

Substitute for HOUSE BILL No. 2331

By Committee on Government, Technology and Security

3-15

1 AN ACT concerning information systems and communications; creating
2 the representative Jim Morrison cybersecurity act; relating to digital
3 information security for Kansas executive branch agencies; establishing
4 the Kansas information security office; establishing the cybersecurity
5 state fund and cybersecurity state grant fund in the state treasury;
6 creating the Kansas information technology enterprise; relating to
7 consolidation and transfer of certain executive branch information
8 technology staff, resources, functions and powers; amending K.S.A.
9 2016 Supp. 12-5364, 74-9302, 74-9304, 74-9306, 74-99f04, 74-99f06,
10 74-99f08, 75-3707e, 75-4701, 75-4703, 75-4704, 75-4704a, 75-4704b,
11 75-4705, 75-4709, 75-4718, 75-4719, 75-6512, 75-7201, 75-7202, 75-
12 7204, 75-7205 and 75-7224 and repealing the existing sections; also
13 repealing K.S.A. 2016 Supp. 75-4702 and 75-4702c.
14

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

16 New Section 1. Sections 1 through 8, and amendments thereto, shall
17 be known and may be cited as the representative Jim Morrison
18 cybersecurity act.

19 New Sec. 2. As used in sections 1 through 8, and amendments
20 thereto:

- 21 (a) "Act" means the representative Jim Morrison cybersecurity act.
- 22 (b) "Breach" or "breach of security" means unauthorized access of
23 data in electronic form containing personal information. Good faith access
24 of personal information by an employee or agent of the executive branch
25 agency does not constitute a breach of security, provided that the
26 information is not used for a purpose unrelated to the business or subject to
27 further unauthorized use.
- 28 (c) "CISO" means the executive branch chief information security
29 officer.
- 30 (d) "CSGFCC" means the cybersecurity state grant fund coordinating
31 council.
- 32 (e) "Customer records" means any material, regardless of the physical
33 form on which personal information is recorded or preserved, including,
34 but not limited to, written or spoken words, whether graphically depicted,
35 printed or electromagnetically transmitted that are provided by an
36 individual in this state to an executive branch agency for the purpose of

1 purchasing or leasing a product or obtaining a service.

2 (f) "Cybersecurity" is the body of technologies, processes and
3 practices designed to protect networks, computers, programs and data from
4 attack, damage or unauthorized access.

5 (g) "Data in electronic form" means any data stored electronically or
6 digitally on any computer system or other database and includes
7 recordable tapes and other mass storage devices.

8 (h) "Executive branch agency" means any agency in the executive
9 branch of the state of Kansas, but does not include elected office agencies
10 or regents' institutions.

11 (i) "Local governmental entity" means any department, division,
12 bureau, commission, regional planning agency, board, district, authority,
13 agency or other instrumentality of this state that acquires, maintains, stores
14 or uses data in electronic form containing personal information.

15 (j) (1) "Personal information" means either of the following:

16 (A) An individual's first name or first initial and last name, in
17 combination with at least one of the following data elements for that
18 individual:

19 (i) Social security number;

20 (ii) drivers' license or identification card number, passport number,
21 military identification number or other similar number issued on a
22 government document used to verify identity;

23 (iii) financial account number or credit or debit card number, in
24 combination with any security code, access code or password that is
25 necessary to permit access to an individual's financial account;

26 (iv) any information regarding an individual's medical history, mental
27 or physical condition or medical treatment or diagnosis by a health care
28 professional; or

29 (v) an individual's health insurance policy number or subscriber
30 identification number and any unique identifier used by a health insurer to
31 identify the individual; or

32 (B) a user name or e-mail address, in combination with a password or
33 security question and answer that would permit access to an online
34 account.

35 (2) Personal information does not include information:

36 (A) About an individual that has been made publicly available by a
37 federal, state or local governmental entity; or

38 (B) that is encrypted, secured or modified by any other method or
39 technology that removes elements that personally identify an individual or
40 that otherwise renders the information unusable.

41 New Sec. 3. (a) There is hereby established within and as a part of the
42 Kansas information technology enterprise the position of executive branch
43 chief information security officer. The CISO shall be in the unclassified

1 service under the Kansas civil service act, shall be appointed by the
2 governor and shall receive compensation in an amount fixed by the
3 governor.

4 (b) The CISO shall:

5 (1) Report to the executive chief information technology officer;

6 (2) serve as the state's CISO;

7 (3) serve as the executive branch chief cybersecurity strategist and
8 authority on policies, compliance, procedures, guidance and technologies
9 impacting executive branch agency cybersecurity programs;

10 (4) ensure cybersecurity training programs are provided for executive
11 branch agencies;

12 (5) ensure compliance with local policy and applicable regulatory
13 authority for background investigations of personnel resources assigned in
14 support of executive branch agencies;

15 (6) ensure compliance with cybersecurity policies established by the
16 Kansas information technology executive council pursuant to K.S.A. 2016
17 Supp. 75-7203, and amendments thereto, as well as applicable federal
18 standards for resources assigned or provided;

19 (7) ensure Kansas information security office personnel resources
20 assigned to executive branch agencies are protected from retribution for
21 reporting violations;

22 (8) coordinate cybersecurity efforts between executive branch
23 agencies, state information resources and local governmental entities;

24 (9) have authority to:

25 (A) Oversee executive branch agency cybersecurity plans for
26 information technology projects;

27 (B) halt executive branch agency information technology projects or
28 information systems that are not compliant with approved cybersecurity
29 plans;

30 (C) conduct ad hoc security assessments of executive branch agency
31 information systems and internal information technology operating
32 environments;

33 (D) suspend public access to executive branch agency information
34 resources where compromise of restricted use information or computer
35 resources has occurred or is likely to occur as the result of an identified
36 high risk vulnerability or threat;

37 (E) disburse state cybersecurity funds and cybersecurity state grant
38 funds; and

39 (F) hire, promote, suspend, demote, discipline and dismiss all
40 executive branch cybersecurity positions; and

41 (10) perform such other functions and duties as provided by law and
42 as directed by the executive chief information technology officer or the
43 governor.

1 (c) The CISO shall adopt rules and regulations pertaining to the
2 following areas:

3 (1) Development of a standard cybersecurity rating method for
4 agencies and the state of Kansas. In developing this standard, the CISO
5 shall utilize, to the extent practicable, the cybersecurity framework
6 developed by the national institute of standards and technology; and

7 (2) providing for a process by which agencies can appeal security
8 determinations made by the CISO.

9 (d) (1) The CISO shall submit an annual report to the house general
10 government budget committee, the house government, technology and
11 security committee, the senate ways and means committee, the joint
12 committee on Kansas security and the joint committee on information
13 technology, or their successor committees.

14 (2) Such report shall include:

15 (A) A projected budget for the upcoming three fiscal years with
16 project goals;

17 (B) a description of expenditures made from cybersecurity funds in
18 the most recent fiscal year;

19 (C) the status of ongoing cybersecurity plans and projects;

20 (D) strategic planning goals or objectives met during the most recent
21 fiscal year;

22 (E) the results of agency security assessments; and

23 (F) training provided to state employees.

24 (3) The provisions of subsection (d)(2)(D) through (F) shall expire on
25 July 1, 2020, unless the legislature reviews and reenacts these provisions
26 prior to July 1, 2020.

27 New Sec. 4. (a) There is hereby established within and as a part of the
28 office of information technology services the Kansas information security
29 office. The Kansas information security office shall be administered by the
30 CISO and be staffed appropriately to effect the provisions of the
31 representative Jim Morrison cybersecurity act.

32 (b) For the purpose of preparing the governor's budget report and
33 related legislative measures submitted to the legislature, the Kansas
34 information security office, established in this section, shall be considered
35 a separate state agency and shall be titled for such purpose as the "Kansas
36 information security office." The budget estimates and requests of such
37 office shall be presented as from a state agency separate from the
38 department of administration, and such separation shall be maintained in
39 the budget documents and reports prepared by the director of the budget
40 and the governor, or either of them, including all related legislative reports
41 and measures submitted to the legislature.

42 (c) Under direction of the CISO, the Kansas information security
43 office shall perform the following functions for executive branch agencies,

1 unless otherwise stated:

- 2 (1) Administer the representative Jim Morrison cybersecurity act;
- 3 (2) assist in developing, implementing and monitoring strategic and
4 comprehensive information security risk-management programs;
- 5 (3) facilitate information security governance, including the
6 formation of an information security steering committee or advisory board;
- 7 (4) create and manage a unified and flexible control framework to
8 integrate and normalize requirements resulting from global laws, standards
9 and regulations;
- 10 (5) facilitate a metrics, logging and reporting framework to measure
11 the efficiency and effectiveness of the state information security programs;
- 12 (6) provide strategic risk guidance for information technology
13 projects, including the evaluation and recommendation of technical
14 controls;
- 15 (7) ensure that security programs and all technology solutions offered
16 by vendors to the state are in compliance with relevant laws, rules and
17 regulations and policies;
- 18 (8) coordinate the use of external resources involved in information
19 security programs, including, but not limited to, interviewing, negotiating
20 contracts and fees and managing external resources;
- 21 (9) interact with related disciplines through committees to ensure the
22 consistent application of policies and standards across all technology
23 projects, systems and services, including, but not limited to, privacy, risk
24 management, compliance and business continuity management;
- 25 (10) liaise with external agencies, such as law enforcement and other
26 advisory bodies as necessary, to ensure a strong security posture;
- 27 (11) assist in the development of effective disaster recovery policies
28 and standards;
- 29 (12) assist in the development of implementation plans and
30 procedures to ensure that business-critical services are recovered in a
31 cybersecurity event;
- 32 (13) review and restructure, as necessary, current information
33 technology security responsibilities pursuant to section 3, and amendments
34 thereto;
- 35 (14) coordinate information technology security interests among
36 regents' institutions, elected office agencies, the legislative branch, the
37 judicial branch, other executive elected office state agencies and local
38 government entities; and
- 39 (15) perform such other functions and duties as provided by law and
40 as directed by the CISO.

41 New Sec. 5. (a) The cybersecurity state grant fund coordinating
42 council is hereby established. The CSGFCC shall approve and monitor the
43 delivery of state grant fund cybersecurity services, develop strategies for

1 state grant fund cybersecurity initiatives and award available grant funds
2 as prescribed in section 8, and amendments thereto.

3 (b) The CSGFCC shall be composed of:

4 (1) The CISO, who shall serve as a permanent voting member; and

5 (2) the following members appointed by the governor:

6 (A) Two members representing information technology personnel
7 from executive branch agencies;

8 (B) two members representing legal counsel from executive branch
9 agencies; and

10 (C) one member representing financial personnel from executive
11 branch agencies.

12 (c) After initial appointment, members appointed to this committee
13 shall serve a term of three years, which shall expire on June 30 of the last
14 year of such member's term. Appointed members are eligible for
15 reappointment, but shall not serve longer than two successive three-year
16 terms. All vacancies may be filled by appointment for the remainder of the
17 unexpired term and any such appointed member may serve two additional
18 three-year terms.

19 (d) The CISO shall serve as the chair of the CSGFCC, and shall:

20 (A) Serve as the coordinator of cybersecurity state grant fund services
21 and initiatives in the state;

22 (B) implement statewide cybersecurity state grant fund service
23 planning;

24 (C) have authority to administer any cybersecurity state grant fund
25 service as adopted by the council;

26 (D) serve subject to the direction of the council;

27 (E) ensure that policies adopted by the council are carried out;

28 (F) preside over all meetings of the council; and

29 (G) assist the council in effectuating the provisions of this act.

30 (e) The CSGFCC is hereby authorized to adopt rules and regulations
31 necessary to effectuate the provisions of section 8, and amendments
32 thereto, including, but not limited to, creating a uniform reporting form
33 designating how moneys have been spent by cybersecurity state grant fund
34 recipients, setting standards for coordinating and purchasing equipment
35 and recommending standards for training of grant recipient personnel. The
36 chair of the council shall work with the council to develop rules and
37 regulations necessary for the distribution of moneys in the cybersecurity
38 state grant fund. The council shall work with the chair to carry out the
39 provisions of section 8, and amendments thereto.

40 (f) Any action of the council pursuant to subsection (e) is subject to
41 review in accordance with the Kansas judicial review act, K.S.A. 77-601 et
42 seq., and amendments thereto.

43 New Sec. 6. (a) There is hereby established in the state treasury the

1 cybersecurity state fund. All amounts received under this section shall be
2 remitted to the state treasurer in accordance with the provisions of K.S.A.
3 75-4215, and amendments thereto. Upon receipt of each such remittance,
4 the state treasurer shall deposit the entire amount in the state treasury to
5 the credit of the cybersecurity state fund, which shall be administered by
6 the CISO.

7 (b) On June 30 of each year, any unencumbered balance in the
8 cybersecurity state fund that is not required for expenditures during the
9 ensuing fiscal year may be transferred by the director of accounts and
10 reports from the cybersecurity state fund to the cybersecurity state grant
11 fund established by section 7, and amendments thereto. If the director of
12 accounts and reports transfers any funds pursuant to this subsection, the
13 director shall transmit a copy of such transfer to the director of legislative
14 research and the director of the budget.

15 (c) All payments and disbursements from the cybersecurity state fund
16 shall be made in accordance with appropriation acts upon warrants of the
17 director of accounts and reports issued pursuant to vouchers approved by
18 the CISO or designee of the CISO.

19 (d) On or before the 10th day of each month, the director of accounts
20 and reports shall transfer from the state general fund to the cybersecurity
21 state fund interest earnings based on: (1) The average daily balance of
22 moneys in the cybersecurity state fund for the preceding month; and (2)
23 the net earnings rate of the pooled money investment portfolio for the
24 preceding month.

25 (e) On July 1, 2017, the chief executive information technology
26 officer shall certify to the director of accounts and reports all unobligated
27 funds remaining in the office of information technology services special
28 revenue funds that are designated by the chief executive information
29 technology officer as cybersecurity fee moneys. Upon receipt of such
30 certification, the director of accounts and reports shall transfer such
31 moneys from the special revenue fund or funds to the cybersecurity state
32 fund. At the same time as the chief executive information technology
33 officer transmits each such certification to the director of accounts and
34 reports, such officer shall transmit a copy of such certification to the
35 director of legislative research and the director of the budget.

36 New Sec. 7. (a) There is hereby established in the state treasury the
37 cybersecurity state grant fund. All amounts received under this section
38 shall be remitted to the state treasurer in accordance with the provisions of
39 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
40 remittance, the state treasurer shall deposit the entire amount in the state
41 treasury to the credit of the cybersecurity state grant fund, which shall be
42 administered by the CISO.

43 (b) All payments and disbursements from the fund shall be made in

1 accordance with appropriation acts upon warrants of the director of
2 accounts and reports issued pursuant to vouchers approved by the CISO or
3 the designee of the CISO.

4 (c) Except as provided further, during any fiscal year, the CISO shall
5 maintain a balance in the cybersecurity state grant fund of not less than
6 \$10,000,000. The CISO may approve vouchers for expenditures of the
7 cybersecurity state grant fund that result in the balance of such fund being
8 less than \$10,000,000 if the CISO determines such funds are necessary to
9 respond to a cybersecurity breach.

10 (d) On or before the 10th day of each month, the director of accounts
11 and reports shall transfer from the state general fund to the cybersecurity
12 state grant fund interest earnings based on: (1) The average daily balance
13 of moneys in the cybersecurity state grant fund for the preceding month;
14 and (2) the net earnings rate of the pooled money investment portfolio for
15 the preceding month.

16 New Sec. 8. (a) The moneys of the cybersecurity state fund and the
17 cybersecurity state grant fund shall be used only for necessary and
18 reasonable costs incurred or to be incurred by the Kansas information
19 security office for the:

- 20 (1) Implementation and delivery of cybersecurity services;
- 21 (2) purchase, maintenance and license fees for cybersecurity and
22 supporting equipment, software and upgrades;
- 23 (3) training of personnel;
- 24 (4) installation, service establishment, start-up charges and monthly
25 recurring charges billed by service suppliers;
- 26 (5) capital improvements and equipment or other physical
27 enhancements to the cybersecurity program;
- 28 (6) projects involving the development and implementation of
29 cybersecurity services; (7) cybersecurity consolidation or cost-sharing
30 projects;
- 31 (8) maintenance of adequate staffing, facilities and support services
32 of the Kansas information security office;
- 33 (9) projects involving the development and implementation of
34 cybersecurity services for local governmental entities;
- 35 (10) local governmental entities consolidation or cost-sharing
36 cybersecurity projects;
- 37 (11) promotion of cybersecurity education;
- 38 (12) development and implementation of a cybersecurity scholarship
39 program; and
- 40 (13) cybersecurity self-insurance.

41 (b) If the CSGFCC, based upon information obtained from the
42 Kansas information security office reports, or an audit of the Kansas
43 information security office determines, that a local governmental entity has

1 used any state cybersecurity fund moneys for any purposes other than
2 those authorized in this act, the local governmental entity shall repay all
3 such funds used for any unauthorized purposes, plus 10% for deposit in the
4 cybersecurity state grant fund. No such repayment of cybersecurity funds
5 shall be imposed pursuant to this section, except upon the written order of
6 the council. Such order shall state the unauthorized purposes for which the
7 funds were used, the amount of funds to be repaid and the right of the local
8 governmental entity to appeal to a hearing before the council. The local
9 governmental entity may, within 15 days after service of the order
10 pursuant to K.S.A. 77-531, and amendments thereto, make a written
11 request to the council for a hearing. Orders of the council under this
12 subsection and hearings shall be subject to the provisions of the Kansas
13 administrative procedure act, K.S.A. 77-501 et seq., and amendments
14 thereto. Any action of the council pursuant to this subsection is subject to
15 review in accordance with the Kansas judicial review act, K.S.A. 77-601 et
16 seq., and amendments thereto.

17 (c) If the CSGFCC determines that the local governmental entity was
18 working in good faith to use the cybersecurity funds for expenditures
19 authorized by this act, no repayment of cybersecurity funds shall be
20 required.

21 New Sec. 9. On the effective date of this act, the name of the office of
22 information technology services is hereby changed to the Kansas
23 information technology enterprise. All properties, moneys, appropriations,
24 rights and authorities now vested in the office of information technology
25 services shall be vested in the Kansas information technology enterprise.
26 Whenever the title of the office of information technology services, or
27 words of like effect, is referred to or designated by any statute, contract or
28 other document, such reference or designation shall be deemed to apply to
29 the Kansas information technology enterprise.

30 New Sec. 10. (a) (1) On and after the effective date of this act, all
31 cabinet agencies shall be required to receive approval from the executive
32 chief information technology officer for all information technology
33 expenditures by the agency. On and after July 1, 2019, all executive branch
34 agencies shall be required to receive approval from the executive chief
35 information technology officer for all information technology expenditures
36 by the agency.

37 (2) The heads of such agencies shall provide information to and
38 cooperate with the executive chief information technology officer for the
39 purpose of implementing and administering this section.

40 (b) (1) Agencies required to receive approval for information
41 technology expenditures must submit requests to the Kansas information
42 technology enterprise for all information technology projects on forms as
43 required by the enterprise. The Kansas information technology enterprise

1 shall evaluate such requests pursuant to rules and regulations adopted by
2 the authority granted in K.S.A. 75-4703(b), and amendments thereto.

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

8 (c) On and after the effective date of this act, all officers and
9 employees of cabinet agencies whose duties or functions for cabinet
10 agencies concern information technology shall report directly to the
11 executive chief information technology officer. On and after July 1, 2019,
12 all other executive branch officers and employees whose duties or
13 functions for executive branch agencies concern information technology
14 shall report directly to the executive chief information technology officer.

15 New Sec. 11. (a) There is hereby created in the state treasury the
16 Kansas information technology enterprise fund. All amounts received
17 under this section shall be remitted to the state treasurer in accordance
18 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
19 receipt of each such remittance, the state treasurer shall deposit the entire
20 amount into the state treasury to the credit of the Kansas information
21 technology enterprise fund, which shall be administered by the executive
22 chief information technology officer.

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

28 (2) Moneys in the Kansas information technology enterprise fund
29 may be used to meet statewide information technology requirements,
30 including, but not limited to: Project management, security, electronic
31 mail, Kansas information technology enterprise expenses and any other
32 information technology operations.

33 (c) The executive chief information officer shall compute the
34 reasonably anticipated itemized costs of providing information technology
35 services to executive branch agencies subject to this act. Any agency that
36 is receiving the information technology services shall reimburse the
37 Kansas information technology enterprise for such costs. Any such
38 reimbursement collected by the Kansas information technology enterprise
39 shall be credited to the Kansas information technology enterprise fund.
40 Annually, on or before August 1, the executive chief information officer
41 shall report to the joint committee on information technology the
42 reasonably anticipated itemized costs of providing information technology
43 services to executive branch agencies subject to this act.

1 (d) Nothing in sections 9 through 13, and amendments thereto, shall
2 be construed to impair any existing contracts, leases or agreements entered
3 into before July 1, 2017.

4 New Sec. 12. (a) The Kansas information technology enterprise shall
5 coordinate with the Kansas division of budget to develop and implement a
6 plan to manage all information technology funding. Executive branch
7 agencies shall cooperate with the executive chief information technology
8 officer and the division of budget to identify information technology
9 expenses, contracts, projects, resources and payment sources.

10 (b) Except as otherwise provided in sections 9 through 13, and
11 amendments thereto, on July 1, 2018, officers and employees of cabinet
12 agencies, and on July 1, 2020, officers and employees of all other
13 executive branch agencies, who, immediately prior to such dates, were
14 engaged in the performance of powers, duties or functions for such
15 agencies concerning information technology, that are transferred by this
16 act, or who become a part of the Kansas information technology
17 enterprise, or the powers, duties and functions which are transferred to the
18 Kansas information technology enterprise, and who, in the opinion of the
19 executive chief information technology officer, are necessary to perform
20 the powers, duties and functions of the Kansas information technology
21 enterprise, shall be transferred to, and shall become officers and employees
22 of the Kansas information technology enterprise. Any such officer or
23 employee shall retain all retirement benefits and all rights of civil service
24 that had accrued to or vested in such officer or employee prior to the
25 effective date of this section. The service of each such officer and
26 employee so transferred shall be deemed to have been continuous. All
27 transfers and any abolition of personnel positions in the classified service
28 under the Kansas civil service act shall be in accordance with civil service
29 laws and any rules and regulations adopted thereunder.

30 (c) In the event any conflict arises as to the disposition, function or
31 duty of any officer or employee referenced in subsection (b), or as a result
32 of any abolition, transfer, attachment or change made by or under the
33 authority of sections 9 through 13, and amendments thereto, such conflict
34 shall be resolved by the governor, whose decision shall be final.

35 New Sec. 13. (a) There is hereby established the information
36 technology advisory board which shall be attached to the Kansas
37 information technology enterprise for administrative purposes.

38 (b) The membership of the information technology advisory board
39 shall be composed of members appointed by state entities to represent their
40 information technology interests and approved by the executive chief
41 information technology office. The board shall have a minimum of four
42 members representing cabinet agencies and a minimum of four members
43 representing other executive branch agencies. The executive chief

1 information technology officer shall serve as chairperson of the board and
2 may seek additional members from additional state entities, including, but
3 not limited to, elected office agencies, regents' institutions, the legislative
4 branch and the judicial branch.

5 (c) The information technology advisory board shall:

6 (1) Provide direction and coordination for the application of the
7 state's information technology resources for all state agencies;

8 (2) receive reports from state agencies regarding the status of
9 information technology projects and solicit feedback for improving such
10 services;

11 (3) organize and direct technical advisory committees to address
12 technology issues and resource management issues as necessary;

13 (4) review proposed programs and projects referred by chief
14 information technology officers and make recommendations regarding the
15 appropriateness of planning, technologies used, compliance with policy
16 and standards and resource estimates; and

17 (5) address other information technology resource management issues
18 at the request of the executive chief information technology officer or the
19 information technology executive council and make recommendations
20 thereon.

21 (d) The board shall meet regularly at least once every calendar
22 quarter and special meetings may be called by the chairperson or by a
23 majority of the board.

24 Sec. 14. K.S.A. 2016 Supp. 12-5364 is hereby amended to read as
25 follows: 12-5364. (a) (1) There is hereby created the 911 coordinating
26 council which shall monitor the delivery of 911 services, develop
27 strategies for future enhancements to the 911 system and distribute
28 available grant funds to PSAPs. In as much as possible, the council shall
29 include individuals with technical expertise regarding 911 systems,
30 internet technology and GIS technology.

31 (2) The 911 coordinating council shall consist of 13 voting members
32 to be appointed by the governor: Two members representing information
33 technology personnel from government units; one member representing
34 the Kansas sheriff's association; one member representing the Kansas
35 association of chiefs of police; one member representing a fire chief; one
36 member recommended by the adjutant general; one member recommended
37 by the Kansas emergency medical services board; one member
38 recommended by the Kansas commission for the deaf and hard of hearing;
39 two members representing PSAPs located in counties with less than
40 75,000 in population; two members representing PSAPs located in
41 counties with greater than 75,000 in population; and one member
42 representing PSAPs without regard to size. At least two of the members
43 representing PSAPs shall be administrators of a PSAP or have extensive

1 prior 911 experience in Kansas.

2 (3) Other voting members of the 911 coordinating council shall
3 include: One member of the Kansas house of representatives as appointed
4 by the speaker of the house; one member of the Kansas house of
5 representatives as appointed by the minority leader of the house; one
6 member of the Kansas senate as appointed by the senate president; and one
7 member of the Kansas senate as appointed by the senate minority leader.

8 (4) The 911 coordinating council shall also include nonvoting
9 members to be appointed by the governor: One member representing rural
10 telecommunications companies recommended by the Kansas rural
11 independent telephone companies; one member representing incumbent
12 local exchange carriers with over 50,000 access lines; one member
13 representing large wireless providers; one member representing VoIP
14 providers; one member recommended by the league of Kansas
15 municipalities; one member recommended by the Kansas association of
16 counties; one member recommended by the Kansas geographic
17 information systems policy board; one member recommended by the
18 Kansas ~~office of information technology services~~ *enterprise*; and one
19 member, a Kansas resident, recommended by the Mid-America regional
20 council.

21 (b) (1) Except as provided in subsection (b)(2) and (b)(3), the terms
22 of office for voting members of the 911 coordinating council shall
23 commence on the effective date of this act and shall be subject to
24 reappointment every three years. No voting member shall serve longer
25 than two successive three-year terms. A voting member appointed as a
26 replacement for another voting member may finish the term of the
27 predecessor and may serve two additional successive three-year terms.

28 (2) The following members, whose terms began on the effective date
29 of this act, shall serve initial terms as follows:

30 (A) One member representing information technology personnel from
31 government units, one member recommended by the adjutant general, one
32 member representing PSAPs located in counties with less than 75,000 in
33 population and one member representing PSAPs located in counties with
34 greater than 75,000 in population shall serve a term of two years;

35 (B) one member representing information technology personnel from
36 government units, one member recommended by the Kansas emergency
37 medical services board, one member representing PSAPs located in
38 counties with less than 75,000 in population and one member representing
39 PSAPs without regard to size shall serve a term of three years; and

40 (C) one member representing a fire chief, one member recommended
41 by the Kansas commission for the deaf and hard of hearing, one member
42 representing the Kansas association of chiefs of police and one member
43 representing PSAPs located in counties with greater than 75,000 in

1 population shall serve a term of four years.

2 (3) The initial term for one member representing the Kansas sheriff's
3 association shall begin on July 1, 2014, and be for a period of three years.

4 (4) The terms of members specified in this subsection shall expire on
5 June 30 in the last year of such member's term.

6 (c) (1) The governor shall select the chair of the 911 coordinating
7 council, who shall serve at the pleasure of the governor and have extensive
8 prior 911 experience in Kansas.

9 (2) The chair shall serve as the coordinator of E-911 services and next
10 generation 911 services in the state, implement statewide 911 planning,
11 have the authority to sign all certifications required under 47 C.F.R. part
12 400 and administer the 911 federal grant fund and 911 state maintenance
13 fund. The chair shall serve subject to the direction of the council and
14 ensure that policies adopted by the council are carried out. The chair shall
15 serve as the liaison between the council and the LCPA. The chair shall
16 preside over all meetings of the council and assist the council in
17 effectuating the provisions of this act.

18 (d) The 911 coordinating council, by an affirmative vote of nine
19 voting members, shall select the local collection point administrator,
20 pursuant to K.S.A. 2016 Supp. 12-5367, and amendments thereto, to
21 collect 911 fees and to distribute such fees to PSAPs and to distribute 911
22 state grant fund moneys as directed by the council. The council shall adopt
23 rules and regulations for the terms of the contract with the LCPA. All
24 contract terms and conditions shall satisfy all contract requirements as
25 established by the secretary of administration. The council shall determine
26 the compensation of the LCPA who shall provide the council with any
27 staffing necessary in carrying out the business of the council or
28 effectuating the provisions of this act. The moneys used to reimburse these
29 expenses shall be paid from the 911 state grant fund, pursuant to
30 subsection (i).

31 (e) The 911 coordinating council is hereby authorized to adopt rules
32 and regulations necessary to effectuate the provisions of this act, including,
33 but not limited to, creating a uniform reporting form designating how
34 moneys, including 911 fees, have been spent by the PSAPs, requiring
35 service providers to notify the council pursuant to subsection (j), setting
36 standards for coordinating and purchasing equipment, recommending
37 standards for training of PSAP personnel and assessing civil penalties. The
38 chair of the council shall work with the council to develop rules and
39 regulations necessary for the distribution of moneys in the 911 federal
40 grant fund. The council shall work with the chair to carry out the
41 provisions of this act. Rules and regulations necessary to begin
42 administration of this act shall be adopted by December 31, 2011.

43 (f) The council may, pursuant to rules and regulations, raise or lower

1 the 911 fee upon a finding based on information submitted on the uniform
2 reporting forms, that moneys generated by such fee are in excess of or
3 below the costs required to operate PSAPs in the state. The council shall
4 not set the 911 fee above \$.60.

5 (g) The council may appoint subcommittees as necessary to
6 administer grants, oversee collection and distribution of moneys by the
7 LCPA, develop technology standards, develop training recommendations
8 and other issues as deemed necessary by the council. Subcommittees, if
9 appointed, shall include members of the council and other persons as
10 needed.

11 (h) The council may reimburse independent contractors or state
12 agencies for expenses incurred in carrying out the business of the council,
13 including salaries, that are directly attributable to effectuating the
14 provisions of this act. The moneys used to reimburse these expenses shall
15 be paid from the 911 state grant fund, pursuant to subsection (i).

16 (i) All expenses related to the council shall be paid from the 911 state
17 grant fund. No more than 2.5% of the total receipts from providers and the
18 department received by the LCPA shall be used to pay for such expenses.
19 Members of the council and other persons appointed to subcommittees by
20 the council may receive reimbursement for meals and travel expenses, but
21 shall serve without other compensation with the exception of legislative
22 members.

23 (j) Every provider shall submit contact information for the provider to
24 the council prior to January 1, 2012. Any provider that has not previously
25 provided wireless telecommunications service in this state shall submit
26 contact information for the provider to the council within three months of
27 first offering wireless telecommunications services in this state.

28 (k) Each PSAP shall file with the council, by March 1, 2012, and
29 every March 1 thereafter, a report demonstrating how such PSAP has spent
30 the moneys earned from the 911 fee during the preceding calendar year.
31 The council shall designate the content and form of such report.

32 (l) The council, upon a finding that a provider has violated any
33 provision of this act, may impose a civil penalty. No civil penalty shall be
34 imposed pursuant to this section except upon the written order of the
35 council. Such order shall state the violation, the penalty to be imposed and
36 the right of such person to appeal to a hearing before the council. Any such
37 person may, within 15 days after service of the order, make a written
38 request to the council for a hearing thereon. Hearings under this subsection
39 shall be conducted in accordance with the provisions of the Kansas
40 administrative procedure act.

41 (m) Any action of the council pursuant to subsection (l) is subject to
42 review in accordance with the Kansas judicial review act.

43 (n) Any civil penalty recovered pursuant to this section shall be

1 transferred to the LCPA for deposit in the 911 state grant fund.

2 (o) As long as the provider is working in good faith to comply with
3 the provisions of this act, no civil penalty shall be imposed prior to
4 January 1, 2013.

5 (p) The 911 coordinating council shall make an annual report, to
6 include a detailed description of all expenditures made from 911 fees
7 received by the PSAPs, to the house committee on *energy*, utilities and
8 telecommunications and the senate committee on utilities.

9 Sec. 15. K.S.A. 2016 Supp. 74-9302 is hereby amended to read as
10 follows: 74-9302. It shall be the purpose of INK to perform the following
11 duties:

12 (a) Provide electronic access for members of the public to public
13 information of agencies via a gateway service;

14 (b) develop a dial-in gateway or electronic network for access to
15 public information;

16 (c) provide appropriate oversight of any network manager;

17 (d) explore ways and means of expanding the amount and kind of
18 public information provided, increasing the utility of the public
19 information provided and the form in which provided, expanding the base
20 of users who access such public information and, where appropriate,
21 implementing such changes;

22 (e) cooperate with the ~~office of information technology services~~
23 *Kansas information technology enterprise* in seeking to achieve the
24 purposes of INK;

25 (f) explore technological ways and means of improving citizen and
26 business access to public information and, where appropriate, implement
27 such technological improvements; and

28 (g) explore options of expanding such network and its services to
29 citizens and businesses by providing add-on services such as access to
30 other for-profit information and databases and by providing electronic mail
31 and calendaring to subscribers.

32 Sec. 16. K.S.A. 2016 Supp. 74-9304 is hereby amended to read as
33 follows: 74-9304. (a) In order to achieve its purpose as provided in this
34 act, INK shall:

35 (1) Serve in an advisory capacity to the secretary of administration,
36 ~~office of information technology services~~ *Kansas information technology*
37 *enterprise* and other state agencies regarding the provision of state data to
38 the citizens and businesses of Kansas;

39 (2) seek advice from the general public, its subscribers, professional
40 associations, academic groups and institutions and individuals with
41 knowledge of and interest in areas of networking, electronic mail, public
42 information access, gateway services, add-on services and electronic filing
43 of information; and

1 (3) develop charges for the services provided to subscribers, which
2 include the actual costs of providing such services.

3 (b) All state agencies shall cooperate with INK in providing such
4 assistance as may be requested for the achievement of its purpose.
5 Agencies may recover actual costs incurred by providing such assistance.
6 Services and information to be provided by any agency shall be specified
7 pursuant to contract between INK and such agency and shall comply with
8 the provisions of K.S.A. 45-215 et seq. and K.S.A. 2016 Supp. 45-230,
9 and amendments thereto.

10 Sec. 17. K.S.A. 2016 Supp. 74-9306 is hereby amended to read as
11 follows: 74-9306. ~~The office of information technology services~~ *Kansas*
12 *information technology enterprise* shall provide to INK such staff and
13 other assistance as may be requested thereby, and the actual costs of such
14 assistance shall be paid for by INK.

15 Sec. 18. K.S.A. 2016 Supp. 74-99f04 is hereby amended to read as
16 follows: 74-99f04.- (a) There is hereby established the Kansas geographic
17 information systems policy board within the ~~office of information~~
18 ~~technology services~~ *Kansas information technology enterprise*.

19 (b) The board shall consist of 23 members:

20 (1) The governor shall appoint 11 members as follows: Five
21 representatives of local government, including cities, counties or local
22 government consortia of cities, counties, non-profit and private sector
23 enterprises. Such members may include, but are not limited to,
24 representatives from city and county commissions or planning councils,
25 tribal government, law enforcement, county clerks, county appraisers and
26 emergency planning divisions; two representatives of the board of regents
27 institutions; and two executives representing the private sector. Members
28 from the private sector may include, but are not limited to, representatives
29 from the trucking industry, utilities, telecommunications, publishers,
30 agriculturalists, oil and gas industry, chambers of commerce, aircraft and
31 auto industry and the banking community; and two representatives from
32 relevant statewide businesses or professional organizations, such as
33 statewide associations of groundwater management districts, emergency
34 planning, law enforcement, licensed surveyors and other relevant technical
35 professions or agriculture-related businesses.

36 (2) The remaining 12 members shall be:

37 (A) The executive chief information technology officer of the ~~office~~
38 ~~of information technology services~~ *Kansas information technology*
39 *enterprise* or such officer's designee;

40 (B) the director of the Kansas water office or such director's designee;

41 (C) the state biologist of the Kansas biological survey or the state
42 biologist's designee;

43 (D) the state geologist of the Kansas geological survey or the state

1 geologist's designee;

2 (E) the executive director of the Kansas historical society or such
3 executive director's designee;

4 (F) the secretary of agriculture or such secretary's designee;

5 (G) the secretary of health and environment or such secretary's
6 designee;

7 (H) the director of legislative research of the legislative research
8 department or such director's designee;

9 (I) the secretary of revenue or such secretary's designee;

10 (J) the secretary of transportation or such secretary's designee;

11 (K) the state librarian or such librarian's designee; and

12 (L) the executive director of the information network of Kansas or
13 such executive director's designee.

14 (c) Members appointed by the governor under subsection (b)(1) shall
15 be appointed for a four-year term and until such member's successors are
16 appointed and qualified, except as provided in subsection (d). Members
17 not appointed by the governor under subsection (b)(1) shall serve
18 consistent with their terms of office, employment or appointment.

19 (d) The governor may remove a member from the board for lack of
20 attendance or lack of participation.

21 (e) The governor shall select a chairperson and vice-chairperson from
22 among the members of the board who shall serve as chairperson and vice-
23 chairperson at the discretion of the governor. The board may elect other
24 officers among its members and may establish any committees deemed
25 necessary to discharge its duties.

26 (f) Board members shall not receive compensation, subsistence
27 allowance, mileage or associated expenses from the state. Officers or
28 employees of state agencies who serve on the board shall be authorized to
29 serve on the board as part of their duties.

30 Sec. 19. K.S.A. 2016 Supp. 74-99f06 is hereby amended to read as
31 follows: 74-99f06. (a) There is hereby established the office of state
32 geographic information systems officer who shall be appointed by the
33 governor and who shall serve in the ~~office of information technology~~
34 ~~services~~ *Kansas information technology enterprise*.

35 (b) The state geographic information systems officer shall:

36 (1) Implement Kansas one map, an enterprise statewide mapping
37 strategy that: (A) Supports Kansas state entities and local governments as
38 they foster economic vitality, manage resources, educate, save and restore
39 the natural environment, advance health initiatives, ensure public safety
40 and support science; and (B) enables state entities and local governments
41 to better implement and coordinate policies and programs across Kansas;

42 (2) implement and maintain the Kansas data access and support
43 center, an enterprise geospatial data clearinghouse to include a central

1 store and catalog of Kansas data and mapping services available to all state
2 entities and the public;

3 (3) recruit a technical committee and appoint the technical committee
4 chair;

5 (4) provide oversight for the development of the Kansas one map
6 program and monitor Kansas one map metrics;

7 (5) establish and manage a Kansas one map communications plan and
8 provide for Kansas one map education;

9 (6) maintain a liaison relationship with state, federal, regional, county
10 and municipal organizations;

11 (7) promote, advertise and market applications, capabilities, benefits
12 and results of the Kansas one map program;

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

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

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

21 Sec. 20. K.S.A. 2016 Supp. 74-99f08 is hereby amended to read as
22 follows: 74-99f08. Funding for the Kansas data access and support center
23 shall be continued through the ~~office of information technology services~~
24 *Kansas information technology enterprise* and shall be directed to the
25 Kansas geological survey which currently houses and supports this
26 function.

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

43 Sec. 22. K.S.A. 2016 Supp. 75-4701 is hereby amended to read as

1 follows: 75-4701. (a) There is hereby established ~~an office of information~~
2 ~~technology services~~ *the Kansas information technology enterprise*, the
3 head of which shall be the executive chief information technology officer.
4 The executive chief information technology officer shall administer the
5 ~~office of information technology services~~ *Kansas information technology*
6 *enterprise*. ~~The division of information systems and communications and~~
7 ~~the office of the director of information systems and communications,~~
8 ~~created by this section prior to its amendment by this act, are hereby~~
9 ~~abolished.~~

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

13 (c) There are hereby established, within the ~~office of information~~
14 ~~technology services~~ *Kansas information technology enterprise*, the offices
15 of the deputy director of information systems and the deputy director of
16 telecommunications who shall be appointed by the executive chief
17 information technology officer and shall be in the unclassified service
18 under the Kansas civil service act. The deputy director of information
19 systems and the deputy director of telecommunications shall have such
20 powers, duties and functions as are prescribed by the executive chief
21 information technology officer.

22 Sec. 23. K.S.A. 2016 Supp. 75-4703 is hereby amended to read as
23 follows: 75-4703. (a) The executive chief information technology officer
24 may adopt rules and regulations as provided in K.S.A. 2016 Supp. 75-
25 4718, and amendments thereto, relating to the following:

26 (a)(1) Establishment of rates and charges for services performed by
27 ~~the office of information technology services~~ *Kansas information*
28 *technology enterprise* for any other division, department, state agency or
29 governmental unit. Such rates and charges shall be maintained by a cost
30 system in accordance with generally accepted accounting principles. In
31 determining cost rates for billing to agencies or governmental units,
32 overhead expenses shall include but not be limited to light, heat, power,
33 insurance, labor and depreciation. Billings shall include direct and indirect
34 costs and shall be based on the foregoing cost accounting practices.

35 (b)(2) For determination of priorities for services performed by the
36 ~~office of information technology services~~ *Kansas information technology*
37 *enterprise*, including authority to decline new projects under specified
38 conditions.

39 (e)(3) Specification of standards for submission of data to be
40 processed by the ~~office of information technology services~~ *Kansas*
41 *information technology enterprise* and the programs for processing the
42 data, including authority to decline to process computer programs and
43 projects not conforming to published standards. Such standards shall be

1 consistent with the standards and policies adopted by the information
2 technology executive council under K.S.A. 2016 Supp. 75-7203, and
3 amendments thereto.

4 ~~(d)~~(4) Specification of standards and measures relating to security,
5 confidentiality and availability of data processed by the ~~office of~~
6 ~~information technology services~~ *Kansas information technology*
7 *enterprise*. Such standards and measures shall be consistent with the
8 standards and policies adopted by the information technology executive
9 council under K.S.A. 2016 Supp. 75-7203, and amendments thereto.

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

13 Sec. 24. K.S.A. 2016 Supp. 75-4704 is hereby amended to read as
14 follows: 75-4704. Under the supervision of the executive chief information
15 technology officer, the ~~office of information technology services~~ *Kansas*
16 *information technology enterprise* shall provide data processing and
17 application hosting services for other divisions, departments and agencies
18 of the state, and shall make charges for such services in accordance with
19 the cost system established under K.S.A. 75-4703, and amendments
20 thereto. The furnishing of data processing services and application hosting
21 by the ~~office of information technology services~~ *Kansas information*
22 *technology enterprise* shall be a transaction to be settled in accordance
23 with the provisions of K.S.A. 75-5516, and amendments thereto. All
24 receipts for sales of services shall be deposited in the *Kansas information*
25 *technology enterprise* fund created under ~~K.S.A. 75-4715 section II~~, and
26 amendments thereto. The provisions of K.S.A. 75-4215, and amendments
27 thereto, shall apply to the *Kansas information technology enterprise* fund
28 to the extent not in conflict with this act.

29 Sec. 25. K.S.A. 2016 Supp. 75-4704a is hereby amended to read as
30 follows: 75-4704a. (a) Transfers to the information technology reserve
31 fund shall be made from the information technology fund on a monthly
32 basis and the amounts thereof shall be determined by the executive chief
33 information technology officer as charges for depreciation and
34 obsolescence of the ~~office of information technology services~~ *Kansas*
35 *information technology enterprise* equipment and programs according to
36 generally accepted accounting principles prescribed by the director of
37 accounts and reports. All recoveries from the sale of surplus, obsolete or
38 unused equipment or of other expenditures from the *Kansas information*
39 *technology enterprise* fund shall be remitted to the state treasurer in
40 accordance with the provisions of K.S.A. 75-4215, and amendments
41 thereto. Upon receipt of each such remittance, the state treasurer shall
42 deposit the entire amount in the state treasury to the credit of the
43 information technology reserve fund. The director of accounts and reports

1 shall transfer each month the amount so determined. No such transfer shall
2 constitute a charge against or decrease in any expenditure limitation then
3 in effect on the information technology fund under any appropriations act
4 of the legislature.

5 (b) Expenditures from the information technology reserve fund may
6 be made for equipment and programs needed for the operation of the ~~office~~
7 ~~of information technology services~~ *Kansas information technology*
8 *enterprise*.

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

19 Sec. 27. K.S.A. 2016 Supp. 75-4705 is hereby amended to read as
20 follows: 75-4705. (a) Central processing of data by computer, for all
21 divisions, departments and agencies of the state shall be performed by the
22 ~~office of information technology services~~ *Kansas information technology*
23 *enterprise* under the supervision of the executive chief information
24 technology officer. No other division, department or agency of the state
25 shall perform central processing computer functions or control or possess
26 any central processing unit of a computer, except as otherwise provided in
27 this section.

28 (b) With the approval of the executive chief information technology
29 officer, any division, department or agency of the state may possess and
30 operate central processing units of a computer if the same are adjunct to
31 the central processing computer unit or units of the ~~office of information~~
32 ~~technology services~~ *Kansas information technology enterprise*.

33 (c) Data to be centrally processed by the ~~office of information~~
34 ~~technology services~~ *Kansas information technology enterprise* shall be
35 prepared for such processing by the division, department or agency of the
36 state requesting the same to be processed in accordance with rules and
37 regulations adopted by the executive chief information technology officer
38 as provided in K.S.A. 75-4703, and amendments thereto. Programs for
39 processing the data of any division, department or agency of the state shall
40 be prepared by such division, department or agency of the state in
41 accordance with standards prescribed by rules and regulations adopted by
42 the executive chief information technology officer as provided in K.S.A.
43 75-4703, and amendments thereto. Notwithstanding the other provisions of

1 this subsection, the ~~office of information technology services~~ *Kansas*
2 *information technology enterprise* shall prepare data or programs, or
3 provide technical consultation, when a division, department or agency of
4 the state requests such service of the ~~office of information technology~~
5 ~~services~~ *Kansas information technology enterprise* and the executive chief
6 information technology officer.

7 (d) This section shall not apply to the universities under the
8 jurisdiction and control of the state board of regents.

9 Sec. 28. K.S.A. 2016 Supp. 75-4709 is hereby amended to read as
10 follows: 75-4709. (a) The executive chief information technology officer
11 shall provide for and coordinate all telecommunications services for all
12 divisions, departments and agencies of the state pursuant to policies
13 established by the information technology executive council. The
14 executive chief information technology officer shall have the authority to
15 control the acquisition, retention and use of all telecommunications
16 services for all divisions, departments and agencies of the state, and to
17 develop and review plans and specifications for telecommunications
18 services throughout the state.

19 (b) The executive chief information technology officer, when
20 feasible, may enter into agreements with any entity defined in this
21 subsection extending to such entity the use of state intercity
22 telecommunications facilities and services under the control of the
23 executive chief information technology officer.

24 As used in this subsection, an "entity" means:

25 (1) Any governmental unit, including any state agency, taxing
26 subdivision of the state or municipality; or

27 (2) any hospital or nonprofit corporation which the executive chief
28 information technology officer determines to be performing any state
29 function on an ongoing basis through agreement or otherwise, or any
30 function which will assist a governmental unit in attaining an objective or
31 goal, bearing a valid relationship to powers and functions of such unit.

32 (c) Every record made, maintained or kept by the secretary of
33 administration or the division of information systems and communications,
34 prior to the effective date of this act, shall be maintained or kept by the
35 executive chief information technology officer or the ~~office of information~~
36 ~~technology services~~ *Kansas information technology enterprise*, or any
37 agency or instrumentality thereof, which relates to the acquisition,
38 retention or use of telecommunications services provided to any division,
39 department or agency of the state, state officer or governmental unit and
40 which pertains to individually identifiable individuals using such
41 telecommunication services shall constitute for purposes of the open
42 records act a record of the division, department or agency of the state, state
43 officer or governmental unit to which such records relate. The official

1 custodian of such records for the purposes of the open records act shall be
2 the official custodian of the records of such division, department or agency
3 of the state, state officer or governmental unit.

4 Sec. 29. K.S.A. 2016 Supp. 75-4718 is hereby amended to read as
5 follows: 75-4718. ~~(a)~~The executive chief information technology officer
6 shall submit to the governor proposed rules and regulations with respect to
7 the manner of performance of any power or duty of the ~~office of~~
8 ~~information technology services~~ *Kansas information technology*
9 *enterprise*, the execution of any business of such office and its relations to
10 and business with other state agencies, appeals from the final decisions or
11 final actions of the executive chief information technology officer, and
12 such other matters as are provided by law. Before any such proposed rules
13 and regulations are submitted to the governor, the same shall have received
14 the approval required by K.S.A. 77-420, and amendments thereto, the
15 attorney general shall have made the finding required by K.S.A. 77-420,
16 and amendments thereto, and the executive chief information technology
17 officer shall have held the hearing thereon required by K.S.A. 77-421, and
18 amendments thereto. The governor shall either approve, modify and
19 approve or reject any such proposed rules and regulations. The executive
20 chief information technology officer shall adopt such rules and regulations
21 so approved or so modified and approved by the governor.

22 ~~(b) All rules and regulations, orders and directives of the secretary of~~
23 ~~administration, the department of administration, the director of~~
24 ~~information systems and communications, or the division of information~~
25 ~~systems and communications which relate to the powers, duties and~~
26 ~~functions transferred from the director of information systems and~~
27 ~~communications and the division of information systems and~~
28 ~~communications of the department of administration to the executive chief~~
29 ~~information technology officer and office of information technology~~
30 ~~services by this act and which are in effect on the effective date of this act~~
31 ~~shall continue to be effective and shall be deemed to be rules and~~
32 ~~regulations, orders and directives of the executive chief information~~
33 ~~technology officer and office of information technology services until~~
34 ~~revised, amended, revoked or nullified pursuant to law.~~

35 Sec. 30. K.S.A. 2016 Supp. 75-4719 is hereby amended to read as
36 follows: 75-4719. For the purpose of preparation of the governor's budget
37 report and related legislative measure or measures for submission to the
38 legislature, the ~~office of information technology services~~ *Kansas*
39 *information technology enterprise*, established in K.S.A. 75-4701, and
40 amendments thereto, shall be considered a separate state agency and shall
41 be titled for such purpose as the "~~office of information technology~~
42 ~~services~~*Kansas information technology enterprise*." The budget estimates
43 and requests of such office shall be presented as from a state agency

1 separate from the department of administration, and such separation shall
2 be maintained in the budget documents and reports prepared by the
3 director of the budget and the governor, or either of them, including all
4 related legislative reports and measures submitted to the legislature.

5 Sec. 31. K.S.A. 2016 Supp. 75-6512 is hereby amended to read as
6 follows: 75-6512. (a) Subject to the provisions of appropriations acts, the
7 secretary of administration is hereby authorized to establish and administer
8 a cafeteria plan pursuant to the provisions of section 125 of the federal
9 internal revenue code of 1986 which shall be available to persons who are
10 officers or employees of the state and who are qualified to participate in
11 the state health care benefits program and which shall include, but not be
12 limited to, provisions under which such officers and employees may agree
13 to receive reduced compensation and: (1) Have the state's contribution
14 under K.S.A. 75-6508, and amendments thereto, cover costs of dependent
15 benefit coverage or other benefits under the state health care benefits
16 program which would otherwise be payable by such officers and
17 employees; and (2) receive benefits under the state employee dependent
18 care assistance program under K.S.A. 75-6520, and amendments thereto.

19 (b) Any reduction in compensation for any person pursuant to any
20 such cafeteria plan shall not reduce the compensation of such person for
21 purposes of the employment security law, workers compensation act or the
22 purposes of determining contributions and benefits under the Kansas
23 public employees retirement system or any retirement system administered
24 by the board of trustees of the Kansas public employees retirement system.

25 (c) Implementation of any such cafeteria plan and any additions or
26 deletions thereto shall be subject to approval of the secretary of
27 administration and the ~~office of information technology services~~ *Kansas*
28 *information technology enterprise* to assure adequate data processing
29 resources therefor within the ~~office of information technology services~~
30 *Kansas information technology enterprise*.

31 Sec. 32. K.S.A. 2016 Supp. 75-7201 is hereby amended to read as
32 follows: 75-7201. As used in K.S.A. 2016 Supp. 75-7201 through 75-
33 7212, and sections 9 through 13, and amendments thereto:

34 (a) "Cabinet agency" means the: (1) Department of administration;
35 (2) department of revenue; (3) department of commerce; (4) department of
36 labor; (5) department of health and environment; (6) Kansas department
37 for aging and disability services; (7) Kansas department for children and
38 families; (8) department of corrections; (9) adjutant general; (10) Kansas
39 highway patrol; (11) Kansas department of agriculture; (12) Kansas
40 department of wildlife, parks and tourism; and (13) department of
41 transportation.

42 (b) "Cumulative cost" means the total expenditures, from all sources,
43 for any information technology project by one or more state agencies to

1 meet project objectives from project start to project completion or the date
2 and time the project is terminated if it is not completed.

3 ~~(b)~~ (c) "Executive *branch* agency" means any ~~state~~-agency in the
4 executive branch of ~~government~~-the state of Kansas, but shall not include
5 *elected office agencies or regents' institutions*.

6 ~~(e)~~ (d) "Information technology project" means a project for a major
7 computer, telecommunications or other information technology
8 improvement with an estimated cumulative cost of \$250,000 or more and
9 includes any such project that has proposed expenditures for: (1) New or
10 replacement equipment or software; (2) upgrade improvements to existing
11 equipment and any computer systems, programs or software upgrades
12 therefor; or (3) data or consulting or other professional services for such a
13 project.

14 ~~(d)~~ (e) "Information technology project change or overrun" means
15 any of the following:

16 (1) Any change in planned expenditures for an information
17 technology project that would result in the total authorized cost of the
18 project being increased above the currently authorized cost of such project
19 by more than either \$1,000,000 or 10% of such currently authorized cost
20 of such project, whichever is lower;

21 (2) any change in the scope of an information technology project, as
22 such scope was presented to and reviewed by the joint committee or the
23 chief information technology officer to whom the project was submitted
24 pursuant to K.S.A. 2016 Supp. 75-7209, and amendments thereto; or

25 (3) any change in the proposed use of any new or replacement
26 information technology equipment or in the use of any existing
27 information technology equipment that has been significantly upgraded.

28 ~~(e)~~ (f) "Joint committee" means the joint committee on information
29 technology.

30 ~~(f)~~ (g) "Judicial agency" means any state agency in the judicial
31 branch of government.

32 ~~(g)~~ (h) "Legislative agency" means any state agency in the legislative
33 branch of government.

34 ~~(h)~~ (i) "Project" means a planned series of events or activities that is
35 intended to accomplish a specified outcome in a specified time period,
36 under consistent management direction within a state agency or shared
37 among two or more state agencies, and that has an identifiable budget for
38 anticipated expenses.

39 ~~(i)~~ (j) "Project completion" means the date and time when the head of
40 a state agency having primary responsibility for an information technology
41 project certifies that the improvement being produced or altered under the
42 project is ready for operational use.

43 ~~(j)~~ (k) "Project start" means the date and time when a state agency

1 begins a formal study of a business process or technology concept to
2 assess the needs of the state agency, determines project feasibility or
3 prepares an information technology project budget estimate under K.S.A.
4 2016 Supp. 75-7209, and amendments thereto.

5 ~~(*)~~ (l) "State agency" means any state office or officer, department,
6 board, commission, institution or bureau, or any agency, division or unit
7 thereof.

8 Sec. 33. K.S.A. 2016 Supp. 75-7202 is hereby amended to read as
9 follows: 75-7202. (a) There is hereby established the information
10 technology executive council which shall be attached to the ~~office of~~
11 ~~information technology services~~ *Kansas information technology enterprise*
12 for purposes of administrative functions.

13 (b) The council shall be composed of 17 voting members as follows:
14 The secretary of administration; two cabinet agency heads; one noncabinet
15 agency head; the director of the budget; the executive chief information
16 technology officer; the legislative chief information technology officer; the
17 judicial chief information technology officer and the judicial administrator
18 of the Kansas supreme court; the executive director of the Kansas board of
19 regents; the commissioner of education; two representatives of cities; two
20 representatives of counties; the network manager of the information
21 network of Kansas (INK); and one representative from the private sector
22 who is a chief executive officer or chief information technology officer.
23 The chief information technology architect shall be a nonvoting member
24 of the council. The two cabinet agency heads, the noncabinet agency head,
25 the representatives of cities, the representatives of counties and the
26 representative from the private sector shall be appointed by the governor
27 for a term not to exceed 18 months. Upon expiration of an appointed
28 member's term, the member shall continue to hold office until the
29 appointment of a successor. Nonappointed members shall serve ex officio.

30 (c) The chairperson of the council shall be drawn from the chief
31 information technology officers, with each chief information technology
32 officer serving a one-year term. The term of chairperson shall rotate
33 among the chief information technology officers on an annual basis.

34 (d) The council shall hold meetings and hearings in the city of Topeka
35 or at such other places as the council designates, on call of the chairperson
36 or on request of four or more members.

37 (e) Members of the council may not appoint an individual to
38 represent them on the council and only members of the council may vote.

39 (f) Members of the council shall receive mileage, tolls and parking as
40 provided in K.S.A. 75-3223, and amendments thereto, for attendance at
41 any meeting of the council or any subcommittee meeting authorized by the
42 council.

43 Sec. 34. K.S.A. 2016 Supp. 75-7204 is hereby amended to read as

1 follows: 75-7204. (a) There is hereby established, within and as a part of
2 ~~the office of information technology services~~ *Kansas information*
3 *technology enterprise*, the position of chief information technology
4 architect whose duties shall be performed under the supervision of the
5 executive chief information technology officer.

6 (1) The chief information technology architect shall be in the
7 unclassified service under the Kansas civil service act, shall be appointed
8 by the executive chief information technology officer, subject to approval
9 of the governor and shall receive compensation in an amount fixed by the
10 executive chief information technology officer, subject to approval of the
11 governor.

12 (2) *The position of chief information technology architect may also*
13 *be filled by the Kansas information technology enterprise architecture and*
14 *standards committee, which shall be appointed by the executive chief*
15 *information technology officer. If the chief information technology*
16 *architect position is filled by the committee, no compensation shall be*
17 *available to committee members.*

18 (b) The chief information technology architect shall:

19 (1) Propose to the information technology executive council: (A)
20 Information technology resource policies and procedures and project
21 management methodologies for all state agencies; (B) an information
22 technology architecture, including telecommunications systems, networks
23 and equipment, that covers all state agencies; (C) standards for data
24 management for all state agencies; and (D) a strategic information
25 technology management plan for the state;

26 (2) serve as secretary to the information technology executive
27 council; and

28 (3) perform such other functions and duties as provided by law or as
29 directed by the executive chief information technology officer.

30 Sec. 35. K.S.A. 2016 Supp. 75-7205 is hereby amended to read as
31 follows: 75-7205. (a) There is hereby established within and as a part of
32 ~~the office of information technology services~~ *Kansas information*
33 *technology enterprise* the position of executive chief information
34 technology officer. The executive chief information technology officer
35 shall be in the unclassified service under the Kansas civil service act, shall
36 be appointed by the governor, and shall receive compensation in an
37 amount fixed by the governor. The executive chief information technology
38 officer shall maintain a presence in any cabinet established by the
39 governor and shall report to the governor.

40 (b) The executive chief information technology officer shall:

41 (1) Review and consult with each executive *branch* agency regarding
42 information technology plans, deviations from the state information
43 technology architecture, information technology project estimates and

1 information technology project changes and overruns submitted by such
2 agency pursuant to K.S.A. 2016 Supp. 75-7209, and amendments thereto,
3 to determine whether the agency has complied with: (A) The information
4 technology resource policies and procedures and project management
5 methodologies adopted by the information technology executive council;
6 (B) the information technology architecture adopted by the information
7 technology executive council; (C) the standards for data management
8 adopted by the information technology executive council; and (D) the
9 strategic information technology management plan adopted by the
10 information technology executive council;

11 (2) report to the *individual or committee serving as the* chief
12 information technology architect all deviations from the state information
13 architecture that are reported to the executive information technology
14 officer by executive *branch* agencies;

15 (3) submit recommendations to the division of the budget as to the
16 technical and management merit of information technology project
17 estimates and information technology project changes and overruns
18 submitted by executive *branch* agencies pursuant to K.S.A. 2016 Supp.
19 75-7209, and amendments thereto, based on the determinations made
20 pursuant to subsection (b)(1);

21 (4) monitor executive *branch* agencies' compliance with: (A) The
22 information technology resource policies and procedures and project
23 management methodologies adopted by the information technology
24 executive council; (B) the information technology architecture adopted by
25 the information technology executive council; (C) the standards for data
26 management adopted by the information technology executive council;
27 and (D) the strategic information technology management plan adopted by
28 the information technology executive council;

29 (5) coordinate implementation of new information technology among
30 executive *branch* agencies and with the judicial and legislative chief
31 information technology officers;

32 (6) designate the ownership of information resource processes and the
33 lead agency for implementation of new technologies and networks shared
34 by multiple agencies within the executive branch of state government;

35 (7) *review, coordinate and approve all appropriate executive branch*
36 *information technology expenditures pursuant to section 10, and*
37 *amendments thereto;*

38 (8) *manage and order executive branch information technology*
39 *systems and employees in a uniform, efficient and cost-effective manner;*

40 (9) *deliver information technology services to the executive branch*
41 *agencies through information technology systems, to further the priorities*
42 *of service, effectiveness, prevention of fraud and abuse and adaptation to*
43 *developing technologies;*

1 (10) on or before the first day of the regular legislative session, shall
 2 submit a report to the president of the senate and the speaker of the house
 3 of representatives, to be distributed to relevant standing and joint
 4 committees, and the Kansas legislative research department and the
 5 Kansas state library. Such report shall contain:

- 6 (A) A projected budget for the upcoming three fiscal years;
- 7 (B) fund balances and expenditures from the most recent fiscal year;
 8 with expenditures broken down by agency;
- 9 (C) a three-year strategic plan for technology for the state;
- 10 (D) performance measures for the enterprise;
- 11 (E) cost savings to the state achieved through implementation of
 12 standardized and consolidated information technology services;
- 13 (F) customer satisfaction ratings; and
- 14 (G) all other information the executive chief information technology
 15 officer deems relevant or necessary; and
- 16 ~~(H)~~(11) perform such other functions and duties as provided by law or
 17 as directed by the governor.

18 Sec. 36. K.S.A. 2016 Supp. 75-7224 is hereby amended to read as
 19 follows: 75-7224. (a) The board shall:

20 (1) Provide a program to facilitate the use of broadband technology-
 21 based video communication for distance learning and telemedicine by
 22 schools, libraries and hospitals;

23 (2) transition schools, libraries and hospitals that have a direct KAN-
 24 ED connection as of January 1, 2012, to a commercially provided
 25 broadband internet connection no later than June 30, 2013. At the time a
 26 school, library or hospital has been transitioned off a KAN-ED connection,
 27 the board shall pay up to \$350 per month to such school, library or hospital
 28 for the cost of broadband service until June 30, 2013;

29 (3) provide the secretary of commerce any information necessary to
 30 conduct the needs assessment described in subsection (b);

31 (4) assist schools, libraries and hospitals to apply for federal grants to
 32 be used for purposes consistent with this act; and

33 (5) collect data regarding:

34 (A) Distance learning and telemedicine usage; and

35 (B) the volume of data accessed.

36 The board shall develop a methodology for updating and validating any
 37 data collected for periodic revisions of the program, standards and
 38 priorities.

39 (b) (1) The secretary of commerce shall facilitate the execution of the
 40 needs assessment and the creation of the report. The secretary shall
 41 contract with a third party that has expertise in telecommunications
 42 services for educational institutions to conduct such needs assessment and
 43 create such report.

1 (2) The needs assessment shall include, for each school, library and
2 hospital connected to the network as of January 1, 2012: Current and
3 future broadband service and quality needs and a determination of all
4 KAN-ED expenses for shared services or infrastructure, including any
5 costs deferred by federal moneys, that are providing services and network
6 connections. Based on the results of the needs assessment, the secretary of
7 commerce, in coordination with the third party contractor, shall create a
8 report that: (A) Compares the utilization, efficiency and effectiveness of
9 KAN-ED to other similar programs in other states for schools, libraries
10 and hospitals; (B) determines if the KAN-ED program, as of the effective
11 date of this act, is worth its cost in terms of price, service, quality, needed
12 network upgrades and increased utilization of broadband by schools,
13 libraries and hospitals; (C) determines if there are alternative models or
14 opportunities for broadband procurement by schools, libraries and
15 hospitals; (D) determines if the services and applications offered by KAN-
16 ED lead to full utilization of broadband technology by schools, libraries,
17 hospitals and their surrounding communities; and (E) recommends any
18 cost-effective broadband services that are available.

19 (3) The board shall reimburse the cost of conducting such needs
20 assessment and report described in paragraph (2), not to exceed \$250,000.

21 (4) The results of such needs assessment and the report shall be
22 submitted to the board on or before January 1, 2013.

23 (c) The board may request and receive assistance from any school,
24 any library, any hospital, the state corporation commission, any other
25 agency of the state or any telecommunications, cable or other
26 communications services provider to gather necessary data to implement
27 such program.

28 (d) The board shall establish: (1) Technical standards for operation
29 and maintenance of the program; (2) the method of monitoring operations
30 of the program; and (3) the method or methods of adjusting the program to
31 reflect the needs of schools, libraries and hospitals as determined by the
32 needs assessment or ongoing data collection for each such entity. Such
33 standards and methods shall be included in the board's report to the
34 legislature pursuant to K.S.A. 2016 Supp. 75-7226, and amendments
35 thereto.

36 (e) Based on the findings of the needs assessments or collected data,
37 the board shall develop a plan to: (1) Facilitate the use of broadband
38 technology-based video communication for distance learning and
39 telemedicine by schools, libraries and hospitals; and (2) transition schools,
40 libraries and hospitals that have a direct KAN-ED connection as of
41 January 1, 2012, to a commercially provided broadband internet
42 connection no later than June 30, 2013. The plan may require users of the
43 program to bear part of its cost. Such plan shall be included in the board's

1 report to the legislature pursuant to K.S.A. 2016 Supp. 75-7226, and
2 amendments thereto.

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

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

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

26 Sec. 37. K.S.A. 2016 Supp. 12-5364, 74-9302, 74-9304, 74-9306, 74-
27 99f04, 74-99f06, 74-99f08, 75-3707e, 75-4701, 75-4702, 75-4702c, 75-
28 4703, 75-4704, 75-4704a, 75-4704b, 75-4705, 75-4709, 75-4718, 75-4719,
29 75-6512, 75-7201, 75-7202, 75-7204, 75-7205 and 75-7224 are hereby
30 repealed.

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