

HOUSE BILL No. 2438

By Legislative Post Audit Committee

12-21

1 AN ACT concerning information technology projects; prohibiting state
2 agencies from using the same vendor to plan and implement projects in
3 certain cases, exceptions; amending K.S.A. 2017 Supp. 75-7209 and
4 repealing the existing section.
5

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

7 Section 1. K.S.A. 2017 Supp. 75-7209 is hereby amended to read as
8 follows: 75-7209. (a) Whenever an agency proposes an information
9 technology project, such agency shall prepare and submit to the chief
10 information technology officer of the branch of state government of which
11 the agency is a part of a project budget estimate therefor, and for each
12 amendment or revision thereof, in accordance with this section. Each
13 information technology project budget estimate shall be in such form as
14 required by the director of the budget, in consultation with the chief
15 information technology architect, and by this section. In each case, the
16 agency shall prepare and include as a part of such project budget estimate
17 a plan consisting of a written program statement describing the project.
18 The program statement shall:

19 (1) Include a detailed description of and justification for the project,
20 including: (A) An analysis of the programs, activities and other needs and
21 intended uses for the additional or improved information technology; (B) a
22 statement of project scope including identification of the organizations and
23 individuals to be affected by the project and a definition of the
24 functionality to result from the project; and (C) an analysis of the
25 alternative means by which such information technology needs and uses
26 could be satisfied;

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

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

35 (4) include a cost-benefit statement based on an analysis of
36 qualitative as well as financial benefits.

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

9 (2) All specifications for bids or proposals related to an approved
10 information technology project of one or more state agencies shall be
11 reviewed by the chief information technology officer of each branch of
12 state government of which the agency or agencies are a part.

13 (3) (A) *Agencies are prohibited from contracting with a vendor to*
14 *implement the project if that vendor prepared or assisted in the*
15 *preparation of the program statement required under subsection (a), the*
16 *project planning documents required under subsection (b)(1), or any other*
17 *project plans prepared prior to the project being approved by the chief*
18 *information technology officer as required under subsection (b)(1).*

19 (B) *Information technology projects with an estimated cumulative*
20 *cost of less than \$5,000,000 are exempted from the provisions of*
21 *subparagraph (A).*

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

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

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

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

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

36 Sec. 2. K.S.A. 2017 Supp. 75-7209 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the ~~statute book~~ **{Kansas register}**.