

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 240

By Committee on Ways and Means

3-17

1 AN ACT concerning information technology; abolishing the joint
2 committee on information technology; creating the committee on
3 technology oversight; amending K.S.A. 2010 Supp. 75-5147, 75-7201,
4 75-7207, 75-7210, 75-7211 and 76-3,100 and repealing the existing
5 sections; also repealing K.S.A. 46-2101 and 46-2102.

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

8 New Section 1. The joint committee on information technology
9 established by K.S.A. 46-2101, and amendments thereto, is hereby
10 abolished.

11 New Sec. 2. (a) There is hereby established the committee on
12 technology oversight which shall be composed of seven members. Four
13 members of the committee on technology oversight shall be legislators,
14 and three members shall be leaders of the information technology industry
15 who are not legislators. One of the senate members shall be appointed by
16 the president of the senate, and one of the senate members shall be
17 appointed by the minority leader of the senate. One of the representative
18 members shall be appointed by the speaker of the house of representatives,
19 and one of the representative members shall be appointed by the minority
20 leader of the house of representatives. The members of the committee on
21 technology oversight serving in such capacities on the effective date of this
22 act shall continue serving as members and in such capacities, respectively,
23 subject to the other provisions of this section. One of the nonlegislator
24 members shall be appointed by the president of the senate, one of the
25 nonlegislator members shall be appointed by the speaker of the house, and
26 one of the nonlegislator members shall be appointed by the governor. All
27 nonlegislator members shall be leaders in the information technology
28 industry.

29 (b) All members of the committee on technology oversight shall
30 serve for terms ending on the first day of the regular legislative session in
31 odd-numbered years. The committee on technology oversight shall
32 organize annually and elect a chairperson and vice-chairperson in
33 accordance with this subsection. On and after the first day of the regular
34 legislative session in odd-numbered years, the chairperson shall be one of
35 the representative members of the committee on technology oversight
36 elected by the members of the committee on technology oversight, and the

1 vice-chairperson shall be one of the senate members elected by the
2 members of the committee on technology oversight. After the first day of
3 the regular legislative session in even-numbered years, the chairperson
4 shall be one of the senate members of the committee on technology
5 oversight elected by the members of the committee on technology
6 oversight, and the vice-chairperson shall be one of the representative
7 members of the committee on technology oversight elected by the
8 members of the committee on technology oversight. The chairperson and
9 vice-chairperson of the committee on technology oversight shall serve in
10 such capacities until the first day of the regular legislative session in the
11 ensuing year. The vice-chairperson shall exercise all of the powers of the
12 chairperson in the absence of the chairperson. If a vacancy occurs in the
13 office of chairperson or vice-chairperson, a member of the committee on
14 technology oversight, who is a member of the same house as the member
15 who vacated the office, shall be elected by the members of the committee
16 on technology oversight to fill such vacancy.

17 (c) A quorum of the committee on technology oversight shall be four.
18 All actions of the committee on technology oversight shall be taken by a
19 majority of all of the members of the committee on technology oversight.

20 (d) The committee on technology oversight may meet at any time and
21 at any place within the state on the call of the chairperson.

22 (e) The provisions of the acts contained in article 12 of chapter 46 of
23 the Kansas Statutes Annotated, and amendments thereto, applicable to
24 special committees shall apply to the committee on technology oversight
25 to the extent that the same do not conflict with the specific provisions of
26 this act applicable to the committee on technology oversight.

27 (f) In accordance with K.S.A. 46-1204, and amendments thereto, the
28 legislative coordinating council may provide for such professional services
29 as may be requested by the committee on technology oversight.

30 (g) Each member of the committee on technology oversight attending
31 meetings of such oversight committee approved by the legislative
32 coordinating council, shall be paid compensation, subsistence allowances,
33 mileage and other expenses as provided in K.S.A. 75-3212, and
34 amendments thereto, from appropriations for legislative expenses.

35 (h) On and after the effective date of this act, whenever the joint
36 committee on information technology, or words of like effect, is referred to
37 or designated by a statute, contract or other document, created before the
38 effective date of this act, the reference or designation shall mean and apply
39 to the committee on technology oversight.

40 New Sec. 3. In addition to other powers and duties authorized or
41 prescribed by law or by the legislative coordinating council, the committee
42 on technology oversight shall:

43 (a) Study the use by state agencies and institutions of computers,

1 telecommunications and other information technologies;

2 (b) review new governmental computer hardware and software
3 acquisition, information storage, transmission, processing and
4 telecommunications technologies proposed by state agencies and
5 institutions, and the implementation plans therefor, including all
6 information technology project budget estimates and three-year strategic
7 information technology plans that are submitted to the committee on
8 technology oversight pursuant to K.S.A. 75-7210, and amendments
9 thereto;

10 (c) make recommendations on all such implementation plans, budget
11 estimates and three-year plans to the ways and means committee of the
12 senate and the committee on appropriations of the house of
13 representatives;

14 (d) study the progress and results of all newly implemented
15 governmental computer hardware and software, information storage,
16 transmission, processing and telecommunications technologies of state
17 agencies and institutions including all information technology projects for
18 state agencies which have been authorized or for which appropriations
19 have been approved by the legislature; and

20 (e) make an annual report to the legislative coordinating council as
21 provided in K.S.A. 46-1207, and amendments thereto, and such special
22 reports to committees of the house of representatives and senate as are
23 deemed appropriate by the committee on technology oversight.

24 Section 4. K.S.A. 2010 Supp. 75-5147 is hereby amended to read as
25 follows: 75-5147. The secretary of revenue is hereby authorized to enter
26 into contracts to acquire automated tax systems, including computer
27 hardware and software therefor, for use in the registration of taxpayers,
28 processing of remittances and returns, and collection of delinquent taxes
29 and any interest and penalties thereon. Any contracts entered into between
30 the secretary of revenue and vendors of automated tax systems shall
31 provide (1) for payment of fees for the automated tax system on the basis
32 of a percentage of the increase in the amount of taxes, interest and
33 penalties collected which is attributable to the implementation of the
34 automated tax systems as specified by the joint consensus of the director
35 of the budget and the director of the legislative research department under
36 this section, or (2) for payment of fees for the automated tax system on a
37 fixed fee contract basis, such fees to be paid from the increase in the
38 amount of taxes, interest and penalties collected which is attributable to
39 the implementation of the automated tax systems as specified by the joint
40 consensus of the director of the budget and the director of the legislative
41 research department under this section. All contracts entered into under
42 this section shall be entered into pursuant to procurement negotiating
43 committee procedures as provided in K.S.A. 75-37,102, and amendments

1 thereto. Prior to publishing or distributing a request for proposal, such
2 request for proposal shall be reviewed by the ~~joint~~ committee on
3 ~~information—~~technology *oversight*. During each regular session of the
4 legislature, the secretary of revenue shall submit a report to the committee
5 on ways and means of the senate and the committee on appropriations of
6 the house of representatives. Such report shall include detailed information
7 on the costs and benefits of implementing automated tax systems during
8 the fiscal year immediately preceding the submission of the report. The
9 report required hereunder shall be made annually until two complete fiscal
10 years have elapsed following full implementation of automated tax
11 systems by the secretary of revenue. In addition, the director of the budget
12 and the director of the legislative research department shall prepare
13 annually a joint consensus on the amount of increased tax, interest and
14 penalty collections which are attributable to the automated tax system and
15 shall report their findings during each regular session of the legislature to
16 the committee on ways and means of the senate and the committee on
17 appropriations of the house of representatives. Nothing in this section shall
18 prohibit the secretary of revenue from acquiring any goods or services
19 through appropriations for any department of revenue function or program
20 not specifically included in any contract entered into pursuant to this
21 section.

22 Sec. 5. K.S.A. 2010 Supp. 75-7201 is hereby amended to read as
23 follows: 75-7201. As used in K.S.A. 2010 Supp. 75-7201 through 75-
24 7212, and amendments thereto:

25 (a) "Cumulative cost" means the total expenditures, from all sources,
26 for any information technology project by one or more state agencies to
27 meet project objectives from project start to project completion or the date
28 and time the project is terminated if it is not completed.

29 (b) "Executive agency" means any state agency in the executive
30 branch of government.

31 (c) "Information technology project" means a project for a major
32 computer, telecommunications or other information technology
33 improvement with an estimated cumulative cost of \$250,000 or more and
34 includes any such project that has proposed expenditures for: (1) New or
35 replacement equipment or software; (2) upgrade improvements to existing
36 equipment and any computer systems, programs or software upgrades
37 therefor; or (3) data or consulting or other professional services for such a
38 project.

39 (d) "Information technology project change or overrun" means any of
40 the following:

41 (1) Any change in planned expenditures for an information
42 technology project that would result in the total authorized cost of the
43 project being increased above the currently authorized cost of such project

1 by more than either \$1,000,000 or 10% of such currently authorized cost
2 of such project, whichever is lower;

3 (2) any change in the scope of an information technology project, as
4 such scope was presented to and reviewed by the ~~joint~~ committee *on*
5 *technology oversight* or the chief information technology officer to whom
6 the project was submitted pursuant to K.S.A. 2010 Supp. 75-7209, and
7 amendments thereto; or

8 (3) any change in the proposed use of any new or replacement
9 information technology equipment or in the use of any existing
10 information technology equipment that has been significantly upgraded.

11 ~~(c) "Joint committee" means the joint committee on information~~
12 ~~technology.~~

13 ~~(f)(e)~~ "Judicial agency" means any state agency in the judicial branch
14 of government.

15 ~~(g)(f)~~ "Legislative agency" means any state agency in the legislative
16 branch of government.

17 ~~(h)(g)~~ "Project" means a planned series of events or activities that is
18 intended to accomplish a specified outcome in a specified time period,
19 under consistent management direction within a state agency or shared
20 among two or more state agencies, and that has an identifiable budget for
21 anticipated expenses.

22 ~~(i)(h)~~ "Project completion" means the date and time when the head of
23 a state agency having primary responsibility for an information technology
24 project certifies that the improvement being produced or altered under the
25 project is ready for operational use.

26 ~~(j)(i)~~ "Project start" means the date and time when a state agency
27 begins a formal study of a business process or technology concept to
28 assess the needs of the state agency, determines project feasibility or
29 prepares an information technology project budget estimate under K.S.A.
30 2010 Supp. 75-7209, and amendments thereto.

31 ~~(k)(j)~~ "State agency" means any state office or officer, department,
32 board, commission, institution or bureau, or any agency, division or unit
33 thereof.

34 Sec. 6. K.S.A. 2010 Supp. 75-7207 is hereby amended to read as
35 follows: 75-7207. (a) There is hereby established the position of legislative
36 chief information technology officer under the legislative coordinating
37 council.

38 (b) The legislative chief information technology officer shall be
39 appointed by the legislative coordinating council. The ~~joint~~ committee *on*
40 *technology oversight* may recommend one or more persons for
41 consideration by the legislative coordinating council in making the
42 appointment.

43 (c) The legislative chief information technology officer shall receive

1 such compensation as determined by the legislative coordinating council
2 and may be removed by a vote of five members of the legislative
3 coordinating council taken at any regular meeting of the council.

4 (d) The legislative chief information technology officer shall receive
5 expenses and allowances for in-state and out-of-state travel as is provided
6 by law for members of the legislature. The provisions of K.S.A. 75-3208,
7 and amendments thereto, shall not apply to any such travel.

8 (e) The legislative chief information technology officer shall be in
9 the unclassified service under the Kansas civil service act.

10 Sec. 7. K.S.A. 2010 Supp. 75-7210 is hereby amended to read as
11 follows: 75-7210. (a) Not later than October 1 of each year, the executive,
12 judicial and legislative chief information technology officers shall submit
13 to the ~~joint~~ committee *on technology oversight* and to the legislative
14 research department all information technology project budget estimates
15 and amendments, and revisions thereto, all three-year plans and all
16 deviations from the state information technology architecture submitted to
17 such officers pursuant to K.S.A. ~~2010 Supp.~~ 75-7209, and amendments
18 thereto. The legislative chief information technology officer shall review
19 all such estimates and amendments, and revisions thereto, plans and
20 deviations and shall make recommendations to the ~~joint~~ committee *on*
21 *technology oversight and the legislative coordinating council* regarding
22 the merit thereof and appropriations therefor.

23 (b) The executive and judicial chief information technology officers
24 shall report to the legislative chief information technology officer, at times
25 agreed upon by the three officers:

26 (1) Progress regarding implementation of information technology
27 projects of state agencies within the executive and judicial branches of
28 state government; and

29 (2) all proposed expenditures for such projects, including all
30 revisions to such proposed expenditures, for the current fiscal year and for
31 ensuing fiscal years.

32 Sec. 8. K.S.A. 2010 Supp. 75-7211 is hereby amended to read as
33 follows: 75-7211. (a) The legislative chief information technology officer,
34 under the direction of the ~~joint~~ committee *on technology oversight*, shall
35 monitor state agency execution of information technology projects and, at
36 times agreed upon by the three chief information technology officers, shall
37 report progress regarding the implementation of such projects and all
38 proposed expenditures therefor, including all revisions to such proposed
39 expenditures for the current fiscal year and for ensuing fiscal years.

40 (b) The head of a state agency with primary responsibility for an
41 information technology project may authorize or approve, without prior
42 consultation with the ~~joint~~ committee *on technology oversight*, any change
43 in planned expenditures for an information technology project that would

1 result in the total cost of the project being increased above the currently
2 authorized cost of such project but that increases the total cost of such
3 project by less than the lower of either \$1,000,000 or 10% of the currently
4 authorized cost, and any change in planned expenditures for an
5 information technology project involving a cost reduction, other than a
6 change in the proposed use of any new or replacement information
7 technology equipment or in the use of any existing information technology
8 equipment that has been significantly upgraded.

9 (c) The head of a state agency with primary responsibility for an
10 information technology project shall not authorize or approve, without first
11 advising and consulting with the ~~joint~~ committee on *technology oversight*
12 any information technology project change or overrun. The ~~joint~~
13 committee on *technology oversight* shall report all such changes and
14 overruns to the senate standing committee on ways and means and the
15 house standing committee on appropriations.

16 Sec. 9. K.S.A. 2010 Supp. 76-3,100 is hereby amended to read as
17 follows: 76-3,100. Each acquisition of data processing hardware or
18 software by the university of Kansas medical center for the university
19 hospital information systems shall be exempt from the provisions of
20 K.S.A. 75-4705, 75-4706, 75-4707, 75-4709 and 75-3739, and
21 amendments thereto, and shall not be subject to approval under any statute
22 other than those contained in article 3 or article 7 of chapter 76 of the
23 Kansas Statutes Annotated, *and amendments thereto*. In addition to other
24 procedures, the university of Kansas medical center is hereby authorized to
25 acquire data processing hardware and software for the university hospital
26 information systems by sole source negotiation. The university of Kansas
27 medical center shall file with the director of purchases of the department
28 of administration and shall update periodically a plan for future
29 acquisitions under this section. The university of Kansas medical center
30 shall submit a written report in each calendar quarter to the secretary of
31 administration, to the chairpersons of the senate committee on ways and
32 means and the house of representatives committee on appropriations and
33 to the ~~joint~~ committee on ~~information~~ *technology oversight* on all contracts
34 for acquisition of data processing hardware and software entered into
35 under this section during such calendar quarter.

36 Sec. 10. K.S.A. 46-2101 and 46-2102 and K.S.A. 2010 Supp. 75-
37 5147, 75-7201, 75-7207, 75-7210, 75-7211 and 76-3,100 are hereby
38 repealed.

39 Sec. 11. This act shall take effect and be in force from and after its
40 publication in the statute book.