

HOUSE BILL No. 2650

By Committee on Government Efficiency

2-7

1 AN ACT concerning the ~~executive branch chief~~ **{office of}** information
2 ~~technology officer; relating to duties; renaming~~ **{services; prescribing**
3 **and}** ~~transferring certain powers, duties and functions of the~~
4 **director of information systems and communications**, the division of
5 information systems and communications ~~and the secretary of~~
6 **administration to the executive chief information technology officer**
7 **and the office of information technology services; {prescribing**
8 **powers, duties and functions regarding geographic information,**
9 **systems and services; establishing the Kansas geographic**
10 **information systems policy board and the office of state geographic**
11 **information systems officer;} amending K.S.A. 48-937, 65-6138, 65-
12 6139, 65-6140, 74-9302, 74-9303, 74-9306, 74-9605, 75-37,102, 75-
13 4701, 75-4702, 75-4702c, 75-4704, 75-4704b, 75-4705, 75-4710, 75-
14 4712, 75-4713, 75-4714, 75-4715, 75-4716, 75-6512 and 76-389 and
15 K.S.A. 2011 Supp. 46-1503, 74-9304, 75-3707e, 75-4703, 75-4704a,
16 75-4709, 75-7202, 75-7204, 75-7205 and 75-7224 and repealing the
17 existing sections.**

18
19 *Be it enacted by the Legislature of the State of Kansas:*

20 New Section 1. **(a)** The executive chief information technology
21 officer shall submit to the governor proposed rules and regulations with
22 respect to the manner of performance of any power or duty of the office of
23 information technology services, the execution of any business of such
24 office and its relations to and business with other state agencies, appeals
25 from the final decisions or final actions of the executive chief information
26 technology officer, and such other matters as are provided by law. Before
27 any such proposed rules and regulations are submitted to the governor, the
28 same shall have received the approval required by K.S.A. 77-420, and
29 amendments thereto, the attorney general shall have made the finding
30 required by K.S.A. 77-420, and amendments thereto, and the executive
31 chief information technology officer shall have held the hearing thereon
32 required by K.S.A. 77-421, and amendments thereto. The governor shall
33 either approve, modify and approve or reject any such proposed rules and
34 regulations. The executive chief information technology officer shall adopt

1 such rules and regulations so approved or so modified and approved by the
2 governor.

3 **(b) All rules and regulations, orders and directives of the**
4 **secretary of administration, the department of administration, the**
5 **director of information systems and communications, or the division**
6 **of information systems and communications which relate to the**
7 **powers, duties and functions transferred from the director of**
8 **information systems and communications and the division of**
9 **information systems and communications of the department of**
10 **administration to the executive chief information technology officer**
11 **and office of information technology services by this act and which are**
12 **in effect on the effective date of this act shall continue to be effective**
13 **and shall be deemed to be rules and regulations, orders and directives**
14 **of the executive chief information technology officer and office of**
15 **information technology services until revised, amended, revoked or**
16 **nullified pursuant to law.**

17 **{New Sec. 2. Sections 2 through 10, and amendments thereto,**
18 **may be known and cited as the Kansas one map act.**

19 **New Sec. 3. Kansas one map requires the implementation of an**
20 **overall Kansas land and geographic resources program through the**
21 **use of a geographic information system which requires cooperative**
22 **methods for development and maintenance of spatial data between**
23 **state and local governments in Kansas.**

24 **New Sec. 4. As used in sections 3 through 8, and amendments**
25 **thereto, unless the context shows otherwise:**

26 **(a) "Board" means the Kansas geographic information systems**
27 **policy board.**

28 **(b) "Geographic information" means data and datasets**
29 **containing location information including, but not limited to, remotely**
30 **sensed imagery, global positioning systems files, geospatially**
31 **referenced computer-aided design files, digital cartographic products,**
32 **spatially enabled databases, and geospatial datasets locating and**
33 **describing features and their attributes on, above or under the earth.**

34 **(c) "Geographic information systems" or "GIS" is an**
35 **information system capable of capturing, integrating, storing, editing,**
36 **analyzing, managing, sharing and displaying geographic information.**
37 **A GIS involves computer hardware, software, networks and**
38 **applications, as well as the people to operate, develop, administer and**
39 **use them.**

40 **(d) "Spatial data" is also known as geospatial data or geographic**
41 **information and means the data or information that identifies the**
42 **geographic location of features and boundaries on earth, such as**
43 **natural or constructed features, oceans and more. Spatial data is**

1 usually stored as coordinates and topology and is data that can be
2 mapped. Spatial data is often accessed, manipulated or analyzed
3 through geographic information systems (GIS).

4 **New Sec. 5. (a) There is hereby established the Kansas geographic**
5 **information systems policy board within the office of information**
6 **technology services.**

7 **(b) The board shall consist of 21 members:**

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

25 **(2) The remaining 10 members shall be:**

26 **(A) The executive chief information technology officer of the**
27 **office of information technology services or such officer's designee;**

28 **(B) the director of the Kansas water office or such director's**
29 **designee;**

30 **(C) the state biologist of the Kansas biological survey or the state**
31 **biologist's designee;**

32 **(D) the state geologist of the Kansas geological survey or the state**
33 **geologist's designee;**

34 **(E) the executive director of the Kansas historical society or such**
35 **executive director's designee;**

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

37 **(G) the secretary of health and environment or such secretary's**
38 **designee;**

39 **(H) the director of legislative research of the legislative research**
40 **department or such director's designee;**

41 **(I) the secretary of revenue or such secretary's designee; and**

42 **(J) the secretary of transportation or such secretary's designee.**

43 **(c) Members appointed by the governor under subsection (b)(1)**

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

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

8 (e) The governor shall select a chairperson and vice-chairperson
9 from among the members of the board who shall serve as chairperson
10 and vice-chairperson at the discretion of the governor. The board may
11 elect other officers among its members and may establish any
12 committees deemed necessary to discharge its duties.

13 (f) Board members shall not receive compensation, subsistence
14 allowance, mileage or associated expenses. Officers or employees of
15 state agencies who serve on the board shall be authorized to serve on
16 the board as part of their duties.

17 New Sec. 6. The board shall:

18 (a) Establish public and private partnerships throughout Kansas
19 to maximize value, minimize cost and avoid redundant activities in the
20 development and implementation of geographic information systems;

21 (b) foster efficient and secure methods for data sharing at all
22 levels of government;

23 (c) coordinate, review and provide recommendations on
24 geographic information systems programs and investments and
25 provide assistance with dispute resolution among geographic systems
26 partners;

27 (d) continue to establish Kansas' leadership role in the national
28 effort to improve capabilities for sharing geographic information and
29 ideas with other states;

30 (e) promote the use of geographic information systems
31 technologies as tools to breakthrough structural and administrative
32 boundaries to collaborate on shared problems and enhance
33 information analysis and decision-making processes within all levels of
34 government;

35 (f) shall be a standing advisory committee to the information
36 technology executive council and shall provide a copy of its annual
37 report to the council, as well as to the governor and both houses of the
38 legislature; and

39 (g) shall work jointly with officials from other state agencies,
40 organizations and county, municipal and tribal governments, as well
41 as with businesses and organizations in the private sector who are
42 concerned with the efficient management of the state's geographic
43 information systems resources.

1 **New Sec. 7. (a) There is hereby established the office of state**
2 **geographic information systems officer who shall be appointed by the**
3 **governor and who shall serve in the office of information technology**
4 **services.**

5 **(b) The state geographic information systems officer shall:**

6 **(1) Implement Kansas one map, an enterprise statewide mapping**
7 **strategy that: (A) Supports Kansas state entities and local**
8 **governments as they foster economic vitality, manage resources,**
9 **educate, save and restore the natural environment, advance health**
10 **initiatives, ensure public safety and support science; and (B) enables**
11 **state entities and local governments to better implement and**
12 **coordinate policies and programs across Kansas;**

13 **(2) implement and maintain the Kansas data access and support**
14 **center, an enterprise geospatial data clearinghouse to include a central**
15 **store and catalog of Kansas data and mapping services available to all**
16 **state entities and the public;**

17 **(3) recruit a technical committee and appoint the technical**
18 **committee chair;**

19 **(4) provide oversight for the development of the Kansas one map**
20 **program and monitor Kansas one map metrics;**

21 **(5) establish and manage a Kansas one map communications plan**
22 **and provide for Kansas one map education;**

23 **(6) maintain a liaison relationship with state, federal, regional,**
24 **county and municipal organizations;**

25 **(7) promote, advertise and market applications, capabilities,**
26 **benefits and results of the Kansas one map program;**

27 **(8) assist in the identification and capturing of funding to support**
28 **the Kansas one map program; and**

29 **(9) recommend to the executive chief information technology**
30 **officer rules and regulations as may be necessary to implement the**
31 **provisions of the Kansas one map act.**

32 **(c) The executive chief information technology officer may adopt**
33 **rules and regulations as provided in section 1, and amendments**
34 **thereto, to implement the provisions of the Kansas one map act.**

35 **New Sec. 8. All state departments, agencies, commissions and**
36 **boards shall cooperate with the Kansas geographic information**
37 **systems policy board and the state geographic information systems**
38 **officer in implementing the initiatives of Kansas one map.**

39 **New Sec. 9. Funding for the Kansas data access and support**
40 **center shall be continued through the office of information technology**
41 **services and shall be directed to the Kansas geological survey which**
42 **currently houses and supports this function.**

43 **New Sec. 10. In order for the state geographic information**

1 **systems officer to meet the goals set out in section 6, and amendments**
2 **thereto, such officer will be supported with other office of information**
3 **services as needed and available for coordination, standards**
4 **development and implementation of workshops to research and**
5 **promote effective uses of the geographic information systems assets**
6 **and tools to achieve economic and operational benefits from the**
7 **Kansas one map resource.**

8 Sec. ~~2~~: {11.} K.S.A. 2011 Supp. 46-1503 is hereby amended to read
9 as follows: 46-1503. (a) The revisor of statutes shall contract in the name
10 of the legislative coordinating council, and with approval of such council,
11 for such computer programs and other computer services as cannot be
12 suitably obtained from state agencies, and in like manner, the revisor shall
13 acquire such computer and communications components as may be needed
14 for this system. Purchases and other contracts authorized by the statutes
15 contained in article 15 of chapter 46 of Kansas Statutes Annotated shall
16 not be subject to K.S.A. 75-3739, and amendments thereto, nor shall the
17 same be subject to approval under any statute other than those contained in
18 article 15 of chapter 46. ~~The director of information systems and~~
19 ~~communications~~ *executive chief information technology officer* and the
20 director of purchases shall render such assistance in implementation of this
21 system as is requested by the legislative coordinating council or the revisor of
22 statutes.

23 (b) When authorized by the legislative coordinating council, the
24 revisor of statutes may provide to or share with any other state agency
25 computer services through the operation of the comprehensive legislative
26 information system. Such services may be provided without charge or,
27 when directed by the council, shall be provided at cost as the same is
28 determined by the council. The furnishing of computer services under this
29 subsection (b) for which a charge is made shall be a transaction to be
30 settled in accordance with the provisions of K.S.A. 75-5516, and
31 amendments thereto. All receipts for charges made under this subsection
32 (b) shall be remitted to the state treasurer in accordance with the
33 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
34 each such remittance, the state treasurer shall deposit the entire amount in
35 the state treasury to the credit of the legislative special revenue fund.

36 (c) When authorized by the legislative coordinating council, the
37 revisor of statutes may provide information regarding legislation to state
38 agencies and to private individuals, companies and organizations through
39 access to the legislative information system. The primary purpose for the
40 legislative information system shall be to provide necessary information
41 and service to the legislature and offices of the legislative branch of
42 government and the revisor of statutes shall impose such conditions and
43 restrictions upon the receipt of information from such system by agencies,

1 persons and organizations not a part of the legislative branch of
2 government as may be necessary to protect such system and services for
3 the purpose for which established. The legislative coordinating council
4 may fix a charge for the receipt of information regarding legislation
5 through access to the legislative information system by state agencies,
6 private individuals, companies and organizations not a part of the
7 legislative branch of government. Such charges shall be collected by the
8 director of legislative administrative services upon certification by the
9 revisor of statutes. All amounts received from charges imposed pursuant to
10 this subsection shall be remitted to the state treasurer in accordance with
11 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
12 of each such remittance, the state treasurer shall deposit the entire amount
13 in the state treasury to the credit of the legislative special revenue fund.

14 ~~Sec. 3.~~ **{12.}** K.S.A. 48-937 is hereby amended to read as follows: 48-
15 937. The division of emergency management shall ascertain what means
16 exist for rapid and efficient communications during a disaster. The division
17 of emergency management shall consider the desirability of supplementing
18 these communications resources or of integrating them into a
19 comprehensive state or state and federal telecommunications or other
20 communications system which may be established for purposes of
21 emergency management. In studying the character and feasibility of any
22 such system or its several parts, the division of emergency management
23 shall consult thereon with the secretary of administration *and the executive*
24 *chief information technology officer* and evaluate the possibility of the
25 multi-purpose use of such a system for general state and local government
26 purposes. The division of emergency management shall make
27 recommendations regarding such communications systems to the governor
28 as appropriate.

29 ~~Sec. 4.~~ **{13.}** K.S.A. 65-6138 is hereby amended to read as follows:
30 65-6138. In order to provide adequate emergency medical care for the
31 people of this state, the emergency medical services board is hereby
32 authorized to establish, maintain and operate an emergency medical
33 services communications system, subject to approval by the ~~secretary of~~
34 ~~administration~~ *executive chief information technology officer* under K.S.A.
35 75-4709, and amendments thereto. The emergency medical services board
36 shall establish communication centers, to be known as medical
37 communications centers, in various locations in the state to be determined
38 by the emergency medical services board, for the purposes of receiving
39 requests for emergency medical assistance and for coordinating the
40 activities of ambulances with medical care facilities and other emergency
41 public safety agencies. Subject to approval by the ~~secretary of~~
42 ~~administration~~ *executive chief information technology officer* under K.S.A.
43 75-4709, and amendments thereto, the emergency medical services board

1 may provide mobile radio units to ambulance services, as hereinafter
2 provided, which will provide such ambulance services with direct
3 communication to or from medical communication centers established for
4 such purpose.

5 ~~Sec. 5: {14.}~~ K.S.A. 65-6139 is hereby amended to read as follows:
6 65-6139. For the purpose of establishing, operating and maintaining the
7 emergency medical services communications system, the board may enter
8 into contracts with any state agency, and any such agency is authorized to
9 contract for such purpose with the board. The board also may enter into
10 contracts or other agreements with any city, county, township, fire district
11 or hospital district, or any person, firm or corporation for the establishment
12 of an emergency medical services communications system or the
13 establishment or operation of any part thereof including placement,
14 operation and maintenance of equipment. In accordance with the authority
15 of the ~~secretary of administration~~ *executive chief information technology*
16 *officer* under K.S.A. 75-4709, and amendments thereto, all contracts
17 entered into by the board under this section shall be subject to approval by
18 the ~~secretary of administration~~ *executive chief information technology*
19 *officer*.

20 Any contract or agreement for the placement or operation of equipment
21 with any ambulance service shall provide that the person, firm, corporation
22 or municipality operating such ambulance service shall maintain such
23 equipment in accordance with terms and conditions established by the
24 board. The contracts, agreements or contracts for the placement of
25 equipment in medical communication centers shall provide that such
26 equipment shall only be used for the purpose of operating the emergency
27 medical services communications system and that the board or the board's
28 designated agent may inspect such equipment at any time. Ownership of
29 any such equipment shall remain with the state and any contracts for the
30 placement of such equipment may be withdrawn or canceled at any time,
31 at the option of the board and the ~~secretary of administration~~ *executive*
32 *chief information technology officer* under K.S.A. 75-4709, and
33 amendments thereto.

34 ~~Sec. 6: {15.}~~ K.S.A. 65-6140 is hereby amended to read as follows:
35 65-6140. For the purposes of establishing, operating and maintaining an
36 emergency medical services communications system, the emergency
37 medical services board may accept any grant of money or property,
38 including any federal moneys available therefor. Within the limits of
39 appropriations available therefor and subject to approval by the ~~secretary~~
40 ~~of administration~~ *executive chief information technology officer* under
41 K.S.A. 75-4709, and amendments thereto, the emergency medical services
42 board may acquire, in the name of the state, any equipment necessary for
43 such communications system.

1 Sec. ~~7.~~ **{16.}** K.S.A. 74-9302 is hereby amended to read as follows:
2 74-9302. It shall be the purpose of INK to perform the following duties:

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

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

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

8 (d) explore ways and means of expanding the amount and kind of
9 public information provided, increasing the utility of the public
10 information provided and the form in which provided, expanding the base
11 of users who access such public information and, where appropriate,
12 implementing such changes;

13 (e) cooperate with the ~~division of information systems and~~
14 ~~communications~~ *office of information technology services* in seeking to
15 achieve the purposes of INK;

16 (f) explore technological ways and means of improving citizen and
17 business access to public information and, where appropriate, implement
18 such technological improvements; and

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

23 Sec. ~~8.~~ **{17.}** K.S.A. 74-9303 is hereby amended to read as follows:
24 74-9303. (a) There is hereby created a body politic and corporate to be
25 known as the information network of Kansas, Inc. INK is hereby
26 constituted as a public instrumentality and the exercise by INK of the
27 authority and powers conferred by this act shall be deemed and held to be
28 the performance of an essential governmental function.

29 (b) INK shall be governed by a board consisting of ~~10~~ *nine* members
30 as follows:

31 (1) ~~The president of Kansas, Inc.;~~

32 (2) The secretary of state;

33 (3) (2) two members who are chief executive officers of agencies of
34 the executive branch, appointed by the governor who shall serve at the
35 pleasure of the governor;

36 (4) (3) one member appointed by the governor from a list of three
37 Kansas bar association members submitted by such association. Such
38 member shall serve a three-year term;

39 (5) (4) three members from other user associations of a statewide
40 character appointed by the governor from a list of not less than nine
41 individuals and their respective user associations compiled ~~initially by the~~
42 ~~president of Kansas, Inc. and thereafter~~ by the board of INK and submitted
43 to the governor. No two members appointed pursuant to this paragraph

1 shall represent the same user association. The terms for such members
2 shall be for a period of three years, except initially, when the terms shall be
3 for one, two and three years, respectively;

4 ~~(6)~~ (5) one member appointed by the governor from a list submitted
5 by the president of the Kansas public libraries association and comprised
6 of three librarians employed by public libraries. Following the initial
7 appointment hereunder, such list shall be comprised of librarians of public
8 libraries which subscribe to INK. Such member shall serve a three-year
9 term; and

10 ~~(7)~~ (6) the ~~director of information systems and communications-~~
11 *executive chief information technology officer* who shall serve as a
12 nonvoting member.

13 (c) The board shall annually elect one member from the board as
14 chairperson of INK, another as vice-chairperson and another as secretary.

15 (d) Five members of the board shall constitute a quorum and the
16 affirmative vote of five members shall be necessary for any action taken
17 by the board. No vacancy in the membership of the board shall impair the
18 right of a quorum to exercise all the rights and perform all the duties of the
19 board.

20 ~~Sec. 9.~~ **{18.}** K.S.A. 2011 Supp. 74-9304 is hereby amended to read
21 as follows: 74-9304. (a) In order to achieve its purpose as provided in this
22 act, INK shall:

23 (1) Serve in an advisory capacity to the secretary of administration,
24 ~~division of information services and communications~~ *office of information*
25 *technology services* and other state agencies regarding the provision of
26 state data to the citizens and businesses of Kansas;

27 (2) seek advice from the general public, its subscribers, professional
28 associations, academic groups and institutions and individuals with
29 knowledge of and interest in areas of networking, electronic mail, public
30 information access, gateway services, add-on services and electronic filing
31 of information; and

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

34 (b) All state agencies shall cooperate with INK in providing such
35 assistance as may be requested for the achievement of its purpose.
36 Agencies may recover actual costs incurred by providing such assistance.
37 Services and information to be provided by any agency shall be specified
38 pursuant to contract between INK and such agency and shall comply with
39 the provisions of K.S.A. 45-215 et seq. and K.S.A. 2011 Supp. 45-230,
40 and amendments thereto.

41 ~~Sec. 10.~~ **{19.}** K.S.A. 74-9605 is hereby amended to read as follows:
42 74-9605. (a) The board of directors of the Kansas guardianship program
43 shall employ a person to serve as executive director who shall direct and

1 supervise the general management of the corporation. The executive
2 director shall employ persons needed to perform duties of the Kansas
3 guardianship program as directed by the board of directors.

4 (b) Employees of the Kansas guardianship program shall not be
5 considered to be state employees except that such employees may
6 participate in the Kansas public employees retirement system. Employees
7 of the Kansas guardianship program shall not be considered to be state
8 employees, except for the purposes specified in this subsection (b). The
9 ~~secretary of administration~~ *executive chief information technology officer*
10 shall extend the use of state intercity telecommunications facilities and
11 services under control of the ~~secretary~~ *executive chief information*
12 *technology officer* pursuant to K.S.A. 75-4709, and amendments thereto,
13 to the Kansas guardianship program. The Kansas guardianship program
14 shall be considered to be a state agency only for the purposes specified in
15 this subsection.

16 (c) The provisions of article 32 of chapter 75 of the Kansas Statutes
17 annotated, ~~any acts amendatory thereof or supplemental and amendments~~
18 thereto, and any rules and regulations adopted thereunder, shall not apply
19 to officers or employees of the Kansas guardianship program. Subject to
20 policies established by the Kansas guardianship program, the chairperson
21 of the board of directors or the chairperson's designee shall approve all
22 travel and travel expenses of such officers and employees.

23 Sec. ~~42.~~ **{20.}** K.S.A. 2011 Supp. 75-3707e is hereby amended to read
24 as follows: 75-3707e. As the infrastructure provider for information
25 technology for the state of Kansas, the ~~department of administration~~ *office*
26 *of information technology services* must insure the highest level of
27 information security and privacy in order to protect law enforcement, state
28 agencies and the citizens of Kansas. Toward this objective, the department
29 of administration *or the office of information technology services* shall
30 require as a condition of employment that individuals who have
31 unescorted physical access to the data center, telecommunications facilities
32 and other security sensitive areas as designated by the secretary of
33 administration *or the executive chief information technology officer* be
34 fingerprinted, and such fingerprints shall be submitted to the Kansas
35 bureau of investigation and to the federal bureau of investigation for the
36 purposes of verifying the identity of such individuals and obtaining
37 records of criminal arrests and convictions.

38 Sec. ~~42.~~ **{21.}** K.S.A. 75-37,102 is hereby amended to read as
39 follows: 75-37,102. (a) Upon request of the chief administrative officer of
40 a state agency and subject to the approval of the secretary of
41 administration, the director of purchases may convene a procurement
42 negotiating committee to obtain services or technical products for the state
43 agency.

1 (b) Each procurement negotiating committee shall be composed of:
2 (1) The director of purchases, or a person designated by the director; (2)
3 the chief administrative officer of the state agency desiring to make the
4 procurement, or a person designated by the officer; and (3) the secretary of
5 administration, or a person designated by the secretary *or, if a procurement*
6 *involves information technology or services, the executive chief*
7 *information technology officer or a person designated by the executive*
8 *chief information technology officer.*

9 (c) The negotiating committee is authorized to negotiate for the
10 procuring state agency contracts with qualified parties to provide services
11 or technical products needed by the state agency.

12 (d) Prior to negotiating for the procurement, a notice to bidders first
13 shall be published in the Kansas register. Upon receipt of bids or
14 proposals, the committee may negotiate with one or more of the firms
15 submitting bids or proposals and select from among those submitting such
16 bids or proposals the party to contract with to provide the services or
17 technical products.

18 (e) Contracts entered into pursuant to this section shall not be subject
19 to the provisions of K.S.A. 75-3738 through 75-3740a, and amendments
20 thereto. Meetings to conduct negotiations pursuant to this section shall not
21 be subject to the provisions of K.S.A. 75-4317 through 75-4320a, and
22 amendments thereto. The director of purchases shall submit a report at
23 least once in each calendar quarter to the legislative coordinating council
24 and the chairpersons of the senate committee on ways and means and the
25 house of representatives committee on appropriations of all contracts
26 entered into pursuant to this section. In the event that the negotiating
27 committee selects a bid which is not the lowest bid on a given contract, the
28 directors report shall contain a rationale explaining why the lowest bidder
29 was not awarded the contract.

30 (f) Nothing in this section shall be construed as requiring either
31 negotiations pursuant to this section or bids pursuant to K.S.A. 75-3739,
32 and amendments thereto, for the procurement of professional services or
33 services for which, in the judgment of the director of purchases,
34 meaningful specifications cannot be determined.

35 ~~Sec. 13. {22.}~~ K.S.A. 75-4701 is hereby amended to read as follows:
36 75-4701. (a) There is hereby established, ~~within and as a part of the~~
37 ~~department of administration, a division of information systems and~~
38 ~~communications, the head of which shall be the director of information~~
39 ~~systems and communications~~ *an office of information technology services,*
40 *the head of which shall be the executive chief information technology*
41 *officer. The executive chief information technology officer shall administer*
42 *the office of information technology services. Under the supervision of the*
43 ~~secretary of administration, the director of information systems and~~

1 ~~communications shall administer the division of information systems and~~
 2 ~~communications.~~ The division of information systems and ~~computing~~
 3 **communications** and the office of the director of information systems and
 4 ~~computing~~ **communications**, created by this section prior to its
 5 amendment by this act, are hereby abolished.

6 (b) The ~~director of information systems and communications~~
 7 *executive chief information technology officer* shall be in the unclassified
 8 service under the Kansas civil service act and shall be appointed by the
 9 ~~secretary of administration~~ *governor*.

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

21 Sec. ~~14.~~ {23.} K.S.A. 75-4702 is hereby amended to read as follows:
 22 75-4702. (a) All of the powers, duties and functions of the existing director of
 23 information systems and ~~computing~~ **communications** and division of
 24 information systems and ~~computing~~ **communications** are hereby
 25 transferred to and conferred and imposed upon the ~~director of information~~
 26 ~~systems and communications~~ *executive chief information technology*
 27 *officer*, except as otherwise provided by this act.

28 (b) The ~~director of information systems and communications~~
 29 *executive chief information technology officer* shall be the successor in
 30 every way to the powers, duties and functions of the director of
 31 information systems and ~~computing~~ **communications** and division of
 32 information systems and ~~computing~~ **communications** in which the same
 33 were vested prior to July 1, 1984, ~~except as otherwise provided by this act~~
 34 **the effective date of this act**. Every act performed in the exercise of such
 35 powers, duties and functions by or under the authority of the ~~director of~~
 36 ~~information systems and communications~~ *executive chief information*
 37 *technology officer* shall be deemed to have the same force and effect as if
 38 performed by the director of information systems and ~~computing~~
 39 **communications** and division of information systems and ~~computing~~
 40 **communications** in which such functions were vested prior to July 1,
 41 1984 **the effective date of this act**.

42 (c) Whenever the director of information systems and computing ~~or,~~
 43 the division of information systems and computing; ~~or,~~ *the division of*

1 *information systems and communications, or the director of information*
2 **systems and communications**, or words of like effect, is referred to or
3 designated by a statute, contract or other document, such reference or
4 designation shall be deemed to apply to the ~~director of information~~
5 ~~systems and communications~~ *executive chief information technology*
6 *officer.*

7 Sec. ~~15.~~ **{24.}** K.S.A. 75-4702c is hereby amended to read as follows:
8 75-4702c. (a) In all cases under this act where the powers, duties and
9 functions of the division or director of information systems and ~~computing~~
10 **communications** are transferred to and imposed upon the ~~secretary of~~
11 ~~administration or the division or director of information systems and~~
12 ~~communications, the division of information systems and communications~~
13 *office of information technology services, the executive chief information*
14 *technology officer* shall succeed to all property and records which were
15 used for, or pertain to, the performance of the powers, duties and functions
16 so transferred by this act. Any conflict as to the proper disposition of such
17 property or records arising under this section and resulting from the
18 transfer or abolishment of any existing state agency, or the powers, duties
19 and functions thereof, shall be determined by the governor, whose decision
20 shall be final.

21 (b) When any conflict arises as to the disposition of any power,
22 function or duty or the unexpended balance of any appropriation as a result
23 of any abolishment, transfer, attachment or other change made by ~~this act,~~
24 or under authority of this act **or the act of which this section is**
25 **amendatory**, such conflict shall be resolved by the governor, and the
26 decision of the governor shall be final.

27 (c) No suit, action, or other proceeding, judicial or administrative,
28 lawfully commenced, or which could have been commenced, by or against
29 any existing state agency mentioned in this act, **or the act of which this**
30 **section is amendatory**, or by or against any officer of the state in such
31 officer's official capacity or in relation to the discharge of official duties,
32 shall abate by reason of the taking effect of reorganization under the
33 provisions of this act, **or the act of which this section is amendatory.**
34 The court may allow any such suit, action or other proceeding to be
35 maintained by or against the successor of any such existing state agency,
36 or any officer affected.

37 (d) No criminal action commenced or which could have been
38 commenced by the state shall abate by the taking effect of this act, **or the**
39 **act of which this section is amendatory.**

40 Sec. ~~16.~~ **{25.}** K.S.A. 2011 Supp. 75-4703 is hereby amended to read
41 as follows: 75-4703. The ~~secretary of administration~~ *executive chief*
42 *information technology officer* may adopt rules and regulations as
43 provided in ~~K.S.A. 75-3706~~ *section 1*, and amendments thereto, relating to

1 the following:

2 (a) Establishment of rates and charges for services performed by the
3 ~~division of information systems and communications~~ *office of information*
4 *technology services* for any other division, department, state agency or
5 governmental unit. Such rates and charges shall be maintained by a cost
6 system in accordance with generally accepted accounting principles. In
7 determining cost rates for billing to agencies or governmental units,
8 overhead expenses shall include but not be limited to light, heat, power,
9 insurance, labor and depreciation. Billings shall include direct and indirect
10 costs and shall be based on the foregoing cost accounting practices.

11 (b) For determination of priorities for services performed by the
12 ~~division of information systems and communications~~ *office of information*
13 *technology services*, including authority to decline new projects under
14 specified conditions.

15 (c) Specification of standards for submission of data to be processed
16 by the ~~division of information systems and communications~~ *office of*
17 *information technology services* and the programs for processing the data,
18 including authority to decline to process computer programs and projects
19 not conforming to published standards. Such standards shall be consistent
20 with the standards and policies adopted by the information technology
21 executive council under K.S.A. 2011 Supp. 75-7203, and amendments
22 thereto.

23 (d) Specification of standards and measures relating to security,
24 confidentiality and availability of data processed by the ~~division of~~
25 ~~information systems and communications~~ *office of information technology*
26 *services*. Such standards and measures shall be consistent with the
27 standards and policies adopted by the information technology executive
28 council under K.S.A. 2011 Supp. 75-7203, and amendments thereto.

29 ~~Sec. 17. {26.}~~ K.S.A. 74-9306 is hereby amended to read as follows:
30 74-9306. ~~Kansas, Inc. and the division of information services and~~
31 ~~communications~~ *The office of information technology services* shall
32 provide to INK such staff and other assistance as may be requested
33 thereby, and the actual costs of such assistance shall be paid for by INK.

34 ~~Sec. 18. {27.}~~ K.S.A. 75-4704 is hereby amended to read as follows:
35 75-4704. Under the supervision of the ~~secretary of administration, the~~
36 ~~division of information systems and communications~~ shall provide data
37 ~~processing~~ *executive chief information technology officer; the office of*
38 *information technology services shall provide data processing and*
39 *application hosting* services for other divisions, departments and agencies
40 of the state, and shall make charges for such services in accordance with
41 the cost system established under K.S.A. 75-4703, and amendments
42 thereto. The furnishing of data processing services ~~by the division of~~
43 ~~information systems and communications~~ *and application hosting by the*

1 *office of information technology services* shall be a transaction to be settled
2 in accordance with the provisions of K.S.A. 75-5516, and amendments
3 thereto. All receipts for sales of services shall be deposited in the
4 information technology fund created under K.S.A. 75-4715, and
5 amendments thereto. The provisions of K.S.A. 75-4215, and amendments
6 thereto shall apply to the information technology fund to the extent not in
7 conflict with this act.

8 Sec. ~~19.~~ **{28.}** K.S.A. 2011 Supp. 75-4704a is hereby amended to read
9 as follows: 75-4704a. (a) Transfers to the information technology reserve
10 fund shall be made from the information technology fund on a monthly
11 basis and the amounts thereof shall be determined by the ~~director of~~
12 ~~information systems and communications,~~ subject to approval by the
13 ~~secretary of administration,~~ as charges for depreciation and obsolescence
14 ~~of the division of information systems and communications~~ *executive chief*
15 *information technology officer as charges for depreciation and*
16 *obsolescence of the office of information technology services* equipment
17 and programs according to generally accepted accounting principles
18 prescribed by the director of accounts and reports. All recoveries from the
19 sale of surplus, obsolete or unused equipment or of other expenditures
20 from the information technology fund shall be remitted to the state
21 treasurer in accordance with the provisions of K.S.A. 75-4215, and
22 amendments thereto. Upon receipt of each such remittance, the state
23 treasurer shall deposit the entire amount in the state treasury to the credit
24 of the information technology reserve fund. The director of accounts and
25 reports shall transfer each month the amount so determined. No such
26 transfer shall constitute a charge against or decrease in any expenditure
27 limitation then in effect on the information technology fund under any
28 appropriations act of the legislature.

29 (b) Expenditures from the information technology reserve fund may
30 be made for equipment and programs needed for the operation of the
31 ~~division of information systems and communications~~ *office of information*
32 *technology services*.

33 Sec. ~~20.~~ **{29.}** K.S.A. 75-4704b is hereby amended to read as follows:
34 75-4704b. Appropriations may be made for capital outlay and other
35 expenses to carry out the purpose of the ~~division of information systems~~
36 ~~and communications~~ *office of information technology services* for the same
37 period as is authorized by K.S.A. 46-155, and amendments thereto, for
38 capital improvements. The ~~director of information systems and~~
39 ~~communications,~~ with the approval of the ~~secretary of administration,~~
40 *executive chief information technology officer* may enter into multiple year
41 lease or acquisition contracts, subject to state purchasing laws not in
42 conflict with the foregoing authorization and so long as such contracts do
43 not extend beyond the appropriation periods, limitations and restrictions

1 therefor.

2 ~~Sec. 21. {30.}~~ K.S.A. 75-4705 is hereby amended to read as follows:
3 75-4705. (a) Central processing of data by computer, for all divisions,
4 departments and agencies of the state shall be performed by the ~~division of~~
5 ~~information systems and communications, under the supervision of the~~
6 ~~secretary of administration~~ *office of information technology services under*
7 *the supervision of the executive chief information technology officer.* No
8 other division, department or agency of the state shall perform central
9 processing computer functions or control or possess any central processing
10 unit of a computer, except as otherwise provided in this section.

11 (b) With the approval of the ~~secretary of administration~~ *executive*
12 *chief information technology officer*, any division, department or agency of
13 the state may possess and operate central processing units of a computer if
14 the same are adjunct to the central processing computer unit or units of the
15 ~~division of information systems and communications~~ *office of information*
16 *technology services.*

17 (c) Data to be centrally processed by the ~~division of information-~~
18 ~~systems and communications~~ *office of information technology services*
19 shall be prepared for such processing by the division, department or
20 agency of the state requesting the same to be processed in accordance with
21 rules and regulations adopted by the ~~secretary of administration~~ *executive*
22 *chief information technology officer* as provided in K.S.A. 75-4703, and
23 amendments thereto. Programs for processing the data of any division,
24 department or agency of the state shall be prepared by such division,
25 department or agency of the state in accordance with standards prescribed
26 by rules and regulations adopted by the ~~secretary of administration-~~
27 ~~executive chief information technology officer~~ as provided in K.S.A. 75-
28 4703, and amendments thereto. Notwithstanding the other provisions of
29 this subsection, the ~~division of information systems and communications~~
30 *office of information technology services* shall prepare data or programs, or
31 provide technical consultation, when a division, department or agency of
32 the state requests such service of the ~~division of information systems and~~
33 ~~communications and the director of information systems and~~
34 ~~communications~~, subject to the approval of the ~~secretary of administration~~
35 ~~agrees thereto~~ *office of information technology services and the executive*
36 *chief information technology officer.*

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

39 ~~Sec. 22. {31.}~~ K.S.A. 2011 Supp. 75-4709 is hereby amended to read
40 as follows: 75-4709. (a) The ~~secretary of administration~~ *executive chief*
41 *information technology officer* shall provide for and coordinate all
42 telecommunications services for all divisions, departments and agencies of
43 the state pursuant to policies established by the information technology

1 executive council. The ~~secretary of administration~~ *executive chief*
2 *information technology officer* shall have the authority to control the
3 acquisition, retention and use of all telecommunications services for all
4 divisions, departments and agencies of the state, and to develop and review
5 plans and specifications for telecommunications services throughout the
6 state.

7 (b) The ~~secretary of administration~~ *executive chief information*
8 *technology officer*, when feasible, may enter into agreements with any
9 entity defined in this subsection extending to such entity the use of state
10 intercity telecommunications facilities and services under the control of
11 the ~~secretary~~ *executive chief information technology officer*.

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

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

15 (2) any hospital or nonprofit corporation which the ~~secretary~~
16 *executive chief information technology officer* determines to be performing
17 any state function on an ongoing basis through agreement or otherwise, or
18 any function which will assist a governmental unit in attaining an objective
19 or goal, bearing a valid relationship to powers and functions of such unit.

20 (c) Every record made, maintained or kept by the secretary of
21 administration or the division of information systems and communications
22 ~~prior to July 1, 2012, shall on or after July 1, 2012, be made, the effective~~
23 ~~date of this act, shall be maintained or kept by the executive chief~~
24 ~~information technology officer or the office of information technology~~
25 ~~services, or any agency or instrumentality thereof, which relates to the~~
26 ~~acquisition, retention or use of telecommunications services provided to~~
27 ~~any division, department or agency of the state, state officer or~~
28 ~~governmental unit and which pertains to individually identifiable~~
29 ~~individuals using such telecommunication services shall constitute for~~
30 ~~purposes of the open records act a record of the division, department or~~
31 ~~agency of the state, state officer or governmental unit to which such~~
32 ~~records relate. The official custodian of such records for the purposes of~~
33 ~~the open records act shall be the official custodian of the records of such~~
34 ~~division, department or agency of the state, state officer or governmental~~
35 ~~unit.~~

36 Sec. ~~23.~~ **{32.}** K.S.A. 75-4710 is hereby amended to read as follows:
37 75-4710. As used in K.S.A. 75-4709, 75-4712, 75-4713 and 75-4714, and
38 amendments ~~to those sections thereto~~, telecommunications services
39 include, but shall not be limited to, any transmission, emission or reception
40 of signals of any kind containing communications of any nature, by wire,
41 radio, optical or other electromagnetic means, and includes all facilities,
42 equipment, supplies and services for such transmission, emission or
43 reception. Telecommunications services shall include data transmission

1 services and equipment but shall not include data processing services
2 provided or authorized by the ~~division of information systems and~~
3 ~~communications~~ *office of information technology services*, or the
4 acquisition, retention or use of any data processing equipment authorized
5 by the ~~division of information systems and communications~~ *office of*
6 *information technology services*.

7 Sec. ~~24.~~ **{33.}** K.S.A. 75-4712 is hereby amended to read as follows:
8 75-4712. The ~~secretary of administration~~ *executive chief information*
9 *technology officer* shall adopt rules and regulations as provided in ~~K.S.A.~~
10 ~~75-3706~~ *section 1*, and amendments thereto, for the acquisition, retention
11 and use of telecommunications services by all divisions, departments and
12 agencies of the state and by private, nonprofit corporations and
13 governmental units which have entered into agreements with the ~~secretary~~
14 ~~of administration~~ *executive chief information technology officer* under
15 K.S.A. 75-4709, and amendments thereto, and for the purposes of
16 administering and enforcing the provisions of this act.

17 Sec. ~~25.~~ **{34.}** K.S.A. 75-4713 is hereby amended to read as follows:
18 75-4713. (a) The telecommunications negotiating committee is a three-
19 person committee composed of (1) the ~~secretary of administration~~
20 *governor*, or a person designated by the ~~secretary of administration~~
21 *governor*, (2) the director of purchases, or a person designated by the
22 director of purchases, and (3) the ~~director of the division of information~~
23 ~~systems and communications~~ *executive chief information technology*
24 *officer*, or a person appointed by the ~~director of information systems and~~
25 ~~communications~~ *executive chief information technology officer*. The
26 telecommunications negotiating committee may negotiate contracts for
27 telecommunications services to be entered into by the ~~secretary of~~
28 ~~administration~~ *executive chief information technology officer* for state
29 agencies and other entities as provided in K.S.A. 75-4709, and
30 amendments thereto.

31 (b) Prior to negotiating for telecommunications services, the
32 committee shall advertise for sealed proposals. The committee then may
33 negotiate with one or more firms submitting proposals and select from
34 among those submitting such proposals the party to contract with for the
35 purpose of providing telecommunications services.

36 (c) Contracts entered into pursuant to this section for
37 telecommunications services shall not be subject to the provisions of
38 K.S.A. 75-3738 to 75-3740a, inclusive, and amendments thereto.

39 Sec. ~~26.~~ **{35.}** K.S.A. 75-4714 is hereby amended to read as follows:
40 75-4714. Except as otherwise provided by law and subject to the
41 provisions of appropriations acts relating thereto, all fees and charges
42 imposed by the ~~secretary of administration~~ *executive chief information*
43 *technology officer* for telecommunications services provided or contracted

1 for by the ~~secretary~~ *executive chief information technology officer* shall be
2 deposited in the state treasury and credited to the information technology
3 fund.

4 ~~Sec.-27. {36.}~~ K.S.A. 75-4715 is hereby amended to read as follows:
5 75-4715. (a) There is hereby created in the state treasury the information
6 technology fund. All expenditures from such fund shall be made in
7 accordance with appropriation acts upon warrants of the director of
8 accounts and reports issued pursuant to vouchers approved by the
9 ~~secretary of administration~~ *executive chief information technology officer*
10 or by a person designated by the ~~secretary~~ *executive chief information*
11 *technology officer*.

12 (b) On the effective date of this act, the director of accounts and
13 reports shall transfer all moneys in the computer services fund, created
14 under K.S.A. 75-4704, *and amendments thereto*, and the state
15 communications services fund, created under K.S.A. 75-4714, *and*
16 *amendments thereto*, to the information technology fund.

17 (c) On the effective date of this act, all liabilities of the computer
18 services fund and the state communications services fund are hereby
19 imposed on the information technology fund, and the computer services
20 fund and the state communications services fund are hereby abolished.
21 Any reference to such funds abolished by this section in any statute,
22 contract or other document shall be deemed to refer to the information
23 technology fund.

24 ~~Sec.-28. {37.}~~ K.S.A. 75-4716 is hereby amended to read as follows:
25 75-4716. (a) There is hereby created in the state treasury the information
26 technology reserve fund. All expenditures from such fund shall be made in
27 accordance with appropriation acts upon warrants of the director of
28 accounts and reports issued pursuant to vouchers approved by the
29 ~~secretary of administration~~ *executive chief information technology officer*
30 or by a person designated by the ~~secretary~~ *executive chief information*
31 *technology officer*.

32 (b) On the effective date of this act, the director of accounts and
33 reports shall transfer all moneys in the computer services depreciation
34 reserve fund, created under K.S.A. 75-4704a, *and amendments thereto*, to
35 the information technology reserve fund. On the effective date of this act,
36 all liabilities of the computer services depreciation reserve fund are hereby
37 imposed on the information technology reserve fund, and the computer
38 services depreciation reserve fund is hereby abolished. Any reference to
39 such fund abolished by this section in any statute, contract or other
40 document shall be deemed to refer to the information technology reserve
41 fund.

42 ~~Sec.-29. {38.}~~ K.S.A. 75-6512 is hereby amended to read as follows:
43 75-6512. (a) Subject to the provisions of appropriations acts, the secretary

1 of administration is hereby authorized to establish and administer a
2 cafeteria plan pursuant to the provisions of section 125 of the federal
3 internal revenue code of 1986 which shall be available to persons who are
4 officers or employees of the state and who are qualified to participate in
5 the state health care benefits program and which shall include, but not be
6 limited to, provisions under which such officers and employees may agree
7 to receive reduced compensation and (1) have the state's contribution
8 under K.S.A. 75-6508, and amendments thereto, cover costs of dependent
9 benefit coverage or other benefits under the state health care benefits
10 program which would otherwise be payable by such officers and
11 employees, and (2) receive benefits under the state employee dependent
12 care assistance program under K.S.A. 75-6520, *and amendments thereto.*

13 (b) Any reduction in compensation for any person pursuant to any
14 such cafeteria plan shall not reduce the compensation of such person for
15 purposes of the employment security law, workers compensation act or the
16 purposes of determining contributions and benefits under the Kansas
17 public employees retirement system or any retirement system administered
18 by the board of trustees of the Kansas public employees retirement system.

19 (c) Implementation of any such cafeteria plan and any additions or
20 deletions thereto shall be subject to approval of the secretary of
21 administration *and the office of information technology services* to assure
22 adequate data processing resources therefor within the ~~division of~~
23 ~~information systems and communications of the department of~~
24 ~~administration~~ *office of information technology services.*

25 ~~Sec. 30. {39.}~~ K.S.A. 2011 Supp. 75-7202 is hereby amended to read
26 as follows: 75-7202. (a) There is hereby established the information
27 technology executive council which shall be attached to the ~~department of~~
28 ~~administration~~ *office of information technology services* for purposes of
29 administrative functions.

30 (b) The council shall be composed of 17 voting members as follows:
31 The secretary of administration; two cabinet agency heads; one noncabinet
32 agency head; the director of the budget; the executive chief information
33 technology officer; the legislative chief information technology officer; the
34 judicial chief information technology officer and the judicial administrator
35 of the Kansas supreme court; the executive director of the Kansas board of
36 regents; the commissioner of education; ~~one representative~~ *two*
37 *representatives* of cities; ~~one representative~~ *two representatives* of
38 counties; the network manager of the information network of Kansas
39 (INK); and ~~three representatives~~ *one representative* from the private sector
40 who ~~are~~ *is a* chief executive ~~officers~~ *officer* or chief information
41 technology ~~officers~~ *officer*. The chief information technology architect
42 shall be a nonvoting member of the council. The two cabinet agency
43 heads, the noncabinet agency head, the ~~representative~~ **representatives** of

1 cities, the ~~representative~~ **representatives** of counties and the
2 ~~representatives~~ **representative** from the private sector shall be appointed
3 by the governor for a term not to exceed 18 months. Upon expiration of an
4 appointed member's term, the member shall continue to hold office until
5 the appointment of a successor. Nonappointed members shall serve ex
6 officio.

7 ~~(c) The secretary of administration shall serve as the chairperson of~~
8 ~~the council. The chairperson of the council shall be drawn from the chief~~
9 ~~information technology officers, with each chief information technology~~
10 ~~officer serving a one-year term. The term of chairperson shall rotate~~
11 ~~among the chief information officers on an annual basis.~~

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

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

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

21 ~~Sec. 34. {40.} K.S.A. 2011 Supp. 75-7204 is hereby amended to read~~
22 ~~as follows: 75-7204. (a) There is hereby established, within and as a part~~
23 ~~of the department of administration, the office of chief information~~
24 ~~technology architect, the head of which shall be the chief information~~
25 ~~technology architect. Under the supervision of the secretary of~~
26 ~~administration, the chief information technology architect shall administer~~
27 ~~the office of the chief information technology architect office of~~
28 ~~information technology services, the position of chief information~~
29 ~~technology architect whose duties shall be performed under the~~
30 ~~supervision of the executive chief information technology officer. The chief~~
31 ~~information technology architect shall be in the unclassified service under~~
32 ~~the Kansas civil service act, shall be appointed by the secretary of~~
33 ~~administration executive chief information technology officer, subject to~~
34 ~~approval of the governor and shall receive compensation in an amount~~
35 ~~fixed by the secretary of administration executive chief information~~
36 ~~technology officer, subject to approval of the governor.~~

37 (b) The chief information technology architect shall:

38 (1) Propose to the information technology executive council: (A)
39 Information technology resource policies and procedures and project
40 management methodologies for all state agencies; (B) an information
41 technology architecture, including telecommunications systems, networks
42 and equipment, that covers all state agencies; (C) standards for data
43 management for all state agencies; and (D) a strategic information

1 technology management plan for the state;

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

4 (3) perform such other functions and duties as provided by law or as
5 directed by the ~~secretary of administration~~ *executive chief information*
6 *technology officer*.

7 ~~Sec. 32. {41.}~~ K.S.A. 2011 Supp. 75-7205 is hereby amended to read
8 as follows: 75-7205. (a) There is hereby established within and as a part of
9 the ~~department of administration~~ *office of technology information*

10 **information technology services** the position of executive chief
11 information technology officer. The executive chief information
12 technology officer shall be in the unclassified service under the Kansas
13 civil service act, shall be appointed by the ~~secretary of administration,~~
14 ~~subject to approval of the~~ governor, and shall receive compensation in an
15 amount fixed by the ~~secretary of administration,~~ ~~subject to approval of the~~
16 governor. The executive chief information technology officer shall
17 maintain a presence in any cabinet established by the governor and shall
18 report to ~~both the governor and the secretary of administration.~~

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

20 (1) Review and consult with each executive agency regarding
21 information technology plans, deviations from the state information
22 technology architecture, information technology project estimates and
23 information technology project changes and overruns submitted by such
24 agency pursuant to K.S.A. 2011 Supp. 75-7209, and amendments thereto,
25 to determine whether the agency has complied with: (A) The information
26 technology resource policies and procedures and project management
27 methodologies adopted by the information technology executive council;
28 (B) the information technology architecture adopted by the information
29 technology executive council; (C) the standards for data management
30 adopted by the information technology executive council; and (D) the
31 strategic information technology management plan adopted by the
32 information technology executive council;

33 (2) report to the chief information technology architect all deviations
34 from the state information architecture that are reported to the executive
35 information technology officer by executive agencies;

36 (3) submit recommendations to the division of the budget as to the
37 technical and management merit of information technology project
38 estimates and information technology project changes and overruns
39 submitted by executive agencies pursuant to K.S.A. 2011 Supp. 75-7209,
40 and amendments thereto, based on the determinations made pursuant to
41 subsection (b)(1);

42 (4) monitor executive agencies' compliance with: (A) The
43 information technology resource policies and procedures and project

1 management methodologies adopted by the information technology
2 executive council; (B) the information technology architecture adopted by
3 the information technology executive council; (C) the standards for data
4 management adopted by the information technology executive council;
5 and (D) the strategic information technology management plan adopted by
6 the information technology executive council;

7 (5) coordinate implementation of new information technology among
8 executive agencies and with the judicial and legislative chief information
9 technology officers;

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

13 (7) perform such other functions and duties as provided by law or as
14 directed by the ~~secretary of administration~~ *governor*.

15 Sec. ~~33.~~ {42.} K.S.A. 2011 Supp. 75-7224 is hereby amended to read
16 as follows: 75-7224. (a) The board shall establish a plan to ensure that all
17 schools, libraries and hospitals have quality, affordable access to the
18 internet and distance learning. The board shall adopt standards for
19 determining whether such access is available to each school, library or
20 hospital desiring such access and shall adopt priorities for implementation
21 of such access. The board may request and receive assistance from any
22 school, any library, any hospital, the state corporation commission, any
23 other agency of the state or any telecommunications, cable or other
24 communications services provider to gather necessary data to implement
25 such plan and establish such standards and priorities. The board shall
26 develop a methodology for updating and validating any data collected for
27 periodic revisions of the plan, standards and priorities. Not less than 75%
28 of all schools which have applied to the board to participate in the
29 network, 75% of all libraries which have applied to the board to participate
30 in the network and 75% of all hospitals which have applied to the board to
31 participate in the network shall have access to the network by July 1, 2004.

32 (b) The board shall contract with providers of telecommunications
33 services, cable services and other communications services for the
34 creation, operation and maintenance of the network. Such contracts shall
35 be let by competitive bids as provided by K.S.A. 75-3739, and
36 amendments thereto.

37 (c) The board shall establish: (1) Technical standards for operation
38 and maintenance of the network; (2) the method of monitoring operations
39 of the network; and (3) the method or methods of increasing the capacity
40 of the network to accommodate changes in the demands of schools,
41 libraries and hospitals.

42 (d) The board shall identify any potential regulatory impediments to
43 and other regulatory considerations in implementation of the network and

1 shall propose measures to address such impediments and other
2 considerations.

3 (e) The board shall assess the need of schools, libraries and hospitals
4 for full-motion video connectivity. Based on its findings, the board may
5 develop a plan to provide such connectivity. The plan may require users of
6 such connectivity bear part of its cost.

7 (f) The board may appoint such advisory committees as the board
8 determines necessary to carry out the purposes of this act. The membership
9 of advisory committees may include both members of the board and
10 persons who are not board members. Such advisory committees, to the
11 extent appropriate, shall include both communications services providers
12 and participants knowledgeable about topics such as network facilities and
13 services, network content and user training, and such other topics as may
14 be necessary or useful. Members of advisory committees appointed by the
15 board shall receive amounts provided for in subsection (e) of K.S.A. 75-
16 3223, and amendments thereto.

17 (g) On or before July 1, 2002, and thereafter as the board deems
18 appropriate, the board shall adopt rules and regulations to implement and
19 administer the provisions of this act.

20 (h) The board shall have all other powers necessary to achieve the
21 purposes of this act, including but not limited to the power to receive any
22 appropriations, donations, grants, bequests and devises, conditional and
23 otherwise, of money, property, services or other things of value for the
24 purposes of this act.

25 (i) The state department of education, the ~~division of information~~
26 ~~systems and communications of the department of administration~~ *office of*
27 *information technology services*, the state corporation commission and all
28 other state agencies shall cooperate with the board in providing
29 information and other assistance requested by the board for the
30 performance of its duties pursuant to this act.

31 ~~Sec. 34. {43.}~~ K.S.A. 76-389 is hereby amended to read as follows:
32 76-389. (a) Within the limits of appropriations therefor, the university of
33 Kansas medical center is hereby authorized to establish, maintain and
34 operate a telemedicine communications system, subject to the approval by
35 the ~~secretary of administration~~ *executive chief information technology*
36 *officer* under K.S.A. 75-4709, and amendments thereto. The telemedicine
37 communications system shall apply telecommunications technology to the
38 practice of medicine through compressed, full-motion, high-resolution,
39 two-way interactive video communication and information transfer over
40 long distances within a medical setting.

41 (b) For the purpose of establishing, operating and maintaining the
42 telemedicine communications system, the university of Kansas medical
43 center may enter into contracts with any state agency, and any such agency

1 is authorized to contract for such purpose with the university of Kansas
2 medical center. The university of Kansas medical center in addition may
3 enter into contracts or other agreements with any municipality as defined
4 under K.S.A. 75-1117, and amendments thereto, medical facility as
5 defined under K.S.A. 65-411, and amendments thereto, individual, firm,
6 partnership, corporation or other business entity for the establishment of
7 the telemedicine communications system or the establishment or operation
8 of any part thereof including placement, operation and maintenance of
9 equipment. In accordance with the authority of the ~~secretary of~~
10 ~~administration~~ **executive chief information technology officer** under
11 K.S.A. 75-4709, and amendments thereto, all contracts entered into by the
12 university of Kansas school of medicine under this section shall be subject
13 to approval by the ~~secretary of administration~~ **executive chief information**
14 **technology officer**. Standards and qualifications for utilization of the
15 telemedicine communications system shall be established by the
16 telemedicine advisory committee.

17 (c) For the purpose of establishing, operating and maintaining the
18 telemedicine communications system, the university of Kansas medical
19 center may accept any grant of money or property, including any federal
20 moneys available therefor. Within the limits of appropriations therefor and
21 subject to approval by the ~~secretary of administration~~ **executive chief**
22 **information technology officer** under K.S.A. 75-4709, and amendments
23 thereto, the university of Kansas medical center may acquire, in the name
24 of the state, any equipment necessary for the telemedicine communications
25 system.

26 (d) As part of the telemedicine communications system under this
27 section and within the limits of appropriations therefor, the university of
28 Kansas medical center may provide and may fix, charge and collect fees,
29 which shall be deposited in the state treasury to the credit of one or more
30 special revenue funds as specified by the vice-chancellor, for the following
31 services:

- 32 (1) Clinical and educational telemedicine services;
- 33 (2) consulting services pertaining to the technology, system
34 capability, clinical services supported and basic telemedicine information;
- 35 (3) system design information;
- 36 (4) advice and assistance on equipment and acquisition installation;
- 37 (5) coordination with serving telephone companies and attachment to
38 telecommunications networks;
- 39 (6) system training;
- 40 (7) coordination of system upgrades;
- 41 (8) clearing house for telemedicine information; and
- 42 (9) such other services as may be necessary in establishing, operating
43 and maintaining the telemedicine communications system.

1 (e) There is hereby established the telemedicine advisory committee
2 to consist of five members. The members of the telemedicine advisory
3 committee shall be appointed by the chancellor of the university of
4 Kansas. Of the members of the telemedicine advisory committee, one
5 member shall be a representative of the Kansas medical society and one
6 member shall be a representative of the Kansas hospital association. The
7 chancellor shall designate the member who is chairperson of the
8 telemedicine advisory committee. Vacancies on the telemedicine advisory
9 committee shall be filled in like manner as original appointments. The
10 telemedicine advisory committee shall meet periodically upon the call of
11 the chairperson of the telemedicine advisory committee. Members of the
12 telemedicine advisory committee attending meetings of the committee, or
13 attending a subcommittee meeting thereof authorized by the committee,
14 shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and
15 amendments thereto. The telemedicine advisory committee shall make
16 recommendations to the university of Kansas medical center in regard to
17 the administration of the provisions of this section, shall establish
18 standards and qualifications for utilization of the telemedicine
19 communications system in accordance with subsection (b) and shall
20 perform such other duties as may be required by law.

21 ~~Sec. 35. {44.}~~ ~~K.S.A.~~ **K.S.A.** 48-937, 65-6138, 65-6139, 65-6140,
22 74-9302, 74-9303, 74-9306, 74-9605, 75-37,102, 75-4701, 75-4702, 75-
23 4702c, 75-4704, 75-4704b, 75-4705, 75-4710, 75-4712, 75-4713, 75-4714,
24 75-4715, 75-4716, 75-6512 and 76-389 and K.S.A. 2011 Supp. 46-1503,
25 74-9304, 75-3707e, 75-4703, 75-4704a, 75-4709, 75-7202, 75-7204, 75-
26 7205 and 75-7224 are hereby repealed.

27 ~~Sec. 36. {45.}~~ This act shall take effect and be in force from and after
28 its publication in the ~~statute book~~ **Kansas register**.

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