

HOUSE BILL No. 2359

By Committee on Government, Technology and Security

2-10

1 AN ACT concerning information systems and communications; creating
2 the Kansas information technology enterprise; relating to consolidation
3 and transfer of executive branch information technology staff,
4 resources, functions and powers; amending K.S.A. 2016 Supp. 12-
5 5364, 74-9302, 74-9304, 74-9306, 74-99f04, 74-99f06, 74-99f08, 75-
6 3707e, 75-4701, ~~75-4702c~~, 75-4703, 75-4704, 75-4704a, 75-4704b, 75-
7 4705, 75-4709, 75-4710, 75-4718, 75-4719, 75-6512, 75-7201, 75-
8 7202, 75-7204, 75-7205 and 75-7224 and repealing the existing
9 sections.

; also repealing K.S.A. 2016
75-4702 and 75-4702c

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. On the effective date of this act, the name of the
13 office of information technology services is hereby changed to the Kansas
14 information technology enterprise. All properties, moneys, appropriations,
15 rights and authorities now vested in the office of information technology
16 services shall be vested in the Kansas information technology enterprise.
17 Whenever the title of the office of information technology services, or
18 words of like effect, is referred to or designated by any statute, contract or
19 other document, such reference or designation shall be deemed to apply to
20 the Kansas information technology enterprise.

21 New Sec. 2. (a) On and after the effective date of this act, all
22 executive branch agencies shall be required to receive approval from the
23 executive chief information technology officer for all expenditures for
24 information technology by the agency. The head of each executive branch
25 agency shall provide information to and cooperate with the executive chief
26 information technology officer for the purpose of implementing and
27 administering this section.

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

32 New Sec. 3. (a) There is hereby created in the state treasury the
33 Kansas information technology enterprise fund. All amounts received
34 under this section shall be remitted to the state treasurer in accordance
35 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
36 receipt of each such remittance, the state treasurer shall deposit the entire

1 amount into the state treasury to the credit of the Kansas information
2 technology enterprise fund, which shall be administered by the executive
3 chief information technology officer.

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

9 (2) Moneys in the Kansas information technology enterprise
10 fund may be used to meet statewide information technology requirements,
11 including, but not limited to: Project management, security, electronic
12 mail, Kansas information technology enterprise expenses and any other
13 information technology operations.

14 (c) The executive chief information officer shall compute the
15 reasonably anticipated itemized costs of providing information technology
16 services to executive branch agencies. The ~~executive branch~~ agency that is
17 receiving the information technology services shall reimburse the Kansas
18 information technology enterprise for such costs. Any such reimbursement
19 collected by the Kansas information technology enterprise shall be
20 credited to the Kansas information technology enterprise fund. Annually,
21 on or before August 1, the executive chief information officer shall report
22 to the joint committee on information technology the reasonably
23 anticipated itemized costs of providing information technology services to
24 executive branch agencies.

25 New Sec. 4. (a) The Kansas information technology enterprise shall
26 coordinate with the Kansas division of budget to develop and implement a
27 plan to manage all information technology funding. Executive branch
28 agencies shall cooperate with the executive chief information technology
29 officer and the division of budget to identify information technology
30 expenses, contracts, projects, resources and payment sources.

31 (b) Except as otherwise provided in sections 1 through 4, and
32 amendments thereto, on July 1, 2018, officers and employees who,
33 immediately prior to such date, were engaged in the performance of
34 powers, duties or functions for executive branch agencies concerning
35 information technology, which are transferred by this act, or who become a
36 part of the Kansas information technology enterprise, or the powers, duties
37 and functions which are transferred to the Kansas information technology
38 enterprise, and who, in the opinion of the executive chief information
39 technology officer, are necessary to perform the powers, duties and
40 functions of the Kansas information technology enterprise, shall be
41 transferred to, and shall become officers and employees of the Kansas
42 information technology enterprise. Any such officer or employee shall
43 retain all retirement benefits and all rights of civil service that had accrued

strike in line 16

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

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

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

9 Sec. 11. K.S.A. 2016 Supp. 74-99f08 is hereby amended to read as
10 follows: 74-99f08. Funding for the Kansas data access and support center
11 shall be continued through the ~~office of information technology services~~
12 *Kansas information technology enterprise* and shall be directed to the
13 Kansas geological survey which currently houses and supports this
14 function.

15 Sec. 12. K.S.A. 2016 Supp. 75-3707e is hereby amended to read as
16 follows: 75-3707e. As the infrastructure provider for information
17 technology for the state of Kansas, the ~~office of information technology~~
18 ~~services~~ *Kansas information technology enterprise* must insure the highest
19 level of information security and privacy in order to protect law
20 enforcement, state agencies and the citizens of Kansas. Toward this
21 objective, the ~~department of administration or the office of information~~
22 ~~technology services~~ *Kansas information technology enterprise* shall
23 require as a condition of employment that individuals who have
24 unescorted physical access to the data center, telecommunications facilities
25 and other security sensitive areas as designated by ~~the secretary of~~
26 ~~administration or~~ the executive chief information technology officer be
27 fingerprinted, and such fingerprints shall be submitted to the Kansas
28 bureau of investigation and to the federal bureau of investigation for the
29 purposes of verifying the identity of such individuals and obtaining
30 records of criminal arrests and convictions.

strike in line 21

strike in lines 25-6

31 Sec. 13. K.S.A. 2016 Supp. 75-4701 is hereby amended to read as
32 follows: 75-4701. (a) There is hereby established ~~an office of information~~
33 ~~technology services~~ *the Kansas information technology enterprise*, the
34 head of which shall be the executive chief information technology officer.
35 The executive chief information technology officer shall administer the
36 ~~office of information technology services~~ *Kansas information technology*
37 *enterprise*. ~~The division of information systems and communications and~~
38 ~~the office of the director of information systems and communications,~~
39 ~~created by this section prior to its amendment by this act, are hereby~~
40 ~~abolished.~~

41 (b) The executive chief information technology officer shall be in the
42 unclassified service under the Kansas civil service act and shall be
43 appointed by the governor.

1 (c) There are hereby established, within the ~~office of information~~
 2 ~~technology services~~ *Kansas information technology enterprise*, the offices
 3 of the deputy director of information systems and the deputy director of
 4 telecommunications who shall be appointed by the executive chief
 5 information technology officer and shall be in the unclassified service
 6 under the Kansas civil service act. The deputy director of information
 7 systems and the deputy director of telecommunications shall have such
 8 powers, duties and functions as are prescribed by the executive chief
 9 information technology officer.

10 ~~Sec. 14. K.S.A. 2016 Supp. 75-4702c is hereby amended to read as~~
 11 ~~follows: 75-4702c. (a) In all cases under this act where the powers, duties~~
 12 ~~and functions of the division or director of information systems and~~
 13 ~~communications are transferred to and imposed upon the office of~~
 14 ~~information technology services. *Kansas information technology*~~
 15 ~~*enterprise*, the executive chief information technology officer shall~~
 16 ~~succeed to all property and records which were used for, or pertain to, the~~
 17 ~~performance of the powers, duties and functions so transferred by this act.~~
 18 ~~Any conflict as to the proper disposition of such property or records~~
 19 ~~arising under this section and resulting from the transfer or abolishment of~~
 20 ~~any existing state agency, or the powers, duties and functions thereof, shall~~
 21 ~~be determined by the governor, whose decision shall be final.~~

strike all in lines 12 - 40,
 repeal K.S.A. 75-4702c

22 (b) ~~When any conflict arises as to the disposition of any power,~~
 23 ~~function or duty or the unexpended balance of any appropriation as a result~~
 24 ~~of any abolishment, transfer, attachment or other change made by or under~~
 25 ~~authority of this act, or the act of which this section is amendatory, such~~
 26 ~~conflict shall be resolved by the governor, and the decision of the governor~~
 27 ~~shall be final.~~

28 (c) ~~No suit, action, or other proceeding, judicial or administrative,~~
 29 ~~lawfully commenced, or which could have been commenced, by or against~~
 30 ~~any existing state agency mentioned in this act, or the act of which this~~
 31 ~~section is amendatory, or by or against any officer of the state in such~~
 32 ~~officer's official capacity or in relation to the discharge of official duties,~~
 33 ~~shall abate by reason of the taking effect of reorganization under the~~
 34 ~~provisions of this act, or the act of which this section is amendatory. The~~
 35 ~~court may allow any such suit, action or other proceeding to be maintained~~
 36 ~~by or against the successor of any such existing state agency, or any officer~~
 37 ~~affected.~~

38 (d) ~~No criminal action commenced or which could have been~~
 39 ~~commenced by the state shall abate by the taking effect of this act, or the~~
 40 ~~act of which this section is amendatory.~~

41 Sec. 15. K.S.A. 2016 Supp. 75-4703 is hereby amended to read as
 42 follows: 75-4703. The executive chief information technology officer may
 43 adopt rules and regulations as provided in K.S.A. 2016 Supp. 75-4718, and

1 amendments thereto, relating to the following:

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

11 (b) ~~For~~ determination of priorities for services performed by the
12 ~~office of information technology services~~ *Kansas information technology*
13 *enterprise*, including authority to decline new projects under specified
14 conditions.

strike "for" in line 11

15 (c) Specification of standards for submission of data to be processed
16 by the ~~office of information technology services~~ *Kansas information*
17 *technology enterprise* and the programs for processing the data, including
18 authority to decline to process computer programs and projects not
19 conforming to published standards. Such standards shall be consistent with
20 the standards and policies adopted by the information technology
21 executive council under K.S.A. 2016 Supp. 75-7203, and amendments
22 thereto.

23 (d) Specification of standards and measures relating to security,
24 confidentiality and availability of data processed by the ~~office of~~
25 ~~information technology services~~ *Kansas information technology*
26 *enterprise*. Such standards and measures shall be consistent with the
27 standards and policies adopted by the information technology executive
28 council under K.S.A. 2016 Supp. 75-7203, and amendments thereto.

29 Sec. 16. K.S.A. 2016 Supp. 75-4704 is hereby amended to read as
30 follows: 75-4704. Under the supervision of the executive chief information
31 technology officer, the ~~office of information technology services~~ *Kansas*
32 *information technology enterprise* shall provide data processing and
33 application hosting services for other divisions, departments and agencies
34 of the state, and shall make charges for such services in accordance with
35 the cost system established under K.S.A. 75-4703, and amendments
36 thereto. The furnishing of data processing services and application hosting
37 by the ~~office of information technology services~~ *Kansas information*
38 *technology enterprise* shall be a transaction to be settled in accordance
39 with the provisions of K.S.A. 75-5516, and amendments thereto. All
40 receipts for sales of services shall be deposited in the information
41 technology fund created under ~~K.S.A. 75-4715~~, and amendments thereto.
42 The provisions of K.S.A. 75-4215, and amendments thereto, shall apply to
43 the information technology fund to the extent not in conflict with this act.

Kansas

enterprise

section 3

Kansas

enterprise

1 Sec. 17. K.S.A. 2016 Supp. 75-4704a is hereby amended to read as
 2 follows: 75-4704a. (a) Transfers to the information technology reserve
 3 fund shall be made from the information technology fund on a monthly
 4 basis and the amounts thereof shall be determined by the executive chief
 5 information technology officer as charges for depreciation and
 6 obsolescence of the ~~office of information technology services~~ *Kansas*
 7 *information technology enterprise* equipment and programs according to
 8 generally accepted accounting principles prescribed by the director of
 9 accounts and reports. All recoveries from the sale of surplus, obsolete or
 10 unused equipment or of other expenditures from the ~~information~~
 11 ~~technology fund~~ shall be remitted to the state treasurer in accordance with
 12 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
 13 of each such remittance, the state treasurer shall deposit the entire amount
 14 in the state treasury to the credit of the information technology reserve
 15 fund. The director of accounts and reports shall transfer each month the
 16 amount so determined. No such transfer shall constitute a charge against or
 17 decrease in any expenditure limitation then in effect on the information
 18 technology fund under any appropriations act of the legislature.

Kansas

enterprise

19 (b) Expenditures from the information technology reserve fund may
 20 be made for equipment and programs needed for the operation of the ~~office~~
 21 ~~of information technology services~~ *Kansas information technology*
 22 *enterprise*.

23 Sec. 18. K.S.A. 2016 Supp. 75-4704b is hereby amended to read as
 24 follows: 75-4704b. Appropriations may be made for capital outlay and
 25 other expenses to carry out the purpose of the ~~office of information~~
 26 ~~technology services~~ *Kansas information technology enterprise* for the
 27 same period as is authorized by K.S.A. 46-155, and amendments thereto,
 28 for capital improvements. The executive chief information technology
 29 officer may enter into multiple year lease or acquisition contracts, subject
 30 to state purchasing laws not in conflict with the foregoing authorization
 31 and so long as such contracts do not extend beyond the appropriation
 32 periods, limitations and restrictions therefor.

33 Sec. 19. K.S.A. 2016 Supp. 75-4705 is hereby amended to read as
 34 follows: 75-4705. (a) Central processing of data by computer, for all
 35 divisions, departments and agencies of the state shall be performed by the
 36 ~~office of information technology services~~ *Kansas information technology*
 37 *enterprise* under the supervision of the executive chief information
 38 technology officer. No other division, department or agency of the state
 39 shall perform central processing computer functions or control or possess
 40 any central processing unit of a computer, except as otherwise provided in
 41 this section.

42 (b) With the approval of the executive chief information technology
 43 officer, any division, department or agency of the state may possess and

1 function which will assist a governmental unit in attaining an objective or
2 goal, bearing a valid relationship to powers and functions of such unit.

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

18 Sec. 21. K.S.A. 2016 Supp. 75-4710 is hereby amended to read as
19 follows: 75-4710. As used in K.S.A. 75-4709, 75-4712, 75-4713 and 75-
20 4714, and amendments thereto, telecommunications services include, but
21 shall not be limited to, any transmission, emission or reception of signals
22 of any kind containing communications of any nature, by wire, radio,
23 optical or other electromagnetic means, and includes all facilities,
24 equipment, supplies and services for such transmission, emission or
25 reception. Telecommunications services shall include data transmission
26 services and equipment but shall not include data processing services
27 provided or authorized by the ~~office of information technology services~~
28 *Kansas information technology enterprise*, or the acquisition, retention or
29 use of any data processing equipment authorized by the ~~office of~~
30 ~~information technology services~~ *Kansas information technology*
31 *enterprise*.

32 Sec. 22. K.S.A. 2016 Supp. 75-4718 is hereby amended to read as
33 follows: 75-4718. (a) The executive chief information technology officer
34 shall submit to the governor proposed rules and regulations with respect to
35 the manner of performance of any power or duty of the ~~office of~~
36 ~~information technology services~~ *Kansas information technology*
37 *enterprise*, the execution of any business of such office and its relations to
38 and business with other state agencies, appeals from the final decisions or
39 final actions of the executive chief information technology officer, and
40 such other matters as are provided by law. Before any such proposed rules
41 and regulations are submitted to the governor, the same shall have received
42 the approval required by K.S.A. 77-420, and amendments thereto, the
43 attorney general shall have made the finding required by K.S.A. 77-420,

1 and amendments thereto, and the executive chief information technology
2 officer shall have held the hearing thereon required by K.S.A. 77-421, and
3 amendments thereto. The governor shall either approve, modify and
4 approve or reject any such proposed rules and regulations. The executive
5 chief information technology officer shall adopt such rules and regulations
6 so approved or so modified and approved by the governor.

7 ~~(b) All rules and regulations, orders and directives of the secretary of
8 administration, the department of administration, the director of
9 information systems and communications, or the division of information
10 systems and communications which relate to the powers, duties and
11 functions transferred from the director of information systems and
12 communications and the division of information systems and
13 communications of the department of administration to the executive chief
14 information technology officer and office of information technology
15 services Kansas information technology enterprise by this act and which
16 are in effect on the effective date of this act shall continue to be effective
17 and shall be deemed to be rules and regulations, orders and directives of
18 the executive chief information technology officer and office of
19 information technology services Kansas information technology enterprise
20 until revised, amended, revoked or nullified pursuant to law.~~

strike lines 7-20

21 Sec. 23. K.S.A. 2016 Supp. 75-4719 is hereby amended to read as
22 follows: 75-4719. For the purpose of preparation of the governor's budget
23 report and related legislative measure or measures for submission to the
24 legislature, the ~~office of information technology services Kansas~~
25 *information technology enterprise*, established in K.S.A. 75-4701, and
26 amendments thereto, shall be considered a separate state agency and shall
27 be titled for such purpose as the "~~office of information technology~~
28 *servicesKansas information technology enterprise*." The budget estimates
29 and requests of such office shall be presented as from a state agency
30 separate from the department of administration, and such separation shall
31 be maintained in the budget documents and reports prepared by the
32 director of the budget and the governor, or either of them, including all
33 related legislative reports and measures submitted to the legislature.

34 Sec. 24. K.S.A. 2016 Supp. 75-6512 is hereby amended to read as
35 follows: 75-6512. (a) Subject to the provisions of appropriations acts, the
36 secretary of administration is hereby authorized to establish and administer
37 a cafeteria plan pursuant to the provisions of section 125 of the federal
38 internal revenue code of 1986 which shall be available to persons who are
39 officers or employees of the state and who are qualified to participate in
40 the state health care benefits program and which shall include, but not be
41 limited to, provisions under which such officers and employees may agree
42 to receive reduced compensation and: (1) Have the state's contribution
43 under K.S.A. 75-6508, and amendments thereto, cover costs of dependent

1 technology-based video communication for distance learning and
2 telemedicine by schools, libraries and hospitals; and (2) transition schools,
3 libraries and hospitals that have a direct KAN-ED connection as of
4 January 1, 2012, to a commercially provided broadband internet
5 connection no later than June 30, 2013. The plan may require users of the
6 program to bear part of its cost. Such plan shall be included in the board's
7 report to the legislature pursuant to K.S.A. 2016 Supp. 75-7226, and
8 amendments thereto.

9 (f) The board may appoint such advisory committees as the board
10 determines necessary to carry out the purposes of this act. The membership
11 of advisory committees may include both members of the board and
12 persons who are not board members. Such advisory committees, to the
13 extent appropriate, shall include both communications services providers
14 and participants knowledgeable about topics such as network facilities and
15 services, distance learning and telemedicine, user training and such other
16 topics as may be necessary or useful. Members of advisory committees
17 appointed by the board shall receive amounts provided for in ~~subsection~~
18 ~~(e)~~ of K.S.A. 75-3223(e), and amendments thereto.

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

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

32 Sec. 30. K.S.A. 2016 Supp. 12-5364, 74-9302, 74-9304, 74-9306, 74-
33 99f04, 74-99f06, 74-99f08, 75-3707e, 75-4701, 75-4702c, 75-4703, 75-
34 4704, 75-4704a, 75-4704b, 75-4705, 75-4709, 75-4710, 75-4718, 75-4719,
35 75-6512, 75-7201, 75-7202, 75-7204, 75-7205 and 75-7224 are hereby
36 repealed.

37 Sec. 31. This act shall take effect and be in force from and after its
38 publication in the statute book.

75-4702,