

Senate Substitute for Substitute for HOUSE BILL NO. 2331

AN ACT renaming the office of information technology services as the Kansas department of technology and innovation; relating to consolidation and transfer of certain executive branch information technology staff, resources, functions and powers and creating the Kansas department of technology and innovation fund; amending K.S.A. 2017 Supp. 12-5364, 74-9302, 74-9304, 74-9306, 74-99f04, 74-99f06, 74-99f08, 75-3707e, 75-4701, 75-4703, 75-4704, 75-4704a, 75-4704b, 75-4705, 75-4709, 75-4718, 75-4719, 75-6512, 75-7201, 75-7202, 75-7204, 75-7205 and 75-7224 and repealing the existing sections; also repealing K.S.A. 75-4702b and 75-4702e and K.S.A. 2017 Supp. 75-4702 and 75-4702c.

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

New Section 1. (a) On the effective date of this act, the name of the office of information technology services is hereby changed to the Kansas department of technology and innovation. All properties, records, orders, directives, moneys, appropriations, rights and authorities now vested in the office of information technology services shall be vested in the Kansas department of technology and innovation. Whenever the title of the office of information technology services, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas department of technology and innovation.

(b) When any conflict arises as to the disposition of any power, function or duty; the unexpended balance of any appropriation; or the disposition of property and records as a result of any abolition, transfer, attachment or change made by or under authority of this act, such conflict shall be resolved by the governor, whose decision shall be final.

(c) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against the office of information technology services, or by or against any officer of the state in such officer's official capacity or

in relation to the discharge of official duties, shall abate by reason of the taking effect of reorganization under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such existing state agency, or any officer affected.

New Sec. 2. (a) (1) Except as provided further, the Kansas department of technology and innovation, under the direction of the executive chief information technology officer, shall consolidate, plan, provide, operate, maintain and manage information technology for executive branch agencies. The Kansas department of technology and innovation shall be the single authorized source for executive branch agencies to procure information technology. The executive chief information technology shall have the exclusive authority to enter into contracts for information technology services or resources for executive branch agencies.

(2) On and after the effective date of this act, all executive branch agencies shall be required to receive approval from the executive chief information technology officer for all information technology expenditures by the agency over \$5,000. The executive chief information technology officer may authorize exceptions to the purchasing and expenditure requirements in this subsection.

(3) The heads of such agencies shall provide information to and cooperate with the executive chief information technology officer for the purpose of implementing and administering this section.

(b) (1) Agencies required to receive approval for information technology expenditures shall submit requests to the Kansas department of technology and innovation for all information technology projects on forms as required by the department. The Kansas department of

technology and innovation shall evaluate such requests pursuant to rules and regulations adopted by the authority granted in K.S.A. 75-4703(b), and amendments thereto.

(2) Prior to submission of information technology project requests, agencies may request a project planning meeting with the Kansas department of technology and innovation to identify important project issues, project schedules and prioritization, approval requirements and any other issues identified by the executive branch agency or the department.

(c) On and after the effective date of this act, all officers and employees of cabinet agencies whose duties or functions for cabinet agencies concern information technology shall report directly to the executive chief information technology officer.

(d) The executive chief information technology officer may enter into service-level agreements with executive branch agencies to ensure executive branch agencies have prompt service for their information technology needs that are secure, reliable and efficient.

New Sec. 3. (a) There is hereby created in the state treasury the Kansas department of technology and innovation fund. All amounts received under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the Kansas department of technology and innovation fund, which shall be administered by the executive chief information technology officer.

(b) (1) All payments and expenditures from the Kansas department of technology and innovation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive chief information technology officer or the officer's designee.

(2) Moneys in the Kansas department of technology and innovation fund may be used to meet statewide information technology requirements, including, but not limited to: Project management, security, electronic mail, Kansas department of technology and innovation expenses and any other information technology operations.

(c) The executive chief information officer shall compute the reasonably anticipated itemized costs of providing information technology services to executive branch agencies subject to this act. Any agency that is receiving the information technology services shall reimburse the Kansas department of technology and innovation for such costs. Annually, on or before August 1, the executive chief information officer shall report to the joint committee on information technology the reasonably anticipated itemized costs of providing information technology services to executive branch agencies subject to this act.

(d) Nothing in sections 1 through 5, and amendments thereto, shall be construed to impair any existing contracts, leases or agreements entered into before July 1, 2018.

New Sec. 4. (a) Except as otherwise provided in sections 1 through 5, and amendments thereto, on July 1, 2018, officers and employees of cabinet agencies, who, immediately prior to such dates, were engaged in the performance of powers, duties or functions for such agencies concerning information technology, that are transferred by this act, or who become a part of the Kansas department of technology and innovation, or the powers, duties and functions which are transferred to the Kansas department of technology and innovation, and who, in the opinion of the executive chief information technology officer, are necessary to perform the powers, duties and functions of the Kansas department of technology and innovation, shall be transferred to and become officers and employees of the Kansas department

of technology and innovation established under this act. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this act. Such person's services shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by cabinet agencies prior to the date of transfer.

(b) On July 1, 2018, all officers and employees of the office of information technology services shall be transferred to and shall become officers and employees of the Kansas department of technology and innovation established under this act. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the office of information technology services prior to the date of transfer.

(c) In the event any conflict arises as to the disposition, function or duty of any officer or employee referenced in subsections (a) or (b), or as a result of any abolition, transfer, attachment or change made by or under the authority of sections 1 through 5, and amendments thereto, such conflict shall be resolved by the governor, whose decision shall be final.

New Sec. 5. (a) There is hereby established the information technology advisory board which shall be attached to the Kansas department of technology and innovation for administrative purposes.

(b) The membership of the information technology advisory board shall be composed of members appointed by state entities to represent their information technology interests and approved by the executive chief information technology office. The board shall have a minimum of four members representing cabinet agencies and a minimum of four members representing other executive branch agencies. The executive chief information technology officer shall serve as chairperson of the board and may seek additional members from additional state entities, including, but not limited to, elected office agencies, regents' institutions, the legislative branch and the judicial branch.

(c) The information technology advisory board shall:

(1) Provide direction and coordination for the application of the state's information technology resources for all executive branch agencies;

(2) receive reports from executive branch agencies regarding the status of information technology projects and solicit feedback for improving such services;

(3) organize and direct technical advisory committees to address technology issues and resource management issues as necessary;

(4) review proposed programs and projects referred by chief information technology officers and make recommendations regarding the appropriateness of planning, technologies used, compliance with policy and standards and resource estimates; and

(5) address other information technology resource management issues at the request of

the executive chief information technology officer or the information technology executive council and make recommendations thereon.

(d) The board shall meet regularly at least once every calendar quarter and special meetings may be called by the chairperson or by a majority of the board.

Sec. 6. K.S.A. 2017 Supp. 12-5364 is hereby amended to read as follows: 12-5364. (a)

(1) There is hereby created the 911 coordinating council which shall monitor the delivery of 911 services, develop strategies for future enhancements to the 911 system and distribute available grant funds to PSAPs. In as much as possible, the council shall include individuals with technical expertise regarding 911 systems, internet technology and GIS technology.

(2) The 911 coordinating council shall consist of 13 voting members to be appointed by the governor: Two members representing information technology personnel from government units; one member representing the Kansas sheriff's association; one member representing the Kansas association of chiefs of police; one member representing a fire chief; one member recommended by the adjutant general; one member recommended by the Kansas emergency medical services board; one member recommended by the Kansas commission for the deaf and hard of hearing; two members representing PSAPs located in counties with less than 75,000 in population; two members representing PSAPs located in counties with greater than 75,000 in population; and one member representing PSAPs without regard to size. At least two of the members representing PSAPs shall be administrators of a PSAP or have extensive prior 911 experience in Kansas.

(3) Other voting members of the 911 coordinating council shall include: One member of the Kansas house of representatives as appointed by the speaker of the house; one member of

the Kansas house of representatives as appointed by the minority leader of the house; one member of the Kansas senate as appointed by the senate president; and one member of the Kansas senate as appointed by the senate minority leader.

(4) The 911 coordinating council shall also include nonvoting members to be appointed by the governor: One member representing rural telecommunications companies recommended by the Kansas rural independent telephone companies; one member representing incumbent local exchange carriers with over 50,000 access lines; one member representing large wireless providers; one member representing VoIP providers; one member recommended by the league of Kansas municipalities; one member recommended by the Kansas association of counties; one member recommended by the Kansas geographic information systems policy board; one member recommended by the Kansas ~~office of information technology services~~ department of technology and innovation; and one member, a Kansas resident, recommended by the Mid-America regional council.

(b) (1) Except as provided in subsection (b)(2) and (b)(3), the terms of office for voting members of the 911 coordinating council shall commence on the effective date of this act and shall be subject to reappointment every three years. No voting member shall serve longer than two successive three-year terms. A voting member appointed as a replacement for another voting member may finish the term of the predecessor and may serve two additional successive three-year terms.

(2) The following members, whose terms began on the effective date of this act, shall serve initial terms as follows:

(A) One member representing information technology personnel from government

units, one member recommended by the adjutant general, one member representing PSAPs located in counties with less than 75,000 in population and one member representing PSAPs located in counties with greater than 75,000 in population shall serve a term of two years;

(B) one member representing information technology personnel from government units, one member recommended by the Kansas emergency medical services board, one member representing PSAPs located in counties with less than 75,000 in population and one member representing PSAPs without regard to size shall serve a term of three years; and

(C) one member representing a fire chief, one member recommended by the Kansas commission for the deaf and hard of hearing, one member representing the Kansas association of chiefs of police and one member representing PSAPs located in counties with greater than 75,000 in population shall serve a term of four years.

(3) The initial term for one member representing the Kansas sheriff's association shall begin on July 1, 2014, and be for a period of three years.

(4) The terms of members specified in this subsection shall expire on June 30 in the last year of such member's term.

(c) (1) The governor shall select the chair of the 911 coordinating council, who shall serve at the pleasure of the governor and have extensive prior 911 experience in Kansas.

(2) The chair shall serve as the coordinator of E-911 services and next generation 911 services in the state, implement statewide 911 planning, have the authority to sign all certifications required under 47 C.F.R. part 400 and administer the 911 federal grant fund and 911 state maintenance fund. The chair shall serve subject to the direction of the council and ensure that policies adopted by the council are carried out. The chair shall serve as the liaison

between the council and the LCPA. The chair shall preside over all meetings of the council and assist the council in effectuating the provisions of this act.

(d) The 911 coordinating council, by an affirmative vote of nine voting members, shall select the local collection point administrator, pursuant to K.S.A. 2017 Supp. 12-5367, and amendments thereto, to collect 911 fees and to distribute such fees to PSAPs and to distribute 911 state grant fund moneys as directed by the council. The council shall adopt rules and regulations for the terms of the contract with the LCPA. All contract terms and conditions shall satisfy all contract requirements as established by the secretary of administration. The council shall determine the compensation of the LCPA who shall provide the council with any staffing necessary in carrying out the business of the council or effectuating the provisions of this act. The moneys used to reimburse these expenses shall be paid from the 911 state grant fund, pursuant to subsection (i).

(e) The 911 coordinating council is hereby authorized to adopt rules and regulations necessary to effectuate the provisions of this act, including, but not limited to, creating a uniform reporting form designating how moneys, including 911 fees, have been spent by the PSAPs, requiring service providers to notify the council pursuant to subsection (j), setting standards for coordinating and purchasing equipment, recommending standards for training of PSAP personnel and assessing civil penalties. The chair of the council shall work with the council to develop rules and regulations necessary for the distribution of moneys in the 911 federal grant fund. The council shall work with the chair to carry out the provisions of this act. Rules and regulations necessary to begin administration of this act shall be adopted by December 31, 2011.

(f) The council may, pursuant to rules and regulations, raise or lower the 911 fee upon a

finding based on information submitted on the uniform reporting forms, that moneys generated by such fee are in excess of or below the costs required to operate PSAPs in the state. The council shall not set the 911 fee above \$.60.

(g) The council may appoint subcommittees as necessary to administer grants, oversee collection and distribution of moneys by the LCPA, develop technology standards, develop training recommendations and other issues as deemed necessary by the council. Subcommittees, if appointed, shall include members of the council and other persons as needed.

(h) The council may reimburse independent contractors or state agencies for expenses incurred in carrying out the business of the council, including salaries, that are directly attributable to effectuating the provisions of this act. The moneys used to reimburse these expenses shall be paid from the 911 state grant fund, pursuant to subsection (i).

(i) All expenses related to the council shall be paid from the 911 state grant fund. No more than 2.5% of the total receipts from providers and the department received by the LCPA shall be used to pay for such expenses. Members of the council and other persons appointed to subcommittees by the council may receive reimbursement for meals and travel expenses, but shall serve without other compensation with the exception of legislative members.

(j) Every provider shall submit contact information for the provider to the council prior to January 1, 2012. Any provider that has not previously provided wireless telecommunications service in this state shall submit contact information for the provider to the council within three months of first offering wireless telecommunications services in this state.

(k) Each PSAP shall file with the council, by March 1, 2012, and every March 1 thereafter, a report demonstrating how such PSAP has spent the moneys earned from the 911 fee

during the preceding calendar year. The council shall designate the content and form of such report.

(l) The council, upon a finding that a provider has violated any provision of this act, may impose a civil penalty. No civil penalty shall be imposed pursuant to this section except upon the written order of the council. Such order shall state the violation, the penalty to be imposed and the right of such person to appeal to a hearing before the council. Any such person may, within 15 days after service of the order, make a written request to the council for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(m) Any action of the council pursuant to subsection (l) is subject to review in accordance with the Kansas judicial review act.

(n) Any civil penalty recovered pursuant to this section shall be transferred to the LCPA for deposit in the 911 state grant fund.

(o) As long as the provider is working in good faith to comply with the provisions of this act, no civil penalty shall be imposed prior to January 1, 2013.

(p) The 911 coordinating council shall make an annual report, to include a detailed description of all expenditures made from 911 fees received by the PSAPs, to the house committee on utilities and telecommunications and the senate committee on utilities.

Sec. 7. K.S.A. 2017 Supp. 74-9302 is hereby amended to read as follows: 74-9302. It shall be the purpose of INK to perform the following duties:

(a) Provide electronic access for members of the public to public information of agencies via a gateway service;

- (b) develop a dial-in gateway or electronic network for access to public information;
- (c) provide appropriate oversight of any network manager;
- (d) explore ways and means of expanding the amount and kind of public information provided, increasing the utility of the public information provided and the form in which provided, expanding the base of users who access such public information and, where appropriate, implementing such changes;
- (e) cooperate with the ~~office of information technology services~~ Kansas department of technology and innovation in seeking to achieve the purposes of INK;
- (f) explore technological ways and means of improving citizen and business access to public information and, where appropriate, implement such technological improvements; and
- (g) explore options of expanding such network and its services to citizens and businesses by providing add-on services such as access to other for-profit information and databases and by providing electronic mail and calendaring to subscribers.

Sec. 8. K.S.A. 2017 Supp. 74-9304 is hereby amended to read as follows: 74-9304. (a) In order to achieve its purpose as provided in this act, INK shall:

- (1) Serve in an advisory capacity to the secretary of administration, ~~office of information technology services~~ Kansas department of technology and innovation and other state agencies regarding the provision of state data to the citizens and businesses of Kansas;
- (2) seek advice from the general public, its subscribers, professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of networking, electronic mail, public information access, gateway services, add-on services and electronic filing of information; and

(3) develop charges for the services provided to subscribers, which include the actual costs of providing such services.

(b) All state agencies shall cooperate with INK in providing such assistance as may be requested for the achievement of its purpose. Agencies may recover actual costs incurred by providing such assistance. Services and information to be provided by any agency shall be specified pursuant to contract between INK and such agency and shall comply with the provisions of K.S.A. 45-215 et seq. and K.S.A. 2017 Supp. 45-230, and amendments thereto.

Sec. 9. K.S.A. 2017 Supp. 74-9306 is hereby amended to read as follows: 74-9306. The ~~office of information technology services~~ Kansas department of technology and innovation shall provide to INK such staff and other assistance as may be requested thereby, and the actual costs of such assistance shall be paid for by INK.

Sec. 10. K.S.A. 2017 Supp. 74-99f04 is hereby amended to read as follows: 74-99f04.

(a) There is hereby established the Kansas geographic information systems policy board within the ~~office of information technology services~~ Kansas department of technology and innovation.

(b) The board shall consist of 23 members:

(1) The governor shall appoint 11 members as follows: Five representatives of local government, including cities, counties or local government consortia of cities, counties, non-profit and private sector enterprises. Such members may include, but are not limited to, representatives from city and county commissions or planning councils, tribal government, law enforcement, county clerks, county appraisers and emergency planning divisions; two representatives of the board of regents institutions; and two executives representing the private sector. Members from the private sector may include, but are not limited to, representatives from

the trucking industry, utilities, telecommunications, publishers, agriculturalists, oil and gas industry, chambers of commerce, aircraft and auto industry and the banking community; and two representatives from relevant statewide businesses or professional organizations, such as statewide associations of groundwater management districts, emergency planning, law enforcement, licensed surveyors and other relevant technical professions or agriculture-related businesses.

(2) The remaining 12 members shall be:

(A) The executive chief information technology officer of the ~~office of information technology services~~ Kansas department of technology and innovation or such officer's designee;

(B) the director of the Kansas water office or such director's designee;

(C) the state biologist of the Kansas biological survey or the state biologist's designee;

(D) the state geologist of the Kansas geological survey or the state geologist's designee;

(E) the executive director of the Kansas historical society or such executive director's designee;

(F) the secretary of agriculture or such secretary's designee;

(G) the secretary of health and environment or such secretary's designee;

(H) the director of legislative research of the legislative research department or such director's designee;

(I) the secretary of revenue or such secretary's designee;

(J) the secretary of transportation or such secretary's designee;

(K) the state librarian or such librarian's designee; and

(L) the executive director of the information network of Kansas or such executive

director's designee.

(c) Members appointed by the governor under subsection (b)(1) shall be appointed for a four-year term and until such member's successors are appointed and qualified, except as provided in subsection (d). Members not appointed by the governor under subsection (b)(1) shall serve consistent with their terms of office, employment or appointment.

(d) The governor may remove a member from the board for lack of attendance or lack of participation.

(e) The governor shall select a chairperson and vice-chairperson from among the members of the board who shall serve as chairperson and vice-chairperson at the discretion of the governor. The board may elect other officers among its members and may establish any committees deemed necessary to discharge its duties.

(f) Board members shall not receive compensation, subsistence allowance, mileage or associated expenses from the state. Officers or employees of state agencies who serve on the board shall be authorized to serve on the board as part of their duties.

Sec. 11. K.S.A. 2017 Supp. 74-99f06 is hereby amended to read as follows: 74-99f06.

(a) There is hereby established the office of state geographic information systems officer who shall be appointed by the governor and who shall serve in the ~~office of information technology services~~ Kansas department of technology and innovation.

(b) The state geographic information systems officer shall:

(1) Implement Kansas one map, an enterprise statewide mapping strategy that: (A) Supports Kansas state entities and local governments as they foster economic vitality, manage resources, educate, save and restore the natural environment, advance health initiatives, ensure

public safety and support science; and (B) enables state entities and local governments to better implement and coordinate policies and programs across Kansas;

(2) implement and maintain the Kansas data access and support center, an enterprise geospatial data clearinghouse to include a central store and catalog of Kansas data and mapping services available to all state entities and the public;

(3) recruit a technical committee and appoint the technical committee chair;

(4) provide oversight for the development of the Kansas one map program and monitor Kansas one map metrics;

(5) establish and manage a Kansas one map communications plan and provide for Kansas one map education;

(6) maintain a liaison relationship with state, federal, regional, county and municipal organizations;

(7) promote, advertise and market applications, capabilities, benefits and results of the Kansas one map program;

(8) assist in the identification and capturing of funding to support the Kansas one map program; and

(9) recommend to the executive chief information technology officer rules and regulations as may be necessary to implement the provisions of the Kansas one map act.

(c) The executive chief information technology officer may adopt rules and regulations to implement the provisions of the Kansas one map act.

Sec. 12. K.S.A. 2017 Supp. 74-99f08 is hereby amended to read as follows: 74-99f08. Funding for the Kansas data access and support center shall be continued through the ~~office of~~

~~information technology services~~ Kansas department of technology and innovation and shall be directed to the Kansas geological survey which currently houses and supports this function.

Sec. 13. K.S.A. 2017 Supp. 75-3707e is hereby amended to read as follows: 75-3707e. As the infrastructure provider for information technology for the state of Kansas, the ~~office of~~ ~~information technology services~~ Kansas department of technology and innovation must insure the highest level of information security and privacy in order to protect law enforcement, state agencies and the citizens of Kansas. Toward this objective, the department of administration or the ~~office of information technology services~~ Kansas department of technology and innovation shall require as a condition of employment that individuals who have unescorted physical access to the data center, telecommunications facilities and other security sensitive areas as designated by ~~the secretary of administration or~~ the executive chief information technology officer be fingerprinted, and such fingerprints shall be submitted to the Kansas bureau of investigation and to the federal bureau of investigation for the purposes of verifying the identity of such individuals and obtaining records of criminal arrests and convictions.

Sec. 14. K.S.A. 2017 Supp. 75-4701 is hereby amended to read as follows: 75-4701. (a) There is hereby established an ~~office of information technology services~~ Kansas department of technology and innovation, the head of which shall be the executive chief information technology officer. The executive chief information technology officer shall administer the ~~office of information technology services~~ Kansas department of technology and innovation. ~~The division of information systems and communications and the office of the director of information systems and communications, created by this section prior to its amendment by this act, are hereby abolished.~~

~~(b) The executive chief information technology officer shall be in the unclassified service under the Kansas civil service act and shall be appointed by the governor.~~(c) There are hereby established, within the ~~office of information technology services~~ Kansas department of technology and innovation, the offices of the deputy director of information systems and the deputy director of telecommunications who shall be appointed by the executive chief information technology officer and shall be in the unclassified service under the Kansas civil service act. The deputy director of information systems and the deputy director of telecommunications shall have such powers, duties and functions as are prescribed by the executive chief information technology officer.

Sec. 15. K.S.A. 2017 Supp. 75-4703 is hereby amended to read as follows: 75-4703.

(a) The executive chief information technology officer may adopt rules and regulations as provided in K.S.A. 2017 Supp. 75-4718, and amendments thereto, relating to the following:

~~(a)~~(1) Establishment of rates and charges for services performed by the ~~office of information technology services~~ Kansas department of technology and innovation for any other division, department, state agency or governmental unit. Such rates and charges shall be maintained by a cost system in accordance with generally accepted accounting principles. In determining cost rates for billing to agencies or governmental units, overhead expenses shall include but not be limited to light, heat, power, insurance, labor and depreciation. Billings shall include direct and indirect costs and shall be based on the foregoing cost accounting practices.

~~(b)~~(2) For determination of priorities for services performed by the ~~office of information technology services~~ Kansas department of technology and innovation, including authority to decline new projects under specified conditions.

~~(e)(3)~~ Specification of standards for submission of data to be processed by the ~~office of information technology services~~ Kansas department of technology and innovation and the programs for processing the data, including authority to decline to process computer programs and projects not conforming to published standards. Such standards shall be consistent with the standards and policies adopted by the information technology executive council under K.S.A. 2017 Supp. 75-7203, and amendments thereto.

~~(d)(4)~~ Specification of standards and measures relating to security, confidentiality and availability of data processed by the ~~office of information technology services~~ Kansas department of technology and innovation. Such standards and measures shall be consistent with the standards and policies adopted by the information technology executive council under K.S.A. 2017 Supp. 75-7203, and amendments thereto.

(b) The executive chief information technology officer shall adopt rules and regulations that establish a system of prioritization of executive branch agency information technology projects prior to July 1, 2019.

Sec. 16. K.S.A. 2017 Supp. 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~~ Kansas department of technology and innovation shall provide data processing and application hosting services for other 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~~ Kansas department of technology and innovation 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~~ Kansas department of technology and innovation fund created under ~~K.S.A. 75-4715~~ section 3, and amendments thereto. The provisions of K.S.A. 75-4215, and amendments thereto, shall apply to the ~~information technology~~ Kansas department of technology and innovation fund to the extent not in conflict with this act.

Sec. 17. K.S.A. 2017 Supp. 75-4704a is hereby amended to read as follows: 75-4704a.

(a) Transfers to the information technology reserve fund shall be made from the information technology fund on a monthly basis and the amounts thereof shall be determined by the executive chief information technology officer as charges for depreciation and obsolescence of the ~~office of information technology services~~ Kansas department of technology and innovation equipment and programs according to generally accepted accounting principles prescribed by the director of accounts and reports. All recoveries from the sale of surplus, obsolete or unused equipment or of other expenditures from the ~~information technology~~ Kansas department of technology and innovation fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information technology reserve fund. The director of accounts and reports shall transfer each month the amount so determined. No such transfer shall constitute a charge against or decrease in any expenditure limitation then in effect on the information technology fund under any appropriations act of the legislature.

(b) Expenditures from the information technology reserve fund may be made for equipment and programs needed for the operation of the ~~office of information technology~~

services Kansas department of technology and innovation.

Sec. 18. K.S.A. 2017 Supp. 75-4704b is hereby amended to read as follows: 75-4704b. Appropriations may be made for capital outlay and other expenses to carry out the purpose of the ~~office of information technology services~~ Kansas department of technology and innovation for the same period as is authorized by K.S.A. 46-155, and amendments thereto, for capital improvements. The executive chief information technology officer may enter into multiple year lease or acquisition contracts, subject to state purchasing laws not in conflict with the foregoing authorization and so long as such contracts do not extend beyond the appropriation periods, limitations and restrictions therefor.

Sec. 19. K.S.A. 2017 Supp. 75-4705 is hereby amended to read as follows: 75-4705. (a) Central processing of data by computer, for all divisions, departments and agencies of the state shall be performed by the ~~office of information technology services~~ Kansas department of technology and innovation 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 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~~ Kansas department of technology and innovation.

(c) Data to be centrally processed by the ~~office of information technology services~~ Kansas department of technology and innovation 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~~ Kansas department of technology and innovation 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~~ Kansas department of technology and innovation and the executive chief information technology officer.

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

Sec. 20. K.S.A. 2017 Supp. 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.

(b) 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.

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 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~~ Kansas department of technology and innovation, 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. 21. K.S.A. 2017 Supp. 75-4718 is hereby amended to read as follows: 75-4718. (a) The executive chief information technology officer shall submit to the governor proposed rules and regulations with respect to the manner of performance of any power or duty of the office of information technology services Kansas department of technology and innovation, the execution of any business of such office and its relations to and business with other state agencies, appeals from the final decisions or final actions of the executive chief information technology officer, and such other matters as are provided by law. Before any such proposed rules and regulations are submitted to the governor, the same shall have received the approval required by K.S.A. 77-420, and amendments thereto, the attorney general shall have made the finding required by K.S.A. 77-420, and amendments thereto, and the executive chief information technology officer shall have held the hearing thereon required by K.S.A. 77-421, and amendments thereto. The governor shall either approve, modify and approve or reject any such proposed rules and regulations. The executive chief information technology officer shall adopt such rules and regulations so approved or so modified and approved by the governor.

~~(b) All rules and regulations, orders and directives of the secretary of administration, the department of administration, the director of information systems and communications, or the division of information systems and communications which relate to the powers, duties and functions transferred from the director of information systems and communications and the division of information systems and communications of the department of administration to the executive chief information technology officer and office of information technology services by this act and which are in effect on the effective date of this act shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the executive chief~~

~~information technology officer and office of information technology services until revised, amended, revoked or nullified pursuant to law.~~

Sec. 22. K.S.A. 2017 Supp. 75-4719 is hereby amended to read as follows: 75-4719.

(a) ~~For the purpose of preparation of the governor's budget report and related legislative measure or measures for submission to the legislature, the office of information technology services~~ Kansas department of technology and innovation, established in K.S.A. 75-4701, and amendments thereto, shall be considered a separate state agency and shall be titled for such purpose as the "~~office of information technology services~~ Kansas department of technology and innovation." The budget estimates and requests of such office shall be presented as from a state agency separate from the department of administration, and such separation shall be maintained in the budget documents and reports prepared by the director of the budget and the governor, or either of them, including all related legislative reports and measures submitted to the legislature.

(b) The Kansas department of technology and innovation shall coordinate with the Kansas division of budget to develop and implement a plan to manage all information technology funding. Executive branch agencies shall cooperate with the executive chief information technology officer and the division of budget to identify information technology expenses, contracts, projects, resources and payment sources.

Sec. 23. K.S.A. 2017 Supp. 75-6512 is hereby amended to read as follows: 75-6512. (a) Subject to the provisions of appropriations acts, the secretary of administration is hereby authorized to establish and administer a cafeteria plan pursuant to the provisions of section 125 of the federal internal revenue code of 1986 which shall be available to persons who are officers or employees of the state and who are qualified to participate in the state health care benefits

program and which shall include, but not be limited to, provisions under which such officers and employees may agree to receive reduced compensation and: (1) Have the state's contribution under K.S.A. 75-6508, and amendments thereto, cover costs of dependent benefit coverage or other benefits under the state health care benefits program which would otherwise be payable by such officers and employees; and (2) receive benefits under the state employee dependent care assistance program under K.S.A. 75-6520, and amendments thereto.

(b) Any reduction in compensation for any person pursuant to any such cafeteria plan shall not reduce the compensation of such person for purposes of the employment security law, workers compensation act or the purposes of determining contributions and benefits under the Kansas public employees retirement system or any retirement system administered by the board of trustees of the Kansas public employees retirement system.

(c) Implementation of any such cafeteria plan and any additions or deletions thereto shall be subject to approval of the secretary of administration and the ~~office of information technology services~~ Kansas department of technology and innovation to assure adequate data processing resources therefor within the ~~office of information technology services~~ Kansas department of technology and innovation.

Sec. 24. K.S.A. 2017 Supp. 75-7201 is hereby amended to read as follows: 75-7201. As used in K.S.A. 2017 Supp. 75-7201 through 75-7212, and sections 1 through 5, and amendments thereto:

(a) "Cabinet agency" means the: (1) Department of administration; (2) department of revenue; (3) department of commerce; (4) department of labor; (5) department of health and environment; (6) Kansas department for aging and disability services; (7) Kansas department for

children and families; (8) department of corrections; (9) adjutant general; (10) Kansas highway patrol; (11) Kansas department of agriculture; (12) Kansas department of wildlife, parks and tourism; and (13) department of transportation.

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

~~(b)~~(c) "Executive branch agency" means any state agency in the executive branch of government the state of Kansas, but shall not include the elected office agencies, the Kansas public employees retirement system, the board of regents or regents' institutions.

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

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

(1) Any change in planned expenditures for an information technology project that would result in the total authorized cost of the project being increased above the currently authorized cost of such project by more than either \$1,000,000 or 10% of such currently authorized cost of such project, whichever is lower;

(2) any change in the scope of an information technology project, as such scope was

presented to and reviewed by the joint committee or the chief information technology officer to whom the project was submitted pursuant to K.S.A. 2017 Supp. 75-7209, and amendments thereto; or

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

~~(e)~~(f) "Joint committee" means the joint committee on information technology.

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

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

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

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

~~(j)~~(k) "Project start" means the date and time when a state agency begins a formal study of a business process or technology concept to assess the needs of the state agency, determines project feasibility or prepares an information technology project budget estimate under K.S.A. 2017 Supp. 75-7209, and amendments thereto.

~~(k)~~(l) "State agency" means any state office or officer, department, board, commission,

institution or bureau, or any agency, division or unit thereof.

Sec. 25. K.S.A. 2017 Supp. 75-7202 is hereby amended to read as follows: 75-7202. (a) There is hereby established the information technology executive council which shall be attached to the ~~office of information technology services~~ Kansas department of technology and innovation for purposes of administrative functions.

(b) The council shall be composed of 17 voting members as follows: The secretary of administration; two cabinet agency heads; one noncabinet agency head; the director of the budget; the executive chief information technology officer; the legislative chief information technology officer; the judicial chief information technology officer and the judicial administrator of the Kansas supreme court; the executive director of the Kansas board of regents; the commissioner of education; two representatives of cities; two representatives of counties; the network manager of the information network of Kansas (INK); and one representative from the private sector who is a chief executive officer or chief information technology officer. The chief information technology architect shall be a nonvoting member of the council. The two cabinet agency heads, the noncabinet agency head, the representatives of cities, the representatives of counties and the representative from the private sector shall be appointed by the governor for a term not to exceed 18 months. Upon expiration of an appointed member's term, the member shall continue to hold office until the appointment of a successor. Nonappointed members shall serve ex officio.

(c) The chairperson of the council shall be drawn from the chief information technology officers, with each chief information technology officer serving a one-year term. The term of chairperson shall rotate among the chief information technology officers on an annual basis.

(d) The council shall hold meetings and hearings in the city of Topeka or at such other places as the council designates, on call of the chairperson or on request of four or more members.

(e) Members of the council may not appoint an individual to represent them on the council and only members of the council may vote.

(f) Members of the council shall receive mileage, tolls and parking as provided in K.S.A. 75-3223, and amendments thereto, for attendance at any meeting of the council or any subcommittee meeting authorized by the council.

Sec. 26. K.S.A. 2017 Supp. 75-7204 is hereby amended to read as follows: 75-7204. (a) There is hereby established, within and as a part of the ~~office of information technology services~~ Kansas department of technology and innovation, the position of chief information technology architect whose duties shall be performed under the supervision of the executive chief information technology officer.

(1) The chief information technology architect shall be in the unclassified service under the Kansas civil service act, shall be appointed by the executive chief information technology officer, subject to approval of the governor and shall receive compensation in an amount fixed by the executive chief information technology officer, subject to approval of the governor.

(2) The position of chief information technology architect may also be filled by the Kansas department of technology and innovation architecture and standards committee, which shall be appointed by the executive chief information technology officer. If the chief information technology architect position is filled by the committee, no compensation shall be available to committee members.

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(b) The chief information technology architect shall:

(1) Propose to the information technology executive council: (A) Information technology resource policies and procedures and project management methodologies for all state agencies; (B) an information technology architecture, including telecommunications systems, networks and equipment, that covers all state agencies; (C) standards for data management for all state agencies; and (D) a strategic information technology management plan for the state;

(2) serve as secretary to the information technology executive council; and

(3) perform such other functions and duties as provided by law or as directed by the executive chief information technology officer.

Sec. 27. K.S.A. 2017 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~~ Kansas department of technology and innovation 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 branch 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. 2017 Supp. 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 individual or committee serving as the chief information technology architect all deviations from the state information architecture that are reported to the executive information technology officer by executive branch agencies;

(3) submit recommendations to the division of the budget as to the technical and management merit of information technology project estimates and information technology project changes and overruns submitted by executive agencies pursuant to K.S.A. 2017 Supp. 75-7209, and amendments thereto, based on the determinations made pursuant to subsection (b) (1);

(4) monitor executive branch 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 branch 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; ~~and~~

(7) review, coordinate and approve all appropriate executive branch information technology expenditures pursuant to section 3, and amendments thereto;

(8) manage and order cabinet agency information technology systems and employees in a uniform, efficient and cost-effective manner;

(9) deliver information technology services to the executive branch agencies through information technology systems, to further the priorities of service, effectiveness, prevention of fraud and abuse and adaptation to developing technologies;

(10) on or before the first day of the regular legislative session, submit a report to the president of the senate and the speaker of the house of representatives, to be distributed to relevant standing and joint committees, the Kansas legislative research department and the Kansas state library. Such report shall contain:

(A) A projected budget for the upcoming three fiscal years;

(B) fund balances and expenditures from the most recent fiscal year, with expenditures broken down by agency;

(C) a three-year strategic plan for technology for the state;

(D) performance measures for the department;

(E) cost savings to the state achieved through implementation of standardized and consolidated information technology services;

(F) customer satisfaction ratings; and

(G) all other information the executive chief information technology officer deems relevant or necessary; and

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

Sec. 28. K.S.A. 2017 Supp. 75-7224 is hereby amended to read as follows: 75-7224. (a)
The board shall:

(1) Provide a program to facilitate the use of broadband technology-based video communication for distance learning and telemedicine by schools, libraries and hospitals;

(2) transition schools, libraries and hospitals that have a direct KAN-ED connection as of January 1, 2012, to a commercially provided broadband internet connection no later than June 30, 2013. At the time a school, library or hospital has been transitioned off a KAN-ED connection, the board shall pay up to \$350 per month to such school, library or hospital for the cost of broadband service until June 30, 2013;

(3) provide the secretary of commerce any information necessary to conduct the needs assessment described in subsection (b);

(4) assist schools, libraries and hospitals to apply for federal grants to be used for purposes consistent with this act; and

(5) collect data regarding:

(A) Distance learning and telemedicine usage; and

(B) the volume of data accessed.

The board shall develop a methodology for updating and validating any data collected for periodic revisions of the program, standards and priorities.

(b) (1) The secretary of commerce shall facilitate the execution of the needs assessment and the creation of the report. The secretary shall contract with a third party that has expertise in telecommunications services for educational institutions to conduct such needs assessment and create such report.

(2) The needs assessment shall include, for each school, library and hospital connected to the network as of January 1, 2012: Current and future broadband service and quality needs and a determination of all KAN-ED expenses for shared services or infrastructure, including any costs deferred by federal moneys, that are providing services and network connections. Based on the results of the needs assessment, the secretary of commerce, in coordination with the third party contractor, shall create a report that: (A) Compares the utilization, efficiency and effectiveness of KAN-ED to other similar programs in other states for schools, libraries and hospitals; (B) determines if the KAN-ED program, as of the effective date of this act, is worth its cost in terms of price, service, quality, needed network upgrades and increased utilization of broadband by schools, libraries and hospitals; (C) determines if there are alternative models or opportunities for broadband procurement by schools, libraries and hospitals; (D) determines if the services and applications offered by KAN-ED lead to full utilization of broadband technology by schools, libraries, hospitals and their surrounding communities; and (E) recommends any cost-effective broadband services that are available.

(3) The board shall reimburse the cost of conducting such needs assessment and report described in paragraph (2), not to exceed \$250,000.

(4) The results of such needs assessment and the report shall be submitted to the board on or before January 1, 2013.

(c) The board may request and receive assistance from any school, any library, any hospital, the state corporation commission, any other agency of the state or any telecommunications, cable or other communications services provider to gather necessary data to implement such program.

(d) The board shall establish: (1) Technical standards for operation and maintenance of the program; (2) the method of monitoring operations of the program; and (3) the method or methods of adjusting the program to reflect the needs of schools, libraries and hospitals as determined by the needs assessment or ongoing data collection for each such entity. Such standards and methods shall be included in the board's report to the legislature pursuant to K.S.A. 2017 Supp. 75-7226, and amendments thereto.

(e) Based on the findings of the needs assessments or collected data, the board shall develop a plan to: (1) Facilitate the use of broadband technology-based video communication for distance learning and telemedicine by schools, libraries and hospitals; and (2) transition schools, libraries and hospitals that have a direct KAN-ED connection as of January 1, 2012, to a commercially provided broadband internet connection no later than June 30, 2013. The plan may require users of the program to bear part of its cost. Such plan shall be included in the board's report to the legislature pursuant to K.S.A. 2017 Supp. 75-7226, and amendments thereto.

(f) The board may appoint such advisory committees as the board determines necessary to carry out the purposes of this act. The membership of advisory committees may include both members of the board and persons who are not board members. Such advisory committees, to the extent appropriate, shall include both communications services providers and participants knowledgeable about topics such as network facilities and services, distance learning and

telemedicine, user training and such other topics as may be necessary or useful. Members of advisory committees appointed by the board shall receive amounts provided for in ~~subsection (e)~~ of K.S.A. 75-3223(e), and amendments thereto.

(g) The board shall have all other powers necessary to achieve the purposes of this act, including, but not limited to, the power to: (1) Fix, charge and collect user fees for services provided by the KAN-ED program in accordance with the plan developed pursuant to subsection (e); and (2) receive any appropriations, fees, donations, grants, bequests and devises, conditional and otherwise, of money, property, services or other things of value for the purposes of this act.

(h) The state department of education, the ~~office of information technology services~~ Kansas department of technology and innovation of the department of administration, the state corporation commission and all other state agencies shall cooperate with the board in providing information and other assistance requested by the board for the performance of its duties pursuant to this act at no cost to such agencies.

Sec. 29. K.S.A. 75-4702b and 75-4702e and K.S.A. 2017 Supp. 12-5364, 74-9302, 74-9304, 74-9306, 74-99f04, 74-99f06, 74-99f08, 75-3707e, 75-4701, 75-4702, 75-4702c, 75-4703, 75-4704, 75-4704a, 75-4704b, 75-4705, 75-4709, 75-4718, 75-4719, 75-6512, 75-7201, 75-7202, 75-7204, 75-7205 and 75-7224 are hereby repealed.

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