



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

February 12, 2025

Stephanie Smith
Judicial Administrator
Office of Judicial Administration

House Legislative Modernization Committee

Chairman Penn and members of the committee, my name is Stephanie Smith and I am the judicial administrator for the Office of Judicial Administration. I am offering neutral testimony on HB 2270 with proposed amendments.

Much of HB 2270 deals directly with the executive branch and we have no opinion on those changes. Our proposed amendments specifically address section 3 and section 4 of the bill. Section 3 addresses cloud computing services and specifically addresses procurement processes of buying equipment for this technology. Traditionally, the judicial branch has not interpreted this portion to apply to the branch and with the clarification added regarding “executive branch” divisions, we believe that the judicial branch is not included within this section. However, we respectfully request to add the amended language to make it clear that this provision applies only to the executive branch. As a separate branch of government, the judicial branch controls its own cloud computing and makes those decisions based on our current funding structure and recommendations by our chief information technology officer and chief information security officer.

The changes suggested in Section 4 provide similar clarification as it relates to telecommunications. The judicial branch would like to ensure that the branch retains its authority to procure its own telecommunications services. We believe this is necessary to ensure adequate services for all 110 district courts across the state to have options in this area. With the unique structure of the judicial branch having a presence in all 105 counties and having situations where judges must issue warrants and other work during non-traditional business hours – often at home or on the road and sometimes, in remote locations throughout Kansas – the branch wants to ensure that those duties are able to be performed promptly and satisfactorily. This amendment allows the branch to be flexible in contracting with telecommunications services providers. Not all judicial districts may be served best by OITS, but others may, and this amendment ensures our ability as a separate branch of government to operate to the best of our ability.

Thank you for the opportunity to appear before you today and for your consideration of these proposed amendments.

HOUSE BILL No. 2270

By Committee on Legislative Modernization

Requested by Representative Penn

2-5

1 AN ACT concerning information technology; relating to services provided
2 by the chief information technology officer; authorizing the chief
3 information security officer to receive audit reports; amending K.S.A.
4 46-1135, 75-4704, 75-4705, 75-4709 and 75-4710 and K.S.A. 2024
5 Supp. 75-7205 and repealing the existing sections.

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

8 Section 1. K.S.A. 46-1135 is hereby amended to read as follows: 46-
9 1135. (a) The legislative division of post audit shall conduct information
10 technology audits as directed by the legislative post audit committee. Audit
11 work performed under this section may include:

12 (1) Assessment of security practices of information technology
13 systems maintained or administered by any state agency or any entity
14 subject to audit under the provisions of K.S.A. 46-1114(c), and
15 amendments thereto; and

16 (2) continuous audits of ongoing information technology projects by
17 any state agency or any entity subject to audit under the provisions of
18 K.S.A. 46-1114(c), and amendments thereto, including systems
19 development and implementation.

20 (b) Written reports on the results of such auditing shall be furnished
21 to:

22 (1) The entity which is being audited;

23 (2) the chief information technology officer *and chief information*
24 *security officer* of the branch of government that the entity being audited is
25 part of;

26 (3) (A) the governor, if the entity being audited is an executive branch
27 entity;

28 (B) the legislative coordinating council, if the entity being audited is a
29 legislative entity; or

30 (C) the chief justice of the Kansas supreme court, if the entity being
31 audited is a judicial entity;

32 (4) the legislative post audit committee;

33 (5) the joint committee on information technology; and

34 (6) such other persons or agencies as may be required by law or by
35 the specifications of the audit or as otherwise directed by the legislative

1 post audit committee.

2 (c) The provisions of K.S.A. 46-1106(e), and amendments thereto,
3 shall apply to any audit or audit work conducted pursuant to this section.

4 (d) This section shall be part of and supplemental to the legislative
5 post audit act.

6 Sec. 2. K.S.A. 75-4704 is hereby amended to read as follows: 75-
7 4704. Under the supervision of the executive chief information technology
8 officer, the office of information technology services shall provide data
9 processing and application hosting *and cloud* services for other *executive*
10 *branch* divisions, departments and agencies of the state, and shall make
11 charges for such services in accordance with the cost system established
12 under K.S.A. 75-4703, and amendments thereto. The furnishing of data
13 processing services and application hosting by the office of information
14 technology services shall be a transaction to be settled in accordance with
15 the provisions of K.S.A. 75-5516, and amendments thereto. All receipts for
16 sales of services shall be deposited in the information technology fund
17 created under K.S.A. 75-4715, and amendments thereto. The provisions of
18 K.S.A. 75-4215, and amendments thereto, shall apply to the information
19 technology fund to the extent not in conflict with this act.

20 Sec. 3. K.S.A. 75-4705 is hereby amended to read as follows: 75-
21 4705. (a) Central processing of data by computer *and cloud computing*, for
22 all *executive branch* divisions, departments and agencies of the state shall
23 be performed by the office of information technology services under the
24 supervision of the executive chief information technology officer. No other
25 division, department or agency of the state shall perform central
26 processing computer functions or control or possess any central processing
27 unit of a computer, except as otherwise provided in this section.

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

As used in this section,
division, department or
agency of the state does
not include the judicial
branch.

33 (c) *Infrastructure as a service and platform as a service cloud*
34 *computing services shall be performed by or contracted for through the*
35 *office of information technology services. Software as a service*
36 *applications shall be registered and inventoried with the office of*
37 *information technology services.*

38 (d) *Any procurement of central processing units or distributed*
39 *computing equipment with a cost of \$75,000 or more by an executive*
40 *branch division, department or agency shall be approved by the executive*
41 *branch chief information technology officer.*

42 (e) Data to be centrally processed by the office of information
43 technology services shall be prepared for such processing by the division,

1 department or agency of the state requesting the same to be processed in
2 accordance with rules and regulations adopted by the executive chief
3 information technology officer as provided in K.S.A. 75-4703, and
4 amendments thereto. Programs for processing the data of any division,
5 department or agency of the state shall be prepared by such division,
6 department or agency of the state in accordance with standards prescribed
7 by rules and regulations adopted by the executive chief information
8 technology officer as provided in K.S.A. 75-4703, and amendments
9 thereto. Notwithstanding the other provisions of this subsection, the office
10 of information technology services shall prepare data or programs, or
11 provide technical consultation, when a division, department or agency of
12 the state requests such service of the office of information technology
13 services and the executive chief information technology officer.

14 ~~(d)~~(f) This section shall not apply to the universities under the
15 jurisdiction and control of the state board of regents.

16 Sec. 4. K.S.A. 75-4709 is hereby amended to read as follows: 75-
17 4709. (a) The executive chief information technology officer shall provide
18 for and coordinate all telecommunications services for all divisions,
19 departments and agencies of the state pursuant to policies established by
20 the information technology executive council. The executive chief
21 information technology officer shall have the authority to control the
22 acquisition, retention and use of all telecommunications services,
23 *equipment or software* for all divisions, departments and agencies of the
24 state, and to develop and review plans and specifications for
25 telecommunications services throughout the state. *The executive chief*
26 *information technology officer may authorize a division, department or*
27 *agency to procure its own telecommunications services, equipment or*
28 *software if such procurement is compatible with the office of information*
29 *technology services telecommunication services. As used in this*
30 *subsection, telecommunications equipment does not include cellular*
31 *phones or satellite phones.*

32 (b) (1) The executive chief information technology officer, if
33 feasible, may enter into agreements with any entity, including a
34 subsection extending to such entity the use of state intercity
35 telecommunications facilities and services under the control of the
36 executive chief information technology officer.

37 (2) As used in this subsection, an "entity" means:
38 ~~(+)~~(A) Any governmental unit, including any state agency, taxing
39 subdivision of the state or municipality; or

40 ~~(2)~~(B) any hospital or nonprofit corporation which the executive chief
41 information technology officer determines to be performing any state
42 function on an ongoing basis through agreement or otherwise, or any
43 function which will assist a governmental unit in attaining an objective or

As used in this section, division, department or
agency of the state does not include the
judicial branch.