

HOUSE BILL No. 2270

By Committee on Legislative Modernization

Requested by Representative Penn

2-5

1 AN ACT concerning information technology; relating to services provided
2 by the chief information technology officer; authorizing the chief
3 information security officer to receive audit reports; amending K.S.A.
4 46-1135, 75-4704, 75-4705, 75-4709 and 75-4710 and K.S.A. 2024
5 Supp. 75-7205 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 46-1135 is hereby amended to read as follows: 46-
9 1135. (a) The legislative division of post audit shall conduct information
10 technology audits as directed by the legislative post audit committee. Audit
11 work performed under this section may include:

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

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

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

22 (1) The entity which is being audited;

23 (2) the chief information technology officer *and chief information*
24 *security officer* of the branch of government that the entity being audited is
25 part of;

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

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

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

32 (4) the legislative post audit committee;

33 (5) the joint committee on information technology; and

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

1 post audit committee.

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

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

6 Sec. 2. K.S.A. 75-4704 is hereby amended to read as follows: 75-
7 4704. Under the supervision of the executive chief information technology
8 officer, the office of information technology services shall provide data
9 processing and application hosting *and cloud* services for other *executive*
10 *branch* divisions, departments and agencies of the state, and shall make
11 charges for such services in accordance with the cost system established
12 under K.S.A. 75-4703, and amendments thereto. The furnishing of data
13 processing services and application hosting by the office of information
14 technology services shall be a transaction to be settled in accordance with
15 the provisions of K.S.A. 75-5516, and amendments thereto. All receipts for
16 sales of services shall be deposited in the information technology fund
17 created under K.S.A. 75-4715, and amendments thereto. The provisions of
18 K.S.A. 75-4215, and amendments thereto, shall apply to the information
19 technology fund to the extent not in conflict with this act.

20 Sec. 3. K.S.A. 75-4705 is hereby amended to read as follows: 75-
21 4705. (a) Central processing of data by computer *and cloud computing*, for
22 all *executive branch* divisions, departments and agencies of the state shall
23 be performed by the office of information technology services under the
24 supervision of the executive chief information technology officer. No other
25 division, department or agency of the state shall perform central
26 processing computer functions or control or possess any central processing
27 unit of a computer, except as otherwise provided in this section.

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

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

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

42 (e) Data to be centrally processed by the office of information
43 technology services shall be prepared for such processing by the division,

1 department or agency of the state requesting the same to be processed in
2 accordance with rules and regulations adopted by the executive chief
3 information technology officer as provided in K.S.A. 75-4703, and
4 amendments thereto. Programs for processing the data of any division,
5 department or agency of the state shall be prepared by such division,
6 department or agency of the state in accordance with standards prescribed
7 by rules and regulations adopted by the executive chief information
8 technology officer as provided in K.S.A. 75-4703, and amendments
9 thereto. Notwithstanding the other provisions of this subsection, the office
10 of information technology services shall prepare data or programs, or
11 provide technical consultation, when a division, department or agency of
12 the state requests such service of the office of information technology
13 services and the executive chief information technology officer.

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

16 Sec. 4. K.S.A. 75-4709 is hereby amended to read as follows: 75-
17 4709. (a) The executive chief information technology officer shall provide
18 for and coordinate all telecommunications services for all divisions,
19 departments and agencies of the state pursuant to policies established by
20 the information technology executive council. The executive chief
21 information technology officer shall have the authority to control the
22 acquisition, retention and use of all telecommunications services,
23 *equipment or software* for all divisions, departments and agencies of the
24 state, and to develop and review plans and specifications for
25 telecommunications services throughout the state. *The executive chief*
26 *information technology officer may authorize a division, department or*
27 *agency to procure its own telecommunications services, equipment or*
28 *software if such procurement is compatible with the office of information*
29 *technology services telecommunication services. As used in this*
30 *subsection, telecommunications equipment does not include cellular*
31 *phones or satellite phones.*

32 (b) (1) The executive chief information technology officer, when
33 feasible, may enter into agreements with any entity defined in this
34 subsection extending to such entity the use of state intercity
35 telecommunications facilities and services under the control of the
36 executive chief information technology officer.

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

38 ~~(+)~~(A) Any governmental unit, including any state agency, taxing
39 subdivision of the state or municipality; or

40 ~~(-)~~(B) any hospital or nonprofit corporation which the executive chief
41 information technology officer determines to be performing any state
42 function on an ongoing basis through agreement or otherwise, or any
43 function which will assist a governmental unit in attaining an objective or

1 goal, bearing a valid relationship to powers and functions of such unit.

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

17 Sec. 5. K.S.A. 75-4710 is hereby amended to read as follows: 75-
18 4710. As used in K.S.A. 75-4709, 75-4712, 75-4713 and 75-4714, and
19 amendments thereto, telecommunications services include, but shall not be
20 limited to, any transmission, emission or reception of signals of any kind
21 containing communications of any nature, by wire, radio, optical or other
22 electromagnetic means, and includes all facilities, equipment, supplies and
23 services for such transmission, emission or reception. Telecommunications
24 services shall include data transmission services and equipment but shall
25 not include data processing services provided or authorized by the office
26 of information technology services, or the acquisition, retention or use of
27 any data processing equipment authorized by the office of information
28 technology services. *Telecommunications equipment includes networking
29 and telephony hardware and related telecommunications software or
30 telecommunications cloud solutions.*

31 Sec. 6. K.S.A. 2024 Supp. 75-7205 is hereby amended to read as
32 follows: 75-7205. (a) There is hereby established within and as a part of
33 the office of information technology services the position of executive
34 chief information technology officer. The executive chief information
35 technology officer shall be in the unclassified service under the Kansas
36 civil service act, shall be appointed by the governor, and shall receive
37 compensation in an amount fixed by the governor. The executive chief
38 information technology officer shall maintain a presence in any cabinet
39 established by the governor and shall report to the governor.

40 (b) The executive chief information technology officer shall:

41 (1) Review and consult with each executive agency regarding
42 information technology plans, deviations from the state information
43 technology architecture, information technology project estimates and

1 information technology project changes and overruns submitted by such
2 agency pursuant to K.S.A. 75-7209, and amendments thereto, to determine
3 whether the agency has complied with:

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

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

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

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

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

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

21 (4) monitor executive agencies' compliance with:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 Sec. 7. K.S.A. 46-1135, 75-4704, 75-4705, 75-4709 and 75-4710 and
28 K.S.A. 2024 Supp. 75-7205 are hereby repealed.

29 Sec. 8. This act shall take effect and be in force from and after its
30 publication in the statute book.