

SENATE BILL No. 7

By Legislative Post Audit Committee

12-30

1 AN ACT concerning the legislative post audit act *{information*
2 *technology; relating to the office of information technology services}*;
3 providing for information technology audits; amending K.S.A. 46-1128
4 and repealing the existing section.
5

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

7 New Section 1. (a) The legislative division of post audit shall conduct
8 information technology audits as directed by the legislative post audit
9 committee. Audit work performed under this section may include:

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

14 (2) ~~data mining of electronic records maintained by an entity subject~~
15 ~~to audit under the provisions of K.S.A. 46-1114(e), and amendments~~
16 ~~thereto, in order to examine such records for indications of waste, fraud,~~
17 ~~abuse or noncompliance with laws or contract provisions;~~

18 (3) continuous audits of ongoing information technology projects by
19 ~~an~~ *any state agency or any* entity subject to audit under the provisions of
20 K.S.A. 46-1114(c), and amendments thereto, including systems
21 development and implementation; ~~and~~

22 (4) ~~any other information technology issues as directed by the~~
23 ~~legislative post audit committee.~~

24 (b) Written reports on the results of such auditing shall be furnished
25 to the governor, the entity which is being audited, the chief information
26 technology officers of the executive, legislative and judicial branches, the
27 legislative post audit committee, the joint committee on information
28 technology and such other persons or agencies as may be required by law
29 or by the specifications of the audit or as otherwise directed by the
30 legislative post audit committee.

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

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

1 *{New Sec. 2. For the purpose of preparation of the governor's*
2 *budget report and related legislative measure or measures for*
3 *submission to the legislature, the office of information technology*
4 *services, established in K.S.A. 75-4701, and amendments thereto, shall*
5 *be considered a separate state agency and shall be titled for such*
6 *purpose as the "office of information technology services." The budget*
7 *estimates and requests of such office shall be presented as from a state*
8 *agency separate from the department of administration, and such*
9 *separation shall be maintained in the budget documents and reports*
10 *prepared by the director of the budget and the governor, or either of*
11 *them, including all related legislative reports and measures submitted to*
12 *the legislature.}*

13 ~~Sec. 2.~~ *{3.}* K.S.A. 46-1128 is hereby amended to read as follows: 46-
14 1128. (a) Except as provided by subsections (b) ~~and~~, (c) *and* (d) of this
15 section and by ~~subsections (d), (e) and (g) of K.S.A. 46-1106(d), (e) and~~
16 (g), and amendments thereto, each audit report prepared by the division of
17 post audit or by a firm under the legislative post audit act, and each
18 finding, conclusion, opinion or recommendation contained in the audit
19 report, shall be confidential and shall not be disclosed pursuant to the
20 provisions of the open records act or under any other law until: (1) The
21 time of the next scheduled meeting of the legislative post audit committee
22 held after distribution of the report to members of such committee; or (2)
23 the time of the next scheduled meeting of another legislative committee
24 held after distribution of the report to the members of such committee as
25 authorized by the legislative post audit committee.

26 (b) The legislative post audit committee may authorize a specific
27 confidential distribution of any audit report, prior to any such presentation
28 of the audit report, by motion adopted by the legislative post audit
29 committee or by rule adopted by the committee, in accordance with such
30 motion or rule. Each person who receives an audit report pursuant to any
31 such motion or rule authorizing a specific confidential distribution of the
32 audit report shall keep the audit report and each finding, conclusion,
33 opinion or recommendation contained in the audit report confidential until
34 the audit report is presented to the legislative post audit committee or
35 another legislative committee at an open meeting of the committee.

36 (c) The post auditor, or the post auditor's designee may make a
37 limited distribution of preliminary audit findings, conclusions or
38 recommendations to any person affected by the audit as part of the process
39 of conducting the audit. Such preliminary audit findings, conclusions,
40 opinions or recommendations shall be confidential and shall not be subject
41 to disclosure pursuant to the provisions of the open records act or any
42 other law, except as provided in ~~subsections (d), (e) and (g) of K.S.A. 46-~~
43 1106(d), (e) *and* (g), and amendments thereto.

1 (d) *The legislative post auditor may report in writing outside of a*
2 *regularly scheduled meeting to the legislative post audit committee, the*
3 *joint committee on information technology, and the chief information*
4 *technology officers of the executive, legislative and judicial branches,*
5 *when, in the opinion of the post auditor, it appears that an information*
6 *technology project being audited under section 1, and amendments*
7 *thereto, is at risk due to a failure to meet key milestones, or failure to*
8 *receive sufficient deliverables after a contract payment, significant cost*
9 *overruns, or when the post auditor finds the project is not being efficiently*
10 *and effectively implemented in accordance with its original stated purpose*
11 *and goals.*

12 (e) As used in this section, "audit report" means the written report of
13 any financial-compliance audit, performance audit, or any other audit or
14 audit work conducted under the legislative post audit act by the division of
15 post audit or by a firm under the legislative post audit act; and any other
16 words and phrases used in this section shall have the meanings
17 respectively ascribed thereto by K.S.A. 46-1112, and amendments thereto.

18 ~~(e)~~ (f) This section shall be ~~constructed as~~ part of *and supplemental to*
19 the legislative post audit act.

20 Sec. ~~3.~~ *{4.}* K.S.A. 46-1128 is hereby repealed.

21 Sec. ~~4.~~ *{5.}* This act shall take effect and be in force from and after its
22 publication in the statute book.