entity" means:

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

(2) any hospital or ~~nonprofit~~ corporation, *whether or not for profit*, which the secretary determines to be performing any state function on an ongoing basis through *contract*, 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, 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

1 of such records for the purposes of the open records act shall be the
2 official custodian of the records of such division, department or agency
3 of the state, state officer or governmental unit.

4 Sec. 2. K.S.A. 2001 Supp. 75-4709 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its
6 publication in the statute book.

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