

Approved 5-6-92
Date

MINUTES OF THE House COMMITTEE ON Computers, Communications & Technology

The meeting was called to order by George Dean at
Chairperson

12:00 ~~am~~/p.m. on February 20, 1992 in room 529-S of the Capitol.

All members were present except:

Representative McKechnie - Excused
Representative Patrick - Excused

Committee staff present:

Julian Efird, Research
Jim Wilson, Revisor
Diane Duffy, Research
Donna Stadel, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list.

Chairman Dean opened the meeting directing the committee's attention to minutes of January 29th and January 30th meetings. Rep. Rock moved to approve minutes. Seconded by Rep. Pauls. Motion carried.

Chairman Dean announced all bills are to be out of committee by March 6, and today's meeting will be primarily the introduction of bills.

Following discussion of Page 3, "be it resolved," section, of draft introducing concurrent resolution (attachment 1), urging the Secretary of Administration to complete a needs analysis of the personnel and payroll functions of the Department of Administration, including development of alternative solutions, Rep. Mead moved to introduce the resolution. Seconded by Rep. Pauls. Motion carried.

Revisor Jim Wilson reviewed draft of (attachment 2), concerning acquisition of data processing equipment and services for state agencies; requiring needs analyses; prescribing powers, duties and functions for the secretary of administration; amending K.S.A. 75-37,102, 75-4706 AND 75-4707 and repealing the existing sections. Rep. Pauls moved to introduce bill. Seconded by Rep. Kline. Motion carried.

Draft was reviewed of (attachment 3), defining cable television service companies as public utilities subject to jurisdiction of the state corporation commission; authorizing certain rules and regulations; amending K.S.A. 66-104 and repealing the existing section. Rep. Mead moved to introduce bill. Seconded by Rep. Rock. Motion carried.

Following review of Bill draft (attachment 4) and discussion, Rep. Pauls moved to introduce said Bill concerning state officers and employees; relating to certain alcohol and drug testing procedures; amending K.S.A. 75-4362 AND 75-4363 and repealing the existing sections. Seconded by Rep. Mead. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Computers, Communications & Technology
room 529-S, Statehouse, at 12:00 ~~a.m.~~/p.m. on February 20, 1992.

Final item for consideration was Concurrent Resolution as discussed in yesterdays meeting of February 19, urging the Kansas Supreme Court to conduct a thorough needs analysis for the Unified Judicial Branch for the purposed of a Judicial Branch Information System which is consistent and compatible with and which produces data that is directly useable by the information systems of other state agencies that are required to receive information from or exchange information with the Judicial Branch Information System. Rep. Rock moved to draft and introduce resolution. Seconded by Rep. Pauls. Motion carried.

With no further business, the meeting was adjourned until Wednesday, February 26, 1992.

MEMBERS COPY

HOUSE CONCURRENT RESOLUTION NO. 5050

By Committee on Computers, Communications and Technology

A CONCURRENT RESOLUTION urging the Secretary of Administration to complete a needs analysis of the personnel and payroll functions of the Department of Administration, including development of alternative solutions.

WHEREAS, Legislative review of the Kansas Financial Information Systems (KFIS), conducted during the 1991 session by committees and subcommittees of both the House of Representatives and the Senate, raised serious concerns about the inability of the Department of Administration to complete the KFIS project on time and within the budget; and

WHEREAS, As a result of the foregoing, the Legislative Division of Post Audit was directed to undertake a performance audit of the KFIS project, and to report its findings and recommendations regarding KFIS for review by the Legislature during the 1992 session; and

WHEREAS, The House Committee on Computers, Communications and Technology, having reviewed the performance audit report Examining Problems Implementing the Kansas Financial Information Systems (KFIS), concurs with the following findings and recommendations:

1. In fiscal year 1988, the Department of Administration decided to purchase automated purchasing software; the Department later contracted with Peat Marwick and Main to provide four individual but integrated software systems for the state's accounting, personnel and payroll, fixed asset accounting and purchasing systems; the new systems which were to comprise KFIS are the Statewide Accounting and Reporting System (STARS), the Kansas Automated Human Resource System (KAHRS), the Advanced Purchasing and Inventory Control System (ADPICS) and the Fixed Asset Accounting Control System (FAACS); currently, the new

House CCT
Attachment 1
2-20-92

accounting system (STARS) is the only one of the four systems to be performing services;

2. Initial planning is an essential step in developing or purchasing computer software; because computer software is so complex, a system design methodology generally is used to systematically organize the process of acquiring or developing the needed computer software; this step includes a thorough analysis of the agency's present operations, the reports the agency currently uses, and the agency's work processes, as well as an assessment of the users' problems, objectives, and requirements; in many cases, agencies hire a consultant to perform this step;

3. The most important factor causing problems in this software project was that the Department of Administration did not conduct a needs analysis before the Department purchased the software programs; this lack of planning led to most of the KFIS project's problems;

4. The primary options available to the department of Administration are to either complete the new personnel and payroll system (KAHRS) or to correct the problems with the current Kansas Integrated Personnel and Payroll System (KIPPS); before deciding, the Department must first determine whether the new software system (KAHRS) will meet the needs of the Department and the Department must consider the cost implications of various options; the decision to complete the purchasing system (ADPICS) should be based on the operating costs of the system and how close ADPICS is to being completed; and

5. The most critical decision facing the Department of Administration and the Legislature regarding this software project is what to do with the personnel and payroll system (KAHRS); a second critical decision concerns whether to complete the purchasing system (ADPICS); because of the importance of a satisfactory personnel and payroll system to the state's central

operations, and because of the apparent problems in the existing personnel and payroll system (KIPPS), something must be done to address the State's long-term personnel and payroll needs; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Secretary of Administration is urged to complete a thorough needs analysis of the personnel and payroll functions of the Department of Administration before making any decision about what to do in regard to the personnel and payroll system;

Be it further resolved: That the Secretary of Administration is also urged, when developing alternative solutions, to take into account whether to include the state educational institutions under the supervision and control of the State Board of Regents within the personnel and payroll system of the Department of Administration and whether to operate two separate mainframe computers within the central data processing activities of the Division of Information Systems and Communications of the Department of Administration;

Be it further resolved: That the Secretary of Administration is also urged to present a timetable to the Legislature for conducting such needs analysis, including and developing alternative solutions to the problems with the existing state personnel and payroll system, and to convey a request for funding of the needs analysis and these activities if additional costs are anticipated.

HOUSE BILL NO. 2088

By Committee on Computers, Communications and Technology

AN ACT concerning acquisition of data processing equipment and services for state agencies; requiring needs analyses; prescribing powers, duties and functions for the secretary of administration; amending K.S.A. 75-37,102, 75-4706 and 75-4707 and repealing the existing sections.

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

New Section 1. (a) Prior to acquisition of any data processing equipment, data processing products or data processing services, or any combination thereof, or for a data processing system development project, the state agency or state agencies for which such acquisition is proposed or for which the data processing system development project is to be undertaken, shall prepare a written needs analysis which has been approved by the secretary of administration. Each needs analysis for a data processing system development project shall include an analysis of the present system, a requirements definition, a description of the anticipated benefits, project recommendations and supporting data and appendices and shall be prepared in accordance with guidelines, standards, policies and procedures prescribed by the secretary of administration in accordance with this section.

(b) Each such needs analysis shall be submitted to the secretary of administration for review and approval. If the secretary of administration finds that a needs analysis is incomplete or has not otherwise been prepared as required pursuant to this section, it shall not be approved until the deficiencies have been corrected.

(c) The secretary of administration shall prescribe guidelines, standards, policies and procedures for needs analyses

House CCT
Attachment 2
2-20-92

for acquisition of data processing equipment, data processing products or data processing services, or any combination thereof, or for data processing system development projects and for the conduct, monitoring and evaluation of the data processing system development projects.

(d) In addition to the powers and duties, the secretary of administration shall monitor the activities and performance of state agencies, vendors, service providers, consultants and all other entities involved in each data processing system development project and may stop all or any part of any work under the data processing system development project if the secretary determines that such work does not comply with requirements under contracts entered into therefor. If the secretary of administration stops all or any part of any work under a data processing system development project, the secretary may suspend or withhold payments for such work in accordance with such contracts.

(e) The secretary of administration may adopt rules and regulations for the administration of this section.

(f) As used in this section:

(1) "Data processing system development project" means any project undertaken to establish, develop, replace or modify any data processing system for one or more state agencies which includes the acquisition, development, replacement, modification, installation, programming or reprogramming of any data processing equipment, products or services, or any combination of such activities for such purpose.

(2) "Data processing equipment" includes all computers and other data processing units and auxiliary equipment.

(3) "Data processing products" includes all computer and data processing programs and systems and does not include any operations or maintenance supplies.

(4) "Data processing services" means all services that may be required for a data processing system development project,

including operating, maintaining, programming, planning, analyzing and consulting services, and includes any of such services that may be required for the data processing operations of a state agency.

(5) "Acquisition" includes any leasing, causing to be leased, purchasing, contracting for, issuing a letter of intent to contract for, or causing to be installed.

(6) "State agency" has the meaning ascribed thereto by K.S.A. 75-3701 and amendments thereto.

Sec. 2. K.S.A. 75-37,102 is hereby amended to read as follows: 75-37,102. (a) Upon request of the chief administrative officer of a state agency and subject to the approval of the secretary of administration, the director of purchases may convene a procurement negotiating committee to obtain services or technical products for the state agency.

(b) Each procurement negotiating committee shall be composed of: (1) The director of purchases, or a person designated by the director; (2) the chief administrative officer of the state agency desiring to make the procurement, or a person designated by the officer; and (3) the secretary of administration, or a person designated by the secretary.

(c) The negotiating committee is authorized to negotiate for the procuring state agency contracts with qualified parties to provide services or technical products needed by the state agency.

(d) Prior to negotiating for the procurement, a notice to bidders first shall be published in the Kansas register. Upon receipt of bids or proposals, the committee may negotiate with one or more of the firms submitting bids or proposals and select from among those submitting such bids or proposals the party to contract with to provide the services or technical products.

(e) Contracts entered into pursuant to this section shall not be subject to the provisions of K.S.A. 75-3738 through 75-3740a and amendments thereto. Meetings to conduct

negotiations pursuant to this section shall not be subject to the provisions of K.S.A. 75-4317 through 75-4320a and amendments thereto. The director of purchases shall submit a report at least once in each calendar quarter to the legislative coordinating council and the chairpersons of the senate committee on ways and means and the house of representatives committee on appropriations of all contracts entered into pursuant to this section.

(f) Nothing in this section shall be construed as requiring either negotiations pursuant to this section or bids pursuant to K.S.A. 75-3739 and amendments thereto for the procurement of professional services or services for which, in the judgment of the director of purchases, meaningful specifications cannot be determined.

(g) A procurement negotiating committee may be convened for acquisition of any data processing equipment, data processing products or data processing services, or any combination thereof, or for a data processing system development project only if a needs analysis has been prepared and approved therefor under section 1 and amendments thereto. All negotiations for any such acquisition or data processing system development project shall be based upon specifications prepared in accordance with the needs analysis and approved by the secretary of administration. The words and phrases used in this subsection have the meanings ascribed thereto by section 1 and amendments thereto.

Sec. 3. K.S.A. 75-4706 is hereby amended to read as follows: 75-4706. (a) No state agency, as defined in K.S.A. 75-3701 and amendments thereto, shall lease, cause to be leased, purchase, contract for, issue a letter of intent to contract for or cause to be installed, any data processing equipment, including auxiliary equipment or any data processing programs or systems, without the prior approval of the secretary of administration or specific legislative authorization and the prior preparation and approval of a needs analysis under section 1 and amendments

thereto. The director of accounts and reports shall not issue any warrant in payment for any lease or purchase contract for any data processing equipment, programs and systems acquired without such prior approval or authorization and the prior preparation and approval of such needs analysis.

(b) All specifications for bids for acquisition of the data processing equipment, including auxiliary equipment and data processing programs and systems, shall be prepared by the director of information systems and communications, under the supervision of the secretary of administration and in accordance with the needs analysis prepared and approved under section 1 and amendments thereto. This subsection shall not apply to universities under the jurisdiction and control of the state board of regents or to the Kansas lottery.

Sec. 4. K.S.A. 75-4707 is hereby amended to read as follows: 75-4707. Notwithstanding the provisions of K.S.A. 75-3738 and 75-3739 and amendments thereto, state agencies using data processing equipment under lease are hereby authorized to enter into contracts with leasing service companies for purchase by the agency of such equipment with nonstate funds furnished by such leasing service companies and transfer of title to such equipment by the agency to such leasing service company for lease back to the agency. A needs analysis shall be prepared and approved under section 1 and amendments thereto prior to entering into any such contract. Any such contract shall first be approved by the secretary of administration.

Sec. 5. K.S.A. 75-37,102, 75-4706 and 75-4707 are hereby repealed.

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

HOUSE BILL NO. 3089

By Committee on Computers, Communications and Technology

AN ACT defining cable television service companies as public utilities subject to jurisdiction of the state corporation commission; authorizing certain rules and regulations; amending K.S.A. 66-104 and repealing the existing section.

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

New Section 1. The state corporation commission is hereby authorized to adopt such rules and regulations as may be necessary to be in conformance with the federal cable communications policy act of 1984 public law 98-549, and any other federal communications law in effect on the effective date of this act relating to the state corporation commission regulating cable television service companies as public utilities. Nothing in this act shall be construed as invalidating any present rules or regulations of the state corporation commission.

Sec. 2. K.S.A. 66-104 is hereby amended to read as follows: 66-104. The term "public utility," as used in this act, shall be construed to mean every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages in or through any part of the state, or the conveyance of oil and gas through pipelines in or through any part of the state, except pipelines less than ~~fifteen-(15)~~ 15 miles in length and not operated in connection with or for the general commercial supply of gas or oil, or for the operation of any trolley lines, street, electrical or motor railway doing business in any county in the state, ~~also~~ or for the furnishing of cable television services in this state and all

House CCT
Attachment-3
2-20-92

dining car companies doing business within the state, and all companies for the production, transmission, delivery or furnishing of heat, light, water or power. No cooperative, cooperative society, nonprofit or mutual corporation or association which is engaged solely in furnishing telephone service to subscribers from one telephone line without owning or operating its own separate central office facilities, shall be subject to the jurisdiction and control of the commission as provided herein, except that it shall not construct or extend its facilities across or beyond the territorial boundaries of any telephone company or cooperative without first obtaining approval of the commission. As used herein, the term "transmission of telephone messages" shall include the transmission by wire or other means of any voice, data, signals or facsimile communications, including all such communications now in existence or as may be developed in the future.

The term "public utility" shall also include that portion of every municipally owned or operated electric or gas utility located outside of and more than three (3) miles from the corporate limits of such municipality, but nothing in this act shall apply to a municipally owned or operated utility, or portion thereof, located within the corporate limits of such municipality or located outside of such corporate limits but within three (3) miles thereof except as provided in K.S.A. 66-131a and amendments thereto.

Except as herein provided, the power and authority to control and regulate all public utilities and common carriers situated and operated wholly or principally within any city or principally operated for the benefit of such city or its people, shall be vested exclusively in such city, subject only to the right to apply for relief to the corporation commission as ~~hereinafter~~ provided in K.S.A. 66-133 and amendments thereto and to the provisions of K.S.A. 66-131a and amendments thereto. A transit system principally engaged in rendering local transportation service in and between contiguous cities in this and another

state by means of street railway, trolley bus and motor bus lines, or any combination thereof, shall be deemed to be a public utility as that term is used in this act and, as such, shall be subject to the jurisdiction of the commission.

Sec. 3. K.S.A. 66-104 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

HEATERS COPY

HOUSE BILL NO. 3090

By Committee on Computers, Communications and Technology

AN ACT concerning state officers and employees; relating to certain alcohol and drug testing procedures; amending K.S.A. 75-4362 and 75-4363 and repealing the existing sections.

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

Section 1. K.S.A. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor or attorney general and for applicants for safety sensitive positions in state government, but no applicant for such a position shall be required to submit to a test as a part of such program unless the applicant is first given a conditional offer of employment. The director also shall have the authority to establish and implement a drug screening program for persons currently holding the office of governor, lieutenant governor or attorney general or safety sensitive positions in state government, based upon reasonable suspicion of illegal drug use by any such person. In addition to chemical and other laboratory testing, the drug screening program may include remote testing methods utilizing speech analysis information technology.

(b) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding such position.

(c) No person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if: (1) The employee has not previously had a

House OCT
Attachment 4
2-20-92

valid positive test result; and (2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(d) The results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(e) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

(f) "Safety sensitive positions" means state law enforcement officers who are authorized to carry firearms, state corrections officers, heads of state agencies who are appointed by the governor and employees on the governor's staff.

Sec. 2. K.S.A. 75-4363 is hereby amended to read as follows: 75-4363. The director of personnel services of the department of administration may establish and implement an alcohol and drug testing program for employees of institutions of mental health. Such program shall be established, implemented and administered in the same manner and subject to the same conditions and limitations as the drug screening program established and implemented under K.S.A. 75-4362 and amendments thereto and any rules and regulations and any administrative policies and procedures adopted pursuant to such section, except that the alcohol and drug testing program for employees of institutions of mental health may include remote testing methods utilizing speech analysis information technology. As used in this section, "institution of mental health" means an institution as defined by K.S.A. 76-12a01 and amendments thereto.

Sec. 3. K.S.A. 75-4362 and 75-4363 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.