

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2650

By Committee on Government Efficiency

2-7

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

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

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

33 **(b)** All rules and regulations, orders and directives of the  
34 secretary of administration, the department of administration, the  
35 director of information systems and communications, or the division  
36 of information systems and communications which relate to the

1 powers, duties and functions transferred from the director of  
2 information systems and communications and the division of  
3 information systems and communications of the department of  
4 administration to the executive chief information technology officer  
5 and office of information technology services by this act and which are  
6 in effect on the effective date of this act shall continue to be effective  
7 and shall be deemed to be rules and regulations, orders and directives  
8 of the executive chief information technology officer and office of  
9 information technology services until revised, amended, revoked or  
10 nullified pursuant to law.

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

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

39 (c) When authorized by the legislative coordinating council, the  
40 revisor of statutes may provide information regarding legislation to state  
41 agencies and to private individuals, companies and organizations through  
42 access to the legislative information system. The primary purpose for the  
43 legislative information system shall be to provide necessary information

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

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

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

1 public safety agencies. Subject to approval by the ~~secretary of~~  
2 ~~administration~~ *executive chief information technology officer* under K.S.A.  
3 75-4709, and amendments thereto, the emergency medical services board  
4 may provide mobile radio units to ambulance services, as hereinafter  
5 provided, which will provide such ambulance services with direct  
6 communication to or from medical communication centers established for  
7 such purpose.

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

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

37 Sec. 6. K.S.A. 65-6140 is hereby amended to read as follows: 65-  
38 6140. For the purposes of establishing, operating and maintaining an  
39 emergency medical services communications system, the emergency  
40 medical services board may accept any grant of money or property,  
41 including any federal moneys available therefor. Within the limits of  
42 appropriations available therefor and subject to approval by the ~~secretary~~  
43 ~~of administration~~ *executive chief information technology officer* under

1 K.S.A. 75-4709, and amendments thereto, the emergency medical services  
2 board may acquire, in the name of the state, any equipment necessary for  
3 such communications system.

4 Sec. 7. K.S.A. 74-9302 is hereby amended to read as follows: 74-  
5 9302. It shall be the purpose of INK to perform the following duties:

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

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

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

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

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

19 (f) explore technological ways and means of improving citizen and  
20 business access to public information and, where appropriate, implement  
21 such technological improvements; and

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

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

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

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

35 (2) The secretary of state;

36 (3) (2) two members who are chief executive officers of agencies of  
37 the executive branch, appointed by the governor who shall serve at the  
38 pleasure of the governor;

39 (4) (3) one member appointed by the governor from a list of three  
40 Kansas bar association members submitted by such association. Such  
41 member shall serve a three-year term;

42 (5) (4) three members from other user associations of a statewide  
43 character appointed by the governor from a list of not less than nine

1 individuals and their respective user associations compiled ~~initially by the~~  
2 ~~president of Kansas, Inc. and thereafter~~ by the board of INK and submitted  
3 to the governor. No two members appointed pursuant to this paragraph  
4 shall represent the same user association. The terms for such members  
5 shall be for a period of three years, except initially, when the terms shall be  
6 for one, two and three years, respectively;

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

13 ~~(7)~~ (6) the ~~director of information systems and communications-~~  
14 ~~executive chief information technology officer~~ who shall serve as a  
15 nonvoting member.

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

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

23 Sec. 9. K.S.A. 2011 Supp. 74-9304 is hereby amended to read as  
24 follows: 74-9304. (a) In order to achieve its purpose as provided in this  
25 act, INK shall:

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

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

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

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

1       Sec. 10. K.S.A. 74-9605 is hereby amended to read as follows: 74-  
2 9605. (a) The board of directors of the Kansas guardianship program shall  
3 employ a person to serve as executive director who shall direct and  
4 supervise the general management of the corporation. The executive  
5 director shall employ persons needed to perform duties of the Kansas  
6 guardianship program as directed by the board of directors.

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

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

26       Sec. 11. K.S.A. 2011 Supp. 75-3707e is hereby amended to read as  
27 follows: 75-3707e. As the infrastructure provider for information  
28 technology for the state of Kansas, the ~~department of administration~~ *office*  
29 *of information technology services* must insure the highest level of  
30 information security and privacy in order to protect law enforcement, state  
31 agencies and the citizens of Kansas. Toward this objective, the department  
32 of administration *or the office of information technology services* shall  
33 require as a condition of employment that individuals who have  
34 unescorted physical access to the data center, telecommunications facilities  
35 and other security sensitive areas as designated by the secretary of  
36 administration *or the executive chief information technology officer* be  
37 fingerprinted, and such fingerprints shall be submitted to the Kansas  
38 bureau of investigation and to the federal bureau of investigation for the  
39 purposes of verifying the identity of such individuals and obtaining  
40 records of criminal arrests and convictions.

41       Sec. 12. K.S.A. 75-37,102 is hereby amended to read as follows: 75-  
42 37,102. (a) Upon request of the chief administrative officer of a state  
43 agency and subject to the approval of the secretary of administration, the

1 director of purchases may convene a procurement negotiating committee  
2 to obtain services or technical products for the state agency.

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

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

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

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

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

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



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

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

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

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

30 (b) ~~The director of information systems and communications~~  
31 ~~executive chief information technology officer~~ shall be the successor in  
32 every way to the powers, duties and functions of the director of  
33 information systems and **computing communications** and division of  
34 information systems and **computing communications** in which the same  
35 were vested prior to July 1, 1984, except as otherwise provided by this act  
36 **the effective date of this act**. Every act performed in the exercise of such  
37 powers, duties and functions by or under the authority of the ~~director of~~  
38 ~~information systems and communications~~ *executive chief information*  
39 *technology officer* shall be deemed to have the same force and effect as if  
40 performed by the director of information systems and **computing**  
41 **communications** and division of information systems and **computing**  
42 **communications** in which such functions were vested prior to July 1,  
43 1984 **the effective date of this act**.

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

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

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

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

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

42 Sec. 16. K.S.A. 2011 Supp. 75-4703 is hereby amended to read as  
43 follows: 75-4703. The ~~secretary of administration~~ *executive chief*

1 *information technology officer* may adopt rules and regulations as  
2 provided in ~~K.S.A. 75-3706~~ *section I*, and amendments thereto, relating to  
3 the following:

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

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

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

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

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

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

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

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

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

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

1 conflict with the foregoing authorization and so long as such contracts do  
2 not extend beyond the appropriation periods, limitations and restrictions  
3 therefor.

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

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

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

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

41 Sec. 22. K.S.A. 2011 Supp. 75-4709 is hereby amended to read as  
42 follows: 75-4709. (a) The ~~secretary of administration~~ *executive chief*  
43 *information technology officer* shall provide for and coordinate all

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

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

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

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

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

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

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

1 equipment, supplies and services for such transmission, emission or  
2 reception. Telecommunications services shall include data transmission  
3 services and equipment but shall not include data processing services  
4 provided or authorized by the ~~division of information systems and~~  
5 ~~communications~~ *office of information technology services*, or the  
6 acquisition, retention or use of any data processing equipment authorized  
7 by the ~~division of information systems and communications~~ *office of*  
8 *information technology services*.

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

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

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

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

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

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

4 Sec. 27. K.S.A. 75-4715 is hereby amended to read as follows: 75-  
5 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. K.S.A. 75-4716 is hereby amended to read as follows: 75-  
25 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. K.S.A. 75-6512 is hereby amended to read as follows: 75-  
43 6512. (a) Subject to the provisions of appropriations acts, the secretary of



1 administration is hereby authorized to establish and administer a cafeteria  
2 plan pursuant to the provisions of section 125 of the federal internal  
3 revenue code of 1986 which shall be available to persons who are officers  
4 or employees of the state and who are qualified to participate in the state  
5 health care benefits program and which shall include, but not be limited to,  
6 provisions under which such officers and employees may agree to receive  
7 reduced compensation and (1) have the state's contribution under K.S.A.  
8 75-6508, and amendments thereto, cover costs of dependent benefit  
9 coverage or other benefits under the state health care benefits program  
10 which would otherwise be payable by such officers and employees, and (2)  
11 receive benefits under the state employee dependent care assistance  
12 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. K.S.A. 2011 Supp. 75-7202 is hereby amended to read as  
26 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. 31. K.S.A. 2011 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 ~~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. K.S.A. 2011 Supp. 75-7205 is hereby amended to read as  
8 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. K.S.A. 2011 Supp. 75-7224 is hereby amended to read as  
16 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. K.S.A. 76-389 is hereby amended to read as follows: 76-389.

32 (a) Within the limits of appropriations therefor, the university of Kansas  
33 medical center is hereby authorized to establish, maintain and operate a  
34 telemedicine communications system, subject to the approval by the  
35 ~~secretary of administration~~ *executive chief information technology officer*  
36 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. ~~K.S.A.~~ **K.S.A.** 48-937, 65-6138, 65-6139, 65-6140, 74-  
22 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. This act shall take effect and be in force from and after its  
28 publication in the ~~statute book~~ **Kansas register**.

29