

HOUSE BILL No. 2359

By Committee on Government, Technology and Security

2-10

1 AN ACT concerning information systems and communications; creating
2 the Kansas information technology enterprise; relating to consolidation
3 and transfer of executive branch information technology staff,
4 resources, functions and powers; amending K.S.A. 2016 Supp. 12-
5 5364, 74-9302, 74-9304, 74-9306, 74-99f04, 74-99f06, 74-99f08, 75-
6 3707e, 75-4701, 75-4702c, 75-4703, 75-4704, 75-4704a, 75-4704b, 75-
7 4705, 75-4709, 75-4710, 75-4718, 75-4719, 75-6512, 75-7201, 75-
8 7202, 75-7204, 75-7205 and 75-7224 and repealing the existing
9 sections.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. On the effective date of this act, the name of the
13 office of information technology services is hereby changed to the Kansas
14 information technology enterprise. All properties, moneys, appropriations,
15 rights and authorities now vested in the office of information technology
16 services shall be vested in the Kansas information technology enterprise.
17 Whenever the title of the office of information technology services, or
18 words of like effect, is referred to or designated by any statute, contract or
19 other document, such reference or designation shall be deemed to apply to
20 the Kansas information technology enterprise.

21 New Sec. 2. (a) On and after the effective date of this act, all
22 executive branch agencies shall be required to receive approval from the
23 executive chief information technology officer for all expenditures for
24 information technology by the agency. The head of each executive branch
25 agency shall provide information to and cooperate with the executive chief
26 information technology officer for the purpose of implementing and
27 administering this section.

28 (b) On and after the effective date of this act, all executive branch
29 officers and employees whose duties or functions for executive branch
30 agencies concern information technology shall report directly to the
31 executive chief information technology officer.

32 New Sec. 3. (a) There is hereby created in the state treasury the
33 Kansas information technology enterprise fund. All amounts received
34 under this section shall be remitted to the state treasurer in accordance
35 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
36 receipt of each such remittance, the state treasurer shall deposit the entire

1 amount into the state treasury to the credit of the Kansas information
2 technology enterprise fund, which shall be administered by the executive
3 chief information technology officer.

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

9 (2) Moneys in the Kansas information technology enterprise
10 fund may be used to meet statewide information technology requirements,
11 including, but not limited to: Project management, security, electronic
12 mail, Kansas information technology enterprise expenses and any other
13 information technology operations.

14 (c) The executive chief information officer shall compute the
15 reasonably anticipated itemized costs of providing information technology
16 services to executive branch agencies. The executive branch agency that is
17 receiving the information technology services shall reimburse the Kansas
18 information technology enterprise for such costs. Any such reimbursement
19 collected by the Kansas information technology enterprise shall be
20 credited to the Kansas information technology enterprise fund. Annually,
21 on or before August 1, the executive chief information officer shall report
22 to the joint committee on information technology the reasonably
23 anticipated itemized costs of providing information technology services to
24 executive branch agencies.

25 New Sec. 4. (a) The Kansas information technology enterprise shall
26 coordinate with the Kansas division of budget to develop and implement a
27 plan to manage all information technology funding. Executive branch
28 agencies shall cooperate with the executive chief information technology
29 officer and the division of budget to identify information technology
30 expenses, contracts, projects, resources and payment sources.

31 (b) Except as otherwise provided in sections 1 through 4, and
32 amendments thereto, on July 1, 2018, officers and employees who,
33 immediately prior to such date, were engaged in the performance of
34 powers, duties or functions for executive branch agencies concerning
35 information technology, which are transferred by this act, or who become a
36 part of the Kansas information technology enterprise, or the powers, duties
37 and functions which are transferred to the Kansas information technology
38 enterprise, and who, in the opinion of the executive chief information
39 technology officer, are necessary to perform the powers, duties and
40 functions of the Kansas information technology enterprise, shall be
41 transferred to, and shall become officers and employees of the Kansas
42 information technology enterprise. Any such officer or employee shall
43 retain all retirement benefits and all rights of civil service that had accrued

1 to or vested in such officer or employee prior to the effective date of this
2 section. The service of each such officer and employee so transferred shall
3 be deemed to have been continuous. All transfers and any abolition of
4 personnel positions in the classified service under the Kansas civil service
5 act shall be in accordance with civil service laws and any rules and
6 regulations adopted thereunder.

7 (c) In the event any conflict arises as to the disposition, function or
8 duty of any officer or employee referenced in subsection (b), or as a result
9 of any abolition, transfer, attachment or change made by or under the
10 authority of sections 1 through 4, and amendments thereto, such conflict
11 shall be resolved by the governor, whose decision shall be final.

12 Sec. 5. K.S.A. 2016 Supp. 12-5364 is hereby amended to read as
13 follows: 12-5364. (a) (1) There is hereby created the 911 coordinating
14 council which shall monitor the delivery of 911 services, develop
15 strategies for future enhancements to the 911 system and distribute
16 available grant funds to PSAPs. In as much as possible, the council shall
17 include individuals with technical expertise regarding 911 systems,
18 internet technology and GIS technology.

19 (2) The 911 coordinating council shall consist of 13 voting members
20 to be appointed by the governor: Two members representing information
21 technology personnel from government units; one member representing
22 the Kansas sheriff's association; one member representing the Kansas
23 association of chiefs of police; one member representing a fire chief; one
24 member recommended by the adjutant general; one member recommended
25 by the Kansas emergency medical services board; one member
26 recommended by the Kansas commission for the deaf and hard of hearing;
27 two members representing PSAPs located in counties with less than
28 75,000 in population; two members representing PSAPs located in
29 counties with greater than 75,000 in population; and one member
30 representing PSAPs without regard to size. At least two of the members
31 representing PSAPs shall be administrators of a PSAP or have extensive
32 prior 911 experience in Kansas.

33 (3) Other voting members of the 911 coordinating council shall
34 include: One member of the Kansas house of representatives as appointed
35 by the speaker of the house; one member of the Kansas house of
36 representatives as appointed by the minority leader of the house; one
37 member of the Kansas senate as appointed by the senate president; and one
38 member of the Kansas senate as appointed by the senate minority leader.

39 (4) The 911 coordinating council shall also include nonvoting
40 members to be appointed by the governor: One member representing rural
41 telecommunications companies recommended by the Kansas rural
42 independent telephone companies; one member representing incumbent
43 local exchange carriers with over 50,000 access lines; one member

1 representing large wireless providers; one member representing VoIP
2 providers; one member recommended by the league of Kansas
3 municipalities; one member recommended by the Kansas association of
4 counties; one member recommended by the Kansas geographic
5 information systems policy board; one member recommended by the
6 Kansas ~~office of information technology services~~ *information technology*
7 *enterprise*; and one member, a Kansas resident, recommended by the Mid-
8 America regional council.

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

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

18 (A) One member representing information technology personnel from
19 government units, one member recommended by the adjutant general, one
20 member representing PSAPs located in counties with less than 75,000 in
21 population and one member representing PSAPs located in counties with
22 greater than 75,000 in population shall serve a term of two years;

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

28 (C) one member representing a fire chief, one member recommended
29 by the Kansas commission for the deaf and hard of hearing, one member
30 representing the Kansas association of chiefs of police and one member
31 representing PSAPs located in counties with greater than 75,000 in
32 population shall serve a term of four years.

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

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

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

40 (2) The chair shall serve as the coordinator of E-911 services and next
41 generation 911 services in the state, implement statewide 911 planning,
42 have the authority to sign all certifications required under 47 C.F.R. part
43 400 and administer the 911 federal grant fund and 911 state maintenance

1 fund. The chair shall serve subject to the direction of the council and
2 ensure that policies adopted by the council are carried out. The chair shall
3 serve as the liaison between the council and the LCPA. The chair shall
4 preside over all meetings of the council and assist the council in
5 effectuating the provisions of this act.

6 (d) The 911 coordinating council, by an affirmative vote of nine
7 voting members, shall select the local collection point administrator,
8 pursuant to K.S.A. 2016 Supp. 12-5367, and amendments thereto, to
9 collect 911 fees and to distribute such fees to PSAPs and to distribute 911
10 state grant fund moneys as directed by the council. The council shall adopt
11 rules and regulations for the terms of the contract with the LCPA. All
12 contract terms and conditions shall satisfy all contract requirements as
13 established by the secretary of administration. The council shall determine
14 the compensation of the LCPA who shall provide the council with any
15 staffing necessary in carrying out the business of the council or
16 effectuating the provisions of this act. The moneys used to reimburse these
17 expenses shall be paid from the 911 state grant fund, pursuant to
18 subsection (i).

19 (e) The 911 coordinating council is hereby authorized to adopt rules
20 and regulations necessary to effectuate the provisions of this act, including,
21 but not limited to, creating a uniform reporting form designating how
22 moneys, including 911 fees, have been spent by the PSAPs, requiring
23 service providers to notify the council pursuant to subsection (j), setting
24 standards for coordinating and purchasing equipment, recommending
25 standards for training of PSAP personnel and assessing civil penalties. The
26 chair of the council shall work with the council to develop rules and
27 regulations necessary for the distribution of moneys in the 911 federal
28 grant fund. The council shall work with the chair to carry out the
29 provisions of this act. Rules and regulations necessary to begin
30 administration of this act shall be adopted by December 31, 2011.

31 (f) The council may, pursuant to rules and regulations, raise or lower
32 the 911 fee upon a finding based on information submitted on the uniform
33 reporting forms, that moneys generated by such fee are in excess of or
34 below the costs required to operate PSAPs in the state. The council shall
35 not set the 911 fee above \$.60.

36 (g) The council may appoint subcommittees as necessary to
37 administer grants, oversee collection and distribution of moneys by the
38 LCPA, develop technology standards, develop training recommendations
39 and other issues as deemed necessary by the council. Subcommittees, if
40 appointed, shall include members of the council and other persons as
41 needed.

42 (h) The council may reimburse independent contractors or state
43 agencies for expenses incurred in carrying out the business of the council,

1 including salaries, that are directly attributable to effectuating the
2 provisions of this act. The moneys used to reimburse these expenses shall
3 be paid from the 911 state grant fund, pursuant to subsection (i).

4 (i) All expenses related to the council shall be paid from the 911 state
5 grant fund. No more than 2.5% of the total receipts from providers and the
6 department received by the LCPA shall be used to pay for such expenses.
7 Members of the council and other persons appointed to subcommittees by
8 the council may receive reimbursement for meals and travel expenses, but
9 shall serve without other compensation with the exception of legislative
10 members.

11 (j) Every provider shall submit contact information for the provider to
12 the council prior to January 1, 2012. Any provider that has not previously
13 provided wireless telecommunications service in this state shall submit
14 contact information for the provider to the council within three months of
15 first offering wireless telecommunications services in this state.

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

20 (l) The council, upon a finding that a provider has violated any
21 provision of this act, may impose a civil penalty. No civil penalty shall be
22 imposed pursuant to this section except upon the written order of the
23 council. Such order shall state the violation, the penalty to be imposed and
24 the right of such person to appeal to a hearing before the council. Any such
25 person may, within 15 days after service of the order, make a written
26 request to the council for a hearing thereon. Hearings under this subsection
27 shall be conducted in accordance with the provisions of the Kansas
28 administrative procedure act.

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

31 (n) Any civil penalty recovered pursuant to this section shall be
32 transferred to the LCPA for deposit in the 911 state grant fund.

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

36 (p) The 911 coordinating council shall make an annual report, to
37 include a detailed description of all expenditures made from 911 fees
38 received by the PSAPs, to the house committee on utilities and
39 telecommunications and the senate committee on utilities.

40 Sec. 6. K.S.A. 2016 Supp. 74-9302 is hereby amended to read as
41 follows: 74-9302. It shall be the purpose of INK to perform the following
42 duties:

43 (a) Provide electronic access for members of the public to public

1 information of agencies via a gateway service;

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

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

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

10 (e) cooperate with the ~~office of information technology services~~
11 *Kansas information technology enterprise* in seeking to achieve the
12 purposes of INK;

13 (f) explore technological ways and means of improving citizen and
14 business access to public information and, where appropriate, implement
15 such technological improvements; and

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

20 Sec. 7. K.S.A. 2016 Supp. 74-9304 is hereby amended to read as
21 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 ~~office of information technology services~~ *Kansas information technology*
25 *enterprise* and other state agencies regarding the provision of state data to
26 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. 2016 Supp. 45-230,
40 and amendments thereto.

41 Sec. 8. K.S.A. 2016 Supp. 74-9306 is hereby amended to read as
42 follows: 74-9306. The ~~office of information technology services~~ *Kansas*
43 *information technology enterprise* shall provide to INK such staff and

1 other assistance as may be requested thereby, and the actual costs of such
2 assistance shall be paid for by INK.

3 Sec. 9. K.S.A. 2016 Supp. 74-99f04 is hereby amended to read as
4 follows: 74-99f04. (a) There is hereby established the Kansas geographic
5 information systems policy board within the ~~office of information~~
6 ~~technology services~~ *Kansas information technology enterprise*.

7 (b) The board shall consist of 23 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 councils,
13 tribal government, law enforcement, county clerks, county appraisers and
14 emergency planning divisions; two representatives of the board of regents
15 institutions; and two executives representing the private sector. Members
16 from the private sector may include, but are not limited to, representatives
17 from the trucking industry, utilities, telecommunications, publishers,
18 agriculturalists, oil and gas industry, chambers of commerce, aircraft and
19 auto industry and the banking community; and two representatives from
20 relevant statewide businesses or professional organizations, such as
21 statewide associations of groundwater management districts, emergency
22 planning, law enforcement, licensed surveyors and other relevant technical
23 professions or agriculture-related businesses.

24 (2) The remaining 12 members shall be:

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

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

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

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

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

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

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

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

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

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

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

43 (L) the executive director of the information network of Kansas or

1 such executive director's designee.

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

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

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

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

18 Sec. 10. K.S.A. 2016 Supp. 74-99f06 is hereby amended to read as
19 follows: 74-99f06. (a) There is hereby established the office of state
20 geographic information systems officer who shall be appointed by the
21 governor and who shall serve in the ~~office of information technology~~
22 ~~services~~ *Kansas information technology enterprise*.

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

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

30 (2) implement and maintain the Kansas data access and support
31 center, an enterprise geospatial data clearinghouse to include a central
32 store and catalog of Kansas data and mapping services available to all state
33 entities and the public;

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

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

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

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

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

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

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

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

9 Sec. 11. K.S.A. 2016 Supp. 74-99f08 is hereby amended to read as
10 follows: 74-99f08. Funding for the Kansas data access and support center
11 shall be continued through the ~~office of information technology services~~
12 *Kansas information technology enterprise* and shall be directed to the
13 Kansas geological survey which currently houses and supports this
14 function.

15 Sec. 12. K.S.A. 2016 Supp. 75-3707e is hereby amended to read as
16 follows: 75-3707e. As the infrastructure provider for information
17 technology for the state of Kansas, the ~~office of information technology~~
18 ~~services~~ *Kansas information technology enterprise* must insure the highest
19 level of information security and privacy in order to protect law
20 enforcement, state agencies and the citizens of Kansas. Toward this
21 objective, the department of administration or the ~~office of information~~
22 ~~technology services~~ *Kansas information technology enterprise* shall
23 require as a condition of employment that individuals who have
24 unescorted physical access to the data center, telecommunications facilities
25 and other security sensitive areas as designated by the secretary of
26 administration or the executive chief information technology officer be
27 fingerprinted, and such fingerprints shall be submitted to the Kansas
28 bureau of investigation and to the federal bureau of investigation for the
29 purposes of verifying the identity of such individuals and obtaining
30 records of criminal arrests and convictions.

31 Sec. 13. K.S.A. 2016 Supp. 75-4701 is hereby amended to read as
32 follows: 75-4701. (a) There is hereby established ~~an office of information~~
33 ~~technology services~~ *the Kansas information technology enterprise*, the
34 head of which shall be the executive chief information technology officer.
35 The executive chief information technology officer shall administer the
36 ~~office of information technology services~~ *Kansas information technology*
37 *enterprise*. ~~The division of information systems and communications and~~
38 ~~the office of the director of information systems and communications,~~
39 ~~created by this section prior to its amendment by this act, are hereby~~
40 ~~abolished.~~

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

1 (c) There are hereby established, within the ~~office of information~~
2 ~~technology services~~ *Kansas information technology enterprise*, the offices
3 of the deputy director of information systems and the deputy director of
4 telecommunications who shall be appointed by the executive chief
5 information technology officer and shall be in the unclassified service
6 under the Kansas civil service act. The deputy director of information
7 systems and the deputy director of telecommunications shall have such
8 powers, duties and functions as are prescribed by the executive chief
9 information technology officer.

10 Sec. 14. K.S.A. 2016 Supp. 75-4702c is hereby amended to read as
11 follows: 75-4702c. (a) In all cases under this act where the powers, duties
12 and functions of the division or director of information systems and
13 communications are transferred to and imposed upon the ~~office of~~
14 ~~information technology services~~ *Kansas information technology*
15 *enterprise*, the executive chief information technology officer shall
16 succeed to all property and records which were used for, or pertain to, the
17 performance of the powers, duties and functions so transferred by this act.
18 Any conflict as to the proper disposition of such property or records
19 arising under this section and resulting from the transfer or abolishment of
20 any existing state agency, or the powers, duties and functions thereof, shall
21 be determined by the governor, whose decision shall be final.

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

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

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

41 Sec. 15. K.S.A. 2016 Supp. 75-4703 is hereby amended to read as
42 follows: 75-4703. The executive chief information technology officer may
43 adopt rules and regulations as provided in K.S.A. 2016 Supp. 75-4718, and

1 amendments thereto, relating to the following:

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

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

15 (c) Specification of standards for submission of data to be processed
16 by the ~~office of information technology services~~ *Kansas information*
17 *technology enterprise* and the programs for processing the data, including
18 authority to decline to process computer programs and projects not
19 conforming to published standards. Such standards shall be consistent with
20 the standards and policies adopted by the information technology
21 executive council under K.S.A. 2016 Supp. 75-7203, and amendments
22 thereto.

23 (d) Specification of standards and measures relating to security,
24 confidentiality and availability of data processed by the ~~office of~~
25 ~~information technology services~~ *Kansas information technology*
26 *enterprise*. Such standards and measures shall be consistent with the
27 standards and policies adopted by the information technology executive
28 council under K.S.A. 2016 Supp. 75-7203, and amendments thereto.

29 Sec. 16. K.S.A. 2016 Supp. 75-4704 is hereby amended to read as
30 follows: 75-4704. Under the supervision of the executive chief information
31 technology officer, the ~~office of information technology services~~ *Kansas*
32 *information technology enterprise* shall provide data processing and
33 application hosting services for other divisions, departments and agencies
34 of the state, and shall make charges for such services in accordance with
35 the cost system established under K.S.A. 75-4703, and amendments
36 thereto. The furnishing of data processing services and application hosting
37 by the ~~office of information technology services~~ *Kansas information*
38 *technology enterprise* shall be a transaction to be settled in accordance
39 with the provisions of K.S.A. 75-5516, and amendments thereto. All
40 receipts for sales of services shall be deposited in the information
41 technology fund created under K.S.A. 75-4715, and amendments thereto.
42 The provisions of K.S.A. 75-4215, and amendments thereto, shall apply to
43 the information technology fund to the extent not in conflict with this act.

1 Sec. 17. K.S.A. 2016 Supp. 75-4704a is hereby amended to read as
2 follows: 75-4704a. (a) Transfers to the information technology reserve
3 fund shall be made from the information technology fund on a monthly
4 basis and the amounts thereof shall be determined by the executive chief
5 information technology officer as charges for depreciation and
6 obsolescence of the ~~office of information technology services~~ *Kansas*
7 *information technology enterprise* equipment and programs according to
8 generally accepted accounting principles prescribed by the director of
9 accounts and reports. All recoveries from the sale of surplus, obsolete or
10 unused equipment or of other expenditures from the information
11 technology fund shall be remitted to the state treasurer in accordance with
12 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
13 of each such remittance, the state treasurer shall deposit the entire amount
14 in the state treasury to the credit of the information technology reserve
15 fund. The director of accounts and reports shall transfer each month the
16 amount so determined. No such transfer shall constitute a charge against or
17 decrease in any expenditure limitation then in effect on the information
18 technology fund under any appropriations act of the legislature.

19 (b) Expenditures from the information technology reserve fund may
20 be made for equipment and programs needed for the operation of the ~~office~~
21 ~~of information technology services~~ *Kansas information technology*
22 *enterprise*.

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

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

42 (b) With the approval of the executive chief information technology
43 officer, any division, department or agency of the state may possess and

1 operate central processing units of a computer if the same are adjunct to
2 the central processing computer unit or units of the ~~office of information~~
3 ~~technology services~~ *Kansas information technology enterprise*.

4 (c) Data to be centrally processed by the ~~office of information~~
5 ~~technology services~~ *Kansas information technology enterprise* shall be
6 prepared for such processing by the division, department or agency of the
7 state requesting the same to be processed in accordance with rules and
8 regulations adopted by the executive chief information technology officer
9 as provided in K.S.A. 75-4703, and amendments thereto. Programs for
10 processing the data of any division, department or agency of the state shall
11 be prepared by such division, department or agency of the state in
12 accordance with standards prescribed by rules and regulations adopted by
13 the executive chief information technology officer as provided in K.S.A.
14 75-4703, and amendments thereto. Notwithstanding the other provisions of
15 this subsection, the ~~office of information technology services~~ *Kansas*
16 *information technology enterprise* shall prepare data or programs, or
17 provide technical consultation, when a division, department or agency of
18 the state requests such service of the ~~office of information technology~~
19 ~~services~~ *Kansas information technology enterprise* and the executive chief
20 information technology officer.

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

23 Sec. 20. K.S.A. 2016 Supp. 75-4709 is hereby amended to read as
24 follows: 75-4709. (a) The executive chief information technology officer
25 shall provide for and coordinate all telecommunications services for all
26 divisions, departments and agencies of the state pursuant to policies
27 established by the information technology executive council. The
28 executive chief information technology officer shall have the authority to
29 control the acquisition, retention and use of all telecommunications
30 services for all divisions, departments and agencies of the state, and to
31 develop and review plans and specifications for telecommunications
32 services throughout the state.

33 (b) The executive chief information technology officer, when
34 feasible, may enter into agreements with any entity defined in this
35 subsection extending to such entity the use of state intercity
36 telecommunications facilities and services under the control of the
37 executive chief information technology officer.

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

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

41 (2) any hospital or nonprofit corporation which the executive chief
42 information technology officer determines to be performing any state
43 function on an ongoing basis through agreement or otherwise, or any

1 function which will assist a governmental unit in attaining an objective or
2 goal, bearing a valid relationship to powers and functions of such unit.

3 (c) Every record made, maintained or kept by the secretary of
4 administration or the division of information systems and communications,
5 prior to the effective date of this act, shall be maintained or kept by the
6 executive chief information technology officer or the ~~office of information~~
7 ~~technology services~~ *Kansas information technology enterprise*, or any
8 agency or instrumentality thereof, which relates to the acquisition,
9 retention or use of telecommunications services provided to any division,
10 department or agency of the state, state officer or governmental unit and
11 which pertains to individually identifiable individuals using such
12 telecommunication services shall constitute for purposes of the open
13 records act a record of the division, department or agency of the state, state
14 officer or governmental unit to which such records relate. The official
15 custodian of such records for the purposes of the open records act shall be
16 the official custodian of the records of such division, department or agency
17 of the state, state officer or governmental unit.

18 Sec. 21. K.S.A. 2016 Supp. 75-4710 is hereby amended to read as
19 follows: 75-4710. As used in K.S.A. 75-4709, 75-4712, 75-4713 and 75-
20 4714, and amendments thereto, telecommunications services include, but
21 shall not be limited to, any transmission, emission or reception of signals
22 of any kind containing communications of any nature, by wire, radio,
23 optical or other electromagnetic means, and includes all facilities,
24 equipment, supplies and services for such transmission, emission or
25 reception. Telecommunications services shall include data transmission
26 services and equipment but shall not include data processing services
27 provided or authorized by the ~~office of information technology services~~
28 *Kansas information technology enterprise*, or the acquisition, retention or
29 use of any data processing equipment authorized by the ~~office of~~
30 ~~information technology services~~ *Kansas information technology*
31 *enterprise*.

32 Sec. 22. K.S.A. 2016 Supp. 75-4718 is hereby amended to read as
33 follows: 75-4718. (a) The executive chief information technology officer
34 shall submit to the governor proposed rules and regulations with respect to
35 the manner of performance of any power or duty of the ~~office of~~
36 ~~information technology services~~ *Kansas information technology*
37 *enterprise*, the execution of any business of such office and its relations to
38 and business with other state agencies, appeals from the final decisions or
39 final actions of the executive chief information technology officer, and
40 such other matters as are provided by law. Before any such proposed rules
41 and regulations are submitted to the governor, the same shall have received
42 the approval required by K.S.A. 77-420, and amendments thereto, the
43 attorney general shall have made the finding required by K.S.A. 77-420,

1 and amendments thereto, and the executive chief information technology
2 officer shall have held the hearing thereon required by K.S.A. 77-421, and
3 amendments thereto. The governor shall either approve, modify and
4 approve or reject any such proposed rules and regulations. The executive
5 chief information technology officer shall adopt such rules and regulations
6 so approved or so modified and approved by the governor.

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

21 Sec. 23. K.S.A. 2016 Supp. 75-4719 is hereby amended to read as
22 follows: 75-4719. For the purpose of preparation of the governor's budget
23 report and related legislative measure or measures for submission to the
24 legislature, the ~~office of information technology services~~ *Kansas*
25 *information technology enterprise*, established in K.S.A. 75-4701, and
26 amendments thereto, shall be considered a separate state agency and shall
27 be titled for such purpose as the "~~office of information technology~~
28 ~~services~~*Kansas information technology enterprise*." The budget estimates
29 and requests of such office shall be presented as from a state agency
30 separate from the department of administration, and such separation shall
31 be maintained in the budget documents and reports prepared by the
32 director of the budget and the governor, or either of them, including all
33 related legislative reports and measures submitted to the legislature.

34 Sec. 24. K.S.A. 2016 Supp. 75-6512 is hereby amended to read as
35 follows: 75-6512. (a) Subject to the provisions of appropriations acts, the
36 secretary of administration is hereby authorized to establish and administer
37 a cafeteria plan pursuant to the provisions of section 125 of the federal
38 internal revenue code of 1986 which shall be available to persons who are
39 officers or employees of the state and who are qualified to participate in
40 the state health care benefits program and which shall include, but not be
41 limited to, provisions under which such officers and employees may agree
42 to receive reduced compensation and: (1) Have the state's contribution
43 under K.S.A. 75-6508, and amendments thereto, cover costs of dependent

1 benefit coverage or other benefits under the state health care benefits
2 program which would otherwise be payable by such officers and
3 employees; and (2) receive benefits under the state employee dependent
4 care assistance program under K.S.A. 75-6520, and amendments thereto.

5 (b) Any reduction in compensation for any person pursuant to any
6 such cafeteria plan shall not reduce the compensation of such person for
7 purposes of the employment security law, workers compensation act or the
8 purposes of determining contributions and benefits under the Kansas
9 public employees retirement system or any retirement system administered
10 by the board of trustees of the Kansas public employees retirement system.

11 (c) Implementation of any such cafeteria plan and any additions or
12 deletions thereto shall be subject to approval of the secretary of
13 administration and the ~~office of information technology services~~ *Kansas*
14 *information technology enterprise* to assure adequate data processing
15 resources therefor within the ~~office of information technology services~~
16 *Kansas information technology enterprise*.

17 Sec. 25. K.S.A. 2016 Supp. 75-7201 is hereby amended to read as
18 follows: 75-7201. As used in K.S.A. 2016 Supp. 75-7201 through 75-
19 7212, and sections 1 through 4, and amendments thereto:

20 (a) "Cumulative cost" means the total expenditures, from all sources,
21 for any information technology project by one or more state agencies to
22 meet project objectives from project start to project completion or the date
23 and time the project is terminated if it is not completed.

24 (b) "Executive *branch* agency" means any ~~state~~ agency in the
25 executive branch of ~~government~~ *the state of Kansas, but shall not include*
26 *elected office agencies or regents' institutions*.

27 (c) "Information technology project" means a project for a major
28 computer, telecommunications or other information technology
29 improvement with an estimated cumulative cost of \$250,000 or more and
30 includes any such project that has proposed expenditures for: (1) New or
31 replacement equipment or software; (2) upgrade improvements to existing
32 equipment and any computer systems, programs or software upgrades
33 therefor; or (3) data or consulting or other professional services for such a
34 project.

35 (d) "Information technology project change or overrun" means any of
36 the following:

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

42 (2) any change in the scope of an information technology project, as
43 such scope was presented to and reviewed by the joint committee or the

1 chief information technology officer to whom the project was submitted
2 pursuant to K.S.A. 2016 Supp. 75-7209, and amendments thereto; or

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

6 (e) "Joint committee" means the joint committee on information
7 technology.

8 (f) "Judicial agency" means any state agency in the judicial branch of
9 government.

10 (g) "Legislative agency" means any state agency in the legislative
11 branch of government.

12 (h) "Project" means a planned series of events or activities that is
13 intended to accomplish a specified outcome in a specified time period,
14 under consistent management direction within a state agency or shared
15 among two or more state agencies, and that has an identifiable budget for
16 anticipated expenses.

17 (i) "Project completion" means the date and time when the head of a
18 state agency having primary responsibility for an information technology
19 project certifies that the improvement being produced or altered under the
20 project is ready for operational use.

21 (j) "Project start" means the date and time when a state agency begins
22 a formal study of a business process or technology concept to assess the
23 needs of the state agency, determines project feasibility or prepares an
24 information technology project budget estimate under K.S.A. 2016 Supp.
25 75-7209, and amendments thereto.

26 (k) "State agency" means any state office or officer, department,
27 board, commission, institution or bureau, or any agency, division or unit
28 thereof.

29 Sec. 26. K.S.A. 2016 Supp. 75-7202 is hereby amended to read as
30 follows: 75-7202. (a) There is hereby established the information
31 technology executive council which shall be attached to the ~~office of~~
32 ~~information technology services~~ *Kansas information technology enterprise*
33 for purposes of administrative functions.

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

1 The chief information technology architect shall be a nonvoting member
2 of the council. The two cabinet agency heads, the noncabinet agency head,
3 the representatives of cities, the representatives of counties and the
4 representative from the private sector shall be appointed by the governor
5 for a term not to exceed 18 months. Upon expiration of an appointed
6 member's term, the member shall continue to hold office until the
7 appointment of a successor. Nonappointed members shall serve ex officio.

8 (c) 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 technology 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. 27. K.S.A. 2016 Supp. 75-7204 is hereby amended to read as
22 follows: 75-7204. (a) There is hereby established, within and as a part of
23 the ~~office of information technology services~~ *Kansas information*
24 *technology enterprise*, the position of chief information technology
25 architect whose duties shall be performed under the supervision of the
26 executive chief information technology officer.

27 (1) The chief information technology architect shall be in the
28 unclassified service under the Kansas civil service act, shall be appointed
29 by the executive chief information technology officer, subject to approval
30 of the governor and shall receive compensation in an amount fixed by the
31 executive chief information technology officer, subject to approval of the
32 governor.

33 (2) *The chief information technology architect may also be filled by*
34 *the Kansas information technology enterprise architecture and standards*
35 *committee, which shall be appointed by the executive chief information*
36 *technology officer. If the chief information technology architect position is*
37 *filled by the committee, no compensation shall be available to committee*
38 *members.*

39 (b) The chief information technology architect shall:

40 (1) Propose to the information technology executive council: (A)
41 Information technology resource policies and procedures and project
42 management methodologies for all state agencies; (B) an information
43 technology architecture, including telecommunications systems, networks

1 and equipment, that covers all state agencies; (C) standards for data
2 management for all state agencies; and (D) a strategic information
3 technology management plan for the state;

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

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

8 Sec. 28. K.S.A. 2016 Supp. 75-7205 is hereby amended to read as
9 follows: 75-7205. (a) There is hereby established within and as a part of
10 the ~~office of information technology services~~ *Kansas information*
11 *technology enterprise* the position of executive chief information
12 technology officer. The executive chief information technology officer
13 shall be in the unclassified service under the Kansas civil service act, shall
14 be appointed by the governor, and shall receive compensation in an
15 amount fixed by the governor. The executive chief information technology
16 officer shall maintain a presence in any cabinet established by the
17 governor and shall report to the governor.

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

19 (1) Review and consult with each executive *branch* agency regarding
20 information technology plans, deviations from the state information
21 technology architecture, information technology project estimates and
22 information technology project changes and overruns submitted by such
23 agency pursuant to K.S.A. 2016 Supp. 75-7209, and amendments thereto,
24 to determine whether the agency has complied with: (A) The information
25 technology resource policies and procedures and project management
26 methodologies adopted by the information technology executive council;
27 (B) the information technology architecture adopted by the information
28 technology executive council; (C) the standards for data management
29 adopted by the information technology executive council; and (D) the
30 strategic information technology management plan adopted by the
31 information technology executive council;

32 (2) report to the *individual or committee serving as the* chief
33 information technology architect all deviations from the state information
34 architecture that are reported to the executive information technology
35 officer by executive *branch* 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 *branch* agencies pursuant to K.S.A. 2016 Supp.
40 75-7209, and amendments thereto, based on the determinations made
41 pursuant to subsection (b)(1);

42 (4) monitor executive *branch* 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 *branch* agencies and with the judicial and legislative chief
 9 information 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;

13 (7) *review, coordinate and approve all appropriate executive branch*
 14 *information technology expenditures pursuant to section 2, and*
 15 *amendments thereto;*

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

18 (9) *deliver information technology services to the executive branch*
 19 *agencies through information technology systems, to further the priorities*
 20 *of service, effectiveness, prevention of fraud and abuse and adaptation to*
 21 *developing technologies; and*

22 ~~(7)~~(10) perform such other functions and duties as provided by law or
 23 as directed by the governor.

24 Sec. 29. K.S.A. 2016 Supp. 75-7224 is hereby amended to read as
 25 follows: 75-7224. (a) The board shall:

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

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

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

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

39 (5) collect data regarding:

40 (A) Distance learning and telemedicine usage; and

41 (B) the volume of data accessed.

42 The board shall develop a methodology for updating and validating any
 43 data collected for periodic revisions of the program, standards and

1 priorities.

2 (b) (1) The secretary of commerce shall facilitate the execution of the
3 needs assessment and the creation of the report. The secretary shall
4 contract with a third party that has expertise in telecommunications
5 services for educational institutions to conduct such needs assessment and
6 create such report.

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

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

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

29 (c) The board may request and receive assistance from any school,
30 any library, any hospital, the state corporation commission, any other
31 agency of the state or any telecommunications, cable or other
32 communications services provider to gather necessary data to implement
33 such program.

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

42 (e) Based on the findings of the needs assessments or collected data,
43 the board shall develop a plan to: (1) Facilitate the use of broadband

1 technology-based video communication for distance learning and
2 telemedicine by schools, libraries and hospitals; and (2) transition schools,
3 libraries and hospitals that have a direct KAN-ED connection as of
4 January 1, 2012, to a commercially provided broadband internet
5 connection no later than June 30, 2013. The plan may require users of the
6 program to bear part of its cost. Such plan shall be included in the board's
7 report to the legislature pursuant to K.S.A. 2016 Supp. 75-7226, and
8 amendments thereto.

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

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

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

32 Sec. 30. K.S.A. 2016 Supp. 12-5364, 74-9302, 74-9304, 74-9306, 74-
33 99f04, 74-99f06, 74-99f08, 75-3707e, 75-4701, 75-4702c, 75-4703, 75-
34 4704, 75-4704a, 75-4704b, 75-4705, 75-4709, 75-4710, 75-4718, 75-4719,
35 75-6512, 75-7201, 75-7202, 75-7204, 75-7205 and 75-7224 are hereby
36 repealed.

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