

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.

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

(b)(1) Executive branch agencies must submit requests to the Kansas information technology enterprise for all information technology projects on forms as required by the enterprise. The Kansas information technology enterprise shall evaluate such requests pursuant to rules and regulations adopted by the authority granted in 75-4703(b), and amendments thereto.

(2) Prior to submission of information technology project requests, executive branch agencies may request a project planning meeting with the Kansas information technology enterprise to identify important project issues, project schedules and prioritization, approval requirements, and any other issues identified by the executive branch agency or the enterprise.

(and redesignating subsections)

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.

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.

(a)

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.

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.

redesignate numbering as
(1), (2), (3), (4)

(b) The executive chief information
technology officer shall adopt rules and
regulations that establish a system of
prioritization of agency information
technology projects and services prior to
July 1, 2018.