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**MEMORANDUM**

To: Senate Ways and Means  
From: Jenna Moyer, Assistant Revisor of Statutes  
Date: March 13, 2018  
Subject: Proposed Senate Substitute for Substitute for HB 2331

The proposed Senate Sub for Sub for HB 2331 renames the office of information technology services as the Kansas department for technology and innovation, consolidates executive branch information technology purchasing and transfers cabinet agency information technology staff.

New Section 1 - changes the name of the office of information technology services to the Kansas department for technology and innovation (KDTI) and transfers all properties, rights, responsibilities, and moneys to the newly named office. Any conflicts arising because of the transfer shall be resolved by the governor, whose decision is final.

New Section 2 - Subsection (a) establishes that the KDTI shall operate, maintain and manage information technology (IT) for cabinet agencies. Procurement of IT and IT service or resource contracts by cabinet agencies shall be through KDTI. After the effective date of this act, all executive branch agencies will be required to receive approval from the executive chief information technology officer (CITO) for all IT expenditures over \$5,000.

Subsection (c) provides that employees of cabinet agencies whose duties concern IT shall report directly to the executive chief information technology officer. Subsection (d) gives the executive CITO authority to enter into service-level agreements with executive branch agencies to ensure prompt and reliable IT service.

New Section 3 - establishes the Kansas department of technology and innovation fund and that moneys in the fund may be used to meet statewide information technology requirements. This section requires the executive CITO to compute itemized costs for providing IT services to executive branch agencies and that agencies receiving IT services will reimburse for these costs.

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The executive CITO shall also be required to submit an annual report of anticipated IT costs to the joint committee on information technology.

New Section 4 - provides that on July 1, 2018, cabinet agency employees whose duties concern IT are transferred and become part of the KDTI. Such employees shall retain their rights, benefits and status. Subsection (b) provides for the same transfer for employees of the office of information technology and services. Any conflicts in the determination of an employee's duty or function will be resolved by the governor.

New Section 5 - establishes the information technology advisory board within the KDTI. The board shall include a least 4 cabinet agency representatives, at least 4 representatives from other executive branch agencies. The executive CITO shall serve as chair of the board and may seek members from other state agencies. This board shall: Provide direction and coordination of state IT resources for executive branch agencies; receive reports from executive branch agencies regarding status and feedback for IT projects; establish technical advisory committees as necessary; and review and make recommendations on proposals from chief information technology officers.

Sections 6 – 28 - change references from the office of information technology services to Kansas department for technology and innovation and strike outdated references to the division of information systems and communications (DISC), in addition to the specified changes below.

Section 15 - amends K.S.A. 75-7403 to require the executive CITO to adopt rules and regulations to establish a system of prioritization for executive branch IT projects prior to July 1, 2019.

Section 22 - amends K.S.A. 75-4719 to require the KDTI to coordinate with the division of budget to develop and implement a plan to manage all IT funding.

Section 24 - amends K.S.A. 75-7201 to reference new sections 1-5, adds a definition of "cabinet agency" and updates the definition of "executive branch agency" to exclude elected office agencies, KPERS, board of regents and regents' institutions.

Section 26 amends K.S.A. 75-7204 by providing an option for the position of executive chief information technology architect to be fulfilled by a committee.

Section 27 - amends K.S.A. 75-7205 by updating terms and the duties of the executive CITO.

These duties now include:

- Review and approve executive branch IT expenditures pursuant to section 2;
- Manage and order cabinet agency IT systems and employees uniformly and efficiently;
- Deliver IT services to executive branch agencies prioritizing service, effectiveness, prevention of fraud and abuse and adaptation to new technologies; and
- Annually submit a report to the legislature containing: a projected 3-year budget; fund balances and expenditures; performances measures; cost savings to the state; and customer satisfaction ratings.

This bill would also repeal the following statutes:

K.S.A. 75-4702, transferring powers and duties of DISC director to the executive CITO

K.S.A. 75-4702b, transferring employees of DISC to OITS

K.S.A. 75-4702c, property and records transfer from DISC to OITS, resolution of conflicts

K.S.A. 75-4702e, abolishing department of administration telecommunications positions