

SENATE BILL No. 249

By Committee on Ways and Means

2-16

1 AN ACT concerning state agencies; relating to information technology
2 projects; reporting requirements; information technology executive
3 council; standards for review; amending K.S.A. 75-7201, 75-7205, 75-
4 7206, 75-7208, 75-7209, 75-7210 and 75-7211 and repealing the
5 existing sections.

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

8 Section 1. K.S.A. 75-7201 is hereby amended to read as follows: 75-
9 7201. As used in K.S.A. 75-7201 through 75-7212, and amendments
10 thereto:

11 (a) *"Business risk" means the overall level of risk determined by a*
12 *business risk assessment that includes, but is not limited to, cost,*
13 *information security and other elements as determined by the information*
14 *technology executive council policies.*

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

19 (b)(c) "Executive agency" means any state agency in the executive
20 branch of government.

21 (e)(d) "Information technology project" means ~~a project for a major~~
22 ~~computer, telecommunications or other information technology~~
23 ~~improvement with an estimated cumulative cost of \$250,000 or more and~~
24 ~~includes any such project that has proposed expenditures for: (1) New or~~
25 ~~replacement equipment or software; (2) upgrade improvements to existing~~
26 ~~equipment and any computer systems, programs or software upgrades~~
27 ~~therefor; or (3) data or consulting or other professional services for such a~~
28 ~~project an information technology effort of defined and limited duration~~
29 ~~that implements, effects a change in or presents a risk to processes,~~
30 ~~services, security, systems, records, data, human resources or architecture.~~

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

33 (1) ~~Any change in~~ Planned expenditures for an information
34 technology project that would result in the total authorized cost of the
35 project being increased above the currently authorized cost of such project
36 ~~by more than either \$1,000,000 or 10% of such currently authorized cost~~

1 of such project, whichever is lower an established threshold within the
 2 information technology executive council policies;

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 or the
 5 chief information technology officer to whom the project was submitted
 6 pursuant to K.S.A. 75-7209, and amendments thereto; or

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

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

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

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

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

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

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

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

33 Sec. 2. K.S.A. 75-7205 is hereby amended to read as follows: 75-
 34 7205. (a) There is hereby established within and as a part of the office of
 35 information technology services the position of executive chief
 36 information technology officer. The executive chief information
 37 technology officer shall be in the unclassified service under the Kansas
 38 civil service act, shall be appointed by the governor, and shall receive
 39 compensation in an amount fixed by the governor. The executive chief
 40 information technology officer shall maintain a presence in any cabinet
 41 established by the governor and shall report to the governor.

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

43 (1) Review and consult with each executive agency regarding

1 information technology plans, deviations from the state information
2 technology architecture, information technology project estimates and
3 information technology project changes and overruns submitted by such
4 agency pursuant to K.S.A. 75-7209, and amendments thereto, to determine
5 whether the agency has complied with: (A) The information technology
6 resource policies and procedures and project management methodologies
7 adopted by the information technology executive council; (B) the
8 information technology architecture adopted by the information
9 technology executive council; (C) the standards for data management
10 adopted by the information technology executive council; and (D) the
11 strategic information technology management plan adopted by the
12 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 *planned* information technology
18 ~~project estimates projects that have been reviewed~~ and information
19 technology project changes and overruns submitted by executive agencies
20 pursuant to K.S.A. 75-7209, and amendments thereto, ~~based on the~~
21 ~~determinations made pursuant to subsection (b)(1);~~

22 (4) monitor executive agencies' compliance with: (A) The
23 information technology resource policies and procedures and project
24 management methodologies adopted by the information technology
25 executive council; (B) the information technology architecture adopted by
26 the information technology executive council; (C) the standards for data
27 management adopted by the information technology executive council;
28 and (D) the strategic information technology management plan adopted by
29 the information technology executive council;

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

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

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

38 Sec. 3. K.S.A. 75-7206 is hereby amended to read as follows: 75-
39 7206. (a) There is hereby established within and as a part of the office of
40 the state judicial administrator the position of judicial chief information
41 technology officer. The judicial chief information technology officer shall
42 be appointed by the judicial administrator, subject to approval of the chief
43 justice, and shall receive compensation determined by the judicial

1 administrator, subject to approval of the chief justice.

2 (b) The judicial chief information technology officer shall:

3 (1) Review and consult with each judicial agency regarding
4 information technology plans, deviations from the state information
5 technology architecture, information technology project estimates and
6 information technology project changes and overruns submitted by such
7 agency pursuant to K.S.A. 75-7209, and amendments thereto, to determine
8 whether the agency has complied with: (A) The information technology
9 resource policies and procedures and project management methodologies
10 adopted by the information technology executive council; (B) the
11 information technology architecture adopted by the information
12 technology executive council; (C) the standards for data management
13 adopted by the information technology executive council; and (D) the
14 strategic information technology management plan adopted by the
15 information technology executive council;

16 (2) report to the chief information technology architect all deviations
17 from the state information architecture that are reported to the judicial
18 information technology officer by judicial agencies;

19 (3) submit recommendations to the judicial administrator as to the
20 technical and management merit of *planned* information technology
21 ~~project estimates projects that have been reviewed~~ and information
22 technology project changes and overruns submitted by judicial agencies
23 pursuant to K.S.A. 75-7209, and amendments thereto, ~~based on the~~
24 ~~determinations pursuant to subsection (b)(1)~~;

25 (4) monitor judicial agencies' compliance with: (A) The information
26 technology resource policies and procedures and project management
27 methodologies adopted by the information technology executive council;
28 (B) the information technology architecture adopted by the information
29 technology executive council; (C) the standards for data management
30 adopted by the information technology executive council; and (D) the
31 strategic information technology management plan adopted by the
32 information technology executive council;

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

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

39 (7) perform such other functions and duties as provided by law or as
40 directed by the judicial administrator.

41 Sec. 4. K.S.A. 75-7208 is hereby amended to read as follows: 75-
42 7208. The legislative chief information technology officer shall:

43 (a) Review and consult with each legislative agency regarding

1 information technology plans, deviations from the state information
2 technology architecture, information technology project estimates and
3 information technology project changes and overruns submitted by such
4 agency pursuant to K.S.A. 75-7209, and amendments thereto, to determine
5 whether the agency has complied with: (1) The information technology
6 resource policies and procedures and project management methodologies
7 adopted by the information technology executive council; (2) the
8 information technology architecture adopted by the information
9 technology executive council; (3) the standards for data management
10 adopted by the information technology executive council; and (4) the
11 strategic information technology management plan adopted by the
12 information technology executive council;

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

16 (c) submit recommendations to the legislative coordinating council as
17 to the technical and management merit of *planned* information technology
18 ~~project estimates projects that have been reviewed~~ and information
19 technology project changes and overruns submitted by legislative agencies
20 pursuant to K.S.A. 75-7209, and amendments thereto, ~~based on the~~
21 ~~determinations pursuant to subsection (a);~~

22 (d) monitor legislative agencies' compliance with: (1) The
23 information technology resource policies and procedures and project
24 management methodologies adopted by the information technology
25 executive council; (2) the information technology architecture adopted by
26 the information technology executive council; (3) the standards for data
27 management adopted by the information technology executive council;
28 and (4) the strategic information technology management plan adopted by
29 the information technology executive council;

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

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

36 (g) serve as staff of the joint committee; and

37 (h) perform such other functions and duties as provided by law or as
38 directed by the legislative coordinating council or the joint committee.

39 Sec. 5. K.S.A. 75-7209 is hereby amended to read as follows: 75-
40 7209. (a) Whenever an agency proposes an information technology
41 project, such agency shall prepare and submit *information technology*
42 *project documentation pursuant to policies established by the information*
43 *technology executive council* to the chief information technology officer of

1 the branch of state government of which the agency is a part of a project
2 budget estimate therefor, and for each amendment or revision thereof, in
3 accordance with this section. Each information technology project budget
4 estimate shall be in such form as required by the director of the budget, in
5 consultation with the chief information technology architect, and by this
6 section. In each case, the agency shall prepare and include as a part of such
7 project budget estimate a plan consisting of a written program statement
8 describing the project. The program statement shall:

9 (1) Include a detailed description of and justification for the project,
10 including: (A) An analysis of the programs, activities and other needs and
11 intended uses for the additional or improved information technology; (B) a
12 statement of project scope including identification of the organizations and
13 individuals to be affected by the project and a definition of the
14 functionality to result from the project; and (C) an analysis of the
15 alternative means by which such information technology needs and uses
16 could be satisfied;

17 (2) describe the tasks and schedule for the project and for each phase
18 of the project, if the project is to be completed in more than one phase;

19 (3) include a financial plan showing: (A) The proposed source of
20 funding and categorized expenditures for each phase of the project; and
21 (B) cost estimates for any needs analyses or other investigations,
22 consulting or other professional services, computer programs, data,
23 equipment, buildings or major repairs or improvements to buildings and
24 other items or services necessary for the project; and

25 (4) include a cost-benefit statement based on an analysis of
26 qualitative as well as financial benefits. *Any information technology*
27 *project with significant business risk, as determined pursuant to the*
28 *information technology executive council policies, shall be presented to*
29 *the joint committee on information technology by the branch chief*
30 *information technology officer.*

31 (b) (1) Before one or more state agencies proposing an information
32 technology project begin implementation of the project, the project plan,
33 including the architecture and the cost-benefit analysis, shall be approved
34 by the head of each state agency proposing the project and by the chief
35 information technology officer of each branch of state government of
36 which the agency or agencies are a part. Approval of those projects that
37 involve telecommunications services shall also be subject to the provisions
38 of K.S.A. 75-4709, 75-4710 and 75-4712, and amendments thereto.

39 (2) All specifications for bids or proposals related to an approved
40 information technology project of one or more state agencies shall be
41 reviewed by the chief information technology officer of each branch of
42 state government of which the agency or agencies are a part *Prior to the*
43 *release of any request for proposal or other bid event, specifications for*

1 *bids or proposals for information technology projects shall be submitted to*
 2 *the chief information technology officer of the branch of state government*
 3 *of which the agency or agencies are a part. Information technology*
 4 *projects requiring chief information technology officer approval shall also*
 5 *require the chief information technology officer's written approval on*
 6 *specifications for bids or proposals.*

7 ~~(3)(2)~~ (A) Agencies are prohibited from contracting with a vendor to
 8 implement the project if that vendor prepared or assisted in the preparation
 9 of the program statement ~~required under subsection (a)~~, the project
 10 planning documents ~~required under subsection (b)(1)~~, or any other project
 11 plans prepared prior to the project being approved by the chief information
 12 technology officer as required ~~under subsection (b)(1)~~ *by this section.*

13 (B) Information technology projects with an estimated cumulative
 14 cost of less than \$5,000,000 are exempted from the provisions of
 15 subparagraph (A).

16 (C) The provisions of subparagraph (A) may be waived with prior
 17 written permission from the chief information technology officer.

18 (c) Annually at the time specified by the chief information technology
 19 officer of the branch of state government of which the agency is a part,
 20 each agency shall submit to such officer:

21 (1) A copy of a three-year strategic information technology plan that
 22 sets forth the agency's current and future information technology needs
 23 and utilization plans for the next three ensuing fiscal years, in such form
 24 and containing such additional information as prescribed by the chief
 25 information technology officer; and

26 (2) any deviations from the state information technology architecture
 27 adopted by the information technology executive council.

28 (d) The provisions of this section shall not apply to the information
 29 network of Kansas (INK).

30 Sec. 6. K.S.A. 75-7210 is hereby amended to read as follows: 75-
 31 7210. (a) Not later than ~~October~~ *November* 1 of each year, the executive,
 32 judicial and legislative chief information technology officers shall submit
 33 to the joint committee and to the legislative research department all
 34 information technology project budget estimates and amendments and
 35 revisions thereto, all three-year plans and all deviations from the state
 36 information technology architecture submitted to such officers pursuant to
 37 K.S.A. 75-7209, and amendments thereto. The legislative chief
 38 information technology officer shall review all such estimates and
 39 amendments and revisions thereto, plans and deviations and shall make
 40 recommendations to the joint committee regarding the merit thereof and
 41 appropriations therefor.

42 (b) The executive and judicial chief information technology officers
 43 shall report to the legislative chief information technology officer, at times

1 agreed upon by the three officers:

2 (1) Progress regarding implementation of *reported* information
3 technology projects of state agencies within the executive and judicial
4 branches of state government; and

5 (2) all proposed expenditures for such projects, including all revisions
6 to such proposed expenditures, for the current fiscal year and for ensuing
7 fiscal years.

8 Sec. 7. K.S.A. 75-7211 is hereby amended to read as follows: 75-
9 7211. (a) The legislative chief information technology officer, under the
10 direction of the joint committee, shall monitor state agency execution of
11 *reported* information technology projects and, at times agreed upon by the
12 three chief information technology officers, shall report progress regarding
13 the implementation of such projects and all proposed expenditures
14 therefor, including all revisions to such proposed expenditures for the
15 current fiscal year and for ensuing fiscal years.

16 (b) *For information technology projects, the joint committee may:*

17 (1) *Require the head of a* ~~any~~ state agency with primary responsibility
18 for an information technology project ~~may authorize or approve, without~~
19 ~~prior consultation with the joint committee, any change in planned~~
20 ~~expenditures for an information technology project that would result in the~~
21 ~~total cost of the project being increased above the currently authorized cost~~
22 ~~of such project but that increases the total cost of such project by less than~~
23 ~~the lower of either \$1,000,000 or 10% of the currently authorized cost, and~~
24 ~~any change in planned expenditures for an information technology project~~
25 ~~involving a cost reduction, other than a change in the proposed use of any~~
26 ~~new or replacement information technology equipment or in the use of any~~
27 ~~existing information technology equipment that has been significantly~~
28 ~~upgraded to advise and consult on the status and progress of such~~
29 *information technology project, including revisions to expenditures for the*
30 *current fiscal year and ensuing fiscal years; and*

31 (2) *report on the status and progress of such information technology*
32 *projects to the senate standing committee on ways and means and the*
33 *house of representatives standing committee on appropriations.*

34 (c) *Prior to authorizing or approving any information technology*
35 *project change or overrun, the head of a state agency with primary*
36 *responsibility for* ~~an~~ *such* information technology project shall ~~not~~
37 ~~authorize or approve, without first advising and consulting with the joint~~
38 ~~committee any information technology project change or overrun~~ *report*
39 *all such information technology project changes or overruns to the joint*
40 *committee. The joint committee shall report all such changes and overruns*
41 *to the senate standing committee on ways and means and the house of*
42 *representatives standing committee on appropriations.*

43 Sec. 8. K.S.A. 75-7201, 75-7205, 75-7206, 75-7208, 75-7209, 75-

1 7210 and 75-7211 are hereby repealed.

2 Sec. 9. This act shall take effect and be in force from and after its
3 publication in the statute book.