

**TO:** Joint Committee on Information Technology

**FROM:** DeAngela Burns-Wallace, Chief Information Technology Officer

**DATE:** November 12, 2020

**RE:** KSA 75-7201 through 7212

The KITO office has engaged with each of the three CITOs, as well as with ITEC for input on the proposed changes of the IT reporting process.

It is our goal to receive a formal recommendation from ITEC to work with members of the JCIT to introduce legislation related to the change in the reporting process.

**Below is a copy of the proposed redline changes to KSA 75-7201 – 7212.**

Included in this language is an updated definition of an IT Project:

- **Current definition:**

*"IT Project means a project for a major computer, telecommunications or other information technology improvement with an estimated cumulative cost of \$250,000 or more and has proposed expenditures for: (1) new or replacement equipment or software; (2) upgrade improvements to existing equipment and any computer systems, programs or software upgrades therefore; or (3) data or consulting or other professional services for such a project."*

- **Proposed definition:**

*"Information technology project" means an effort of defined and limited duration which implements, effects a change in or presents a risk to processes, services, security, systems, records, data, human resources or architecture related to technology or information.*

**75-7201. Definitions.** As used in K.S.A. 2018 Supp. 75-7201 through 75-7212, and amendments thereto:

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

(b) "Executive agency" means any state agency in the executive branch of government.

(c) "Information technology project" means **an information technology effort of defined and limited duration which implements, effects a change in or presents a risk to processes, services, security, systems, records, data, human resources or architecture.** a project for a major computer, telecommunications or other information technology improvement with an estimated cumulative cost of \$250,000 or more and includes any such project that has proposed expenditures for: (1) New or replacement equipment or software; (2) upgrade improvements to existing equipment and any computer systems, programs or software upgrades therefor; or (3) data or consulting or other professional services for such a project.

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

(1) Any change in planned expenditures for an information technology project that would result in the total authorized cost of the project being increased above **an established threshold within the information technology executive council policies;** the currently authorized cost of such project by more than either \$1,000,000 or 10% of such currently authorized cost of such project, whichever is lower;

(2) any change in the scope of an information technology project, as such scope was presented to and reviewed by the joint committee or the chief information technology officer to whom the project was submitted pursuant to K.S.A. 2018 Supp. 75-7209, and amendments thereto; or

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

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

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

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

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

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

~~(j) "Project start" means the date and time when a state agency begins a formal study of a business process or technology concept to assess the needs of the state agency, determines project feasibility or prepares an information technology project budget estimate under K.S.A. 2018 Supp. 75-7209, and amendments thereto.~~

(k) "State agency" means any state office or officer, department, board, commission, institution or bureau, or any agency, division or unit thereof **within any office, department, board, commission or other state authority or any person requesting a state appropriation.**

**(l) "Business risk" means the overall level of risk determined by a business risk assessment that at a minimum includes cost, information security, and other elements as determined by the information technology executive council policies.**

**History:** L. 1998, ch. 182, § 1; May 21.

**75-7202. Information technology executive council; membership and organization; mileage.** (a) There is hereby established the information technology executive council which shall be attached to the office of information technology services for purposes of administrative functions.

(b) The council shall be composed of 17 voting members as follows: Two cabinet agency heads or such persons' designees; two non-cabinet agency heads or such persons' designees; the executive chief information technology officer; the legislative chief information technology officer; the judicial chief information technology officer; the chief executive officer of the state board of regents or such person's designee; one representative of cities; one representative of counties; the network manager of the information network of Kansas (INK); one representative with background and knowledge in technology and cybersecurity from the private sector, however, such representative or such representative's employer shall not be an information technology or cybersecurity vendor that does business with the state of Kansas; one representative appointed by the Kansas criminal justice information system committee; one member of the senate ways and means committee appointed by the president of the senate or such member's designee; one member of the senate ways and means committee appointed by the minority leader of the senate or such member's designee; one member of the house government, technology and security committee or its successor committee appointed by the speaker of the house of representatives or such member's designee; and one member of the house government, technology and security committee or its successor committee appointed by the minority leader of the house of representatives or such member's designee. The chief information technology architect shall be a nonvoting member of the council. The cabinet agency heads, the non-cabinet agency heads, the representative of cities, the representative of counties and the representative from the private sector shall be appointed by the governor for a term not to exceed 18 months. Upon expiration of an appointed member's term, the member shall continue to hold office until the appointment of a successor. Nonappointed members shall serve ex officio.

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

(d) The council shall hold quarterly meetings and hearings in the city of Topeka or at such other places as the council designates, on call of the executive chief information technology officer or on request of four or more members.

(e) Except for members specified as a designee in subsection (b), members of the council may not appoint an individual to represent them on the council and only members of the council may vote.

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

**History:** L. 1998, ch. 182, § 2; L. 2001, ch. 116, § 2; L. 2013, ch. 62, § 30; L. 2018, ch. 97, § 9; July 1.

**75-7203. Same; powers and duties.** (a) The information technology executive council is hereby authorized to adopt such policies and rules and regulations as necessary to implement, administer and enforce the provisions of ~~this act~~ **K.S.A. 75-7201 et seq.**

(b) The council shall:

(1) Adopt: (A) Information technology resource policies and procedures and project management methodologies for all state agencies; (B) an information technology architecture, including telecommunications systems, networks and equipment, that covers all state agencies; (C) standards for data management for all state agencies; and (D) a strategic information technology management plan for the state;

(2) provide direction and coordination for the application of the state's information technology resources;

(3) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies in different branches of state government; and

(4) perform such other functions and duties as necessary to carry out the provisions of ~~this act~~ **K.S.A. 75-7201 et seq.**

**History:** L. 1998, ch. 182, § 3; May 21.

**75-7204. Chief information technology architect; duties.** (a) There is hereby established, within and as a part of the office of information technology services, the position of chief information technology architect whose duties shall be performed under the supervision of the executive chief information technology officer. The chief information technology architect shall be in the unclassified service under the Kansas civil service act, shall be appointed by the executive chief information technology officer, subject to approval of the governor and shall receive compensation in an amount fixed by the executive chief information technology officer, subject to approval of the governor.

(b) The chief information technology architect shall:

- (1) Propose to the information technology executive council: (A) Information technology resource policies and procedures and project management methodologies for all state agencies; (B) an information technology architecture, including telecommunications systems, networks and equipment, that covers all state agencies; (C) standards for data management for all state agencies; and (D) a strategic information technology management plan for the state;
- (2) serve as secretary to the information technology executive council; and
- (3) perform such other functions and duties as provided by law or as directed by the executive chief information technology officer.

**History:** L. 1998, ch. 182, § 4; L. 2013, ch. 62, § 31; July 1.

**75-7205. Executive chief information technology officer; duties.** (a) There is hereby established within and as a part of the office of information technology services the position of executive chief information technology officer. The executive chief information technology officer shall be in the unclassified service under the Kansas civil service act, shall be appointed by the governor, and shall receive compensation in an amount fixed by the governor. The executive chief information technology officer shall maintain a presence in any cabinet established by the governor and shall report to the governor.

(b) The executive chief information technology officer shall:

- (1) Review and consult with each executive **branch** agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to K.S.A. 2018 Supp. 75-7209, and amendments thereto, to determine whether the agency has complied with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;
- (2) report to the chief information technology architect all deviations from the state information architecture that are reported to the executive information technology officer by executive agencies;
- (3) submit recommendation to the division of the budget as to the ~~technical and management merit of information technology project estimates~~ **of reviewed planned information technology projects** and information technology project changes and overruns submitted by executive agencies pursuant to K.S.A. 2018 Supp. 75-7209, and amendments thereto ~~based on the determinations made pursuant to subsection (b)(1);~~
- (4) monitor executive agencies' compliance with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;
- (5) coordinate implementation of new information technology among executive agencies and with the judicial and legislative chief information technology officers;
- (6) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the executive branch of state government; and
- (7) perform such other functions and duties as provided by law or as directed by the governor.

**History:** L. 1998, ch. 182, § 5; L. 2013, ch. 62, § 32; July 1.

**75-7206. Judicial chief information technology officer.** (a) There is hereby established within and as a part of the office of the state judicial administrator the position of judicial chief information technology officer. The judicial chief information technology officer shall be appointed by the judicial administrator, subject to approval of the chief justice, and shall receive compensation determined by the judicial administrator, subject to approval of the chief justice.

(b) The judicial chief information technology officer shall:

(1) Review and consult with each judicial agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to K.S.A. 2018 Supp. 75-7209, and amendments thereto, to determine whether the agency has complied with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;

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

(3) submit recommendation to the judicial administrator as to the technical and management merit of information technology project estimates **of reviewed planned information technology projects** and information technology project changes and overruns submitted by judicial agencies pursuant to K.S.A. 2018 Supp. 75-7209, and amendments thereto ~~based on the determinations pursuant to subsection (b)(1);~~

(4) monitor judicial agencies' compliance with: (A) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (B) the information technology architecture adopted by the information technology executive council; (C) the standards for data management adopted by the information technology executive council; and (D) the strategic information technology management plan adopted by the information technology executive council;

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

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

(7) perform such other functions and duties as provided by law or as directed by the judicial administrator.

**History:** L. 1998, ch. 182, § 6; May 21.

**75-7207. Legislative chief information technology officer.** (a) There is hereby established the position of legislative chief information technology officer under the legislative coordinating council.

(b) The legislative chief information technology officer shall be appointed by the legislative coordinating council. The joint committee may recommend one or more persons for consideration by the legislative coordinating council in making the appointment.

(c) The legislative chief information technology officer shall receive such compensation as determined by the legislative coordinating council and may be removed by a vote of five members of the legislative coordinating council taken at any regular meeting of the council.

(d) The legislative chief information technology officer shall receive expenses and allowances for in-state and out-of-state travel as is provided by law for members of the legislature. The provisions of K.S.A. 75-3208, and amendments thereto, shall not apply to any such travel.

(e) The legislative chief information technology officer shall be in the unclassified service under the Kansas civil service act.

**History:** L. 1998, ch. 182, § 7; May 21.



**75-7208. Same; powers and duties.** The legislative chief information technology officer shall:

(a) Review and consult with each legislative agency regarding information technology plans, deviations from the state information technology architecture, information technology project estimates and information technology project changes and overruns submitted by such agency pursuant to K.S.A. 2018 Supp. 75-7209, and amendments thereto, to determine whether the agency has complied with: (1) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (2) the information technology architecture adopted by the information technology executive council; (3) the standards for data management adopted by the information technology executive council; and (4) the strategic information technology management plan adopted by the information technology executive council;

(b) report to the chief information technology architect all deviations from the state information architecture that are reported to the legislative information technology officer by legislative agencies;

(c) submit recommendations to the legislative coordinating council as to the technical and management merit ~~of information technology project estimates~~ **of reviewed planned information technology projects** and information technology project changes and overruns submitted by legislative agencies pursuant to K.S.A. 2018 Supp. 75-7209, and amendments thereto, ~~based on the determinations pursuant to subsection (a);~~

(d) monitor legislative agencies' compliance with: (1) The information technology resource policies and procedures and project management methodologies adopted by the information technology executive council; (2) the information technology architecture adopted by the information technology executive council; (3) the standards for data management adopted by the information technology executive council; and (4) the strategic information technology management plan adopted by the information technology executive council;

(e) coordinate implementation of new information technology among legislative agencies and with the executive and judicial chief information technology officers;

(f) designate the ownership of information resource processes and the lead agency for implementation of new technologies and networks shared by multiple agencies within the legislative branch of state government;

(g) serve as staff of the joint committee; and

(h) perform such other functions and duties as provided by law or as directed by the legislative coordinating council or the joint committee.

**History:** L. 1998, ch. 182, § 8; May 21.

**75-7209. Information technology projects; procedures.** (a) Whenever an agency proposes an information technology project, such agency shall prepare and submit to the chief information technology officer of the branch of state government of which the agency is a part, **information technology project documentation pursuant to policies established by the information technology executive council.** of a project budget estimate therefor, and for each amendment or revision thereof, in accordance with this section. Each information technology project budget estimate shall be in such form as required by the director of the budget, in consultation with the chief information technology architect, and by this section. In each case, the agency shall prepare and include as a part of such project budget estimate a plan consisting of a written program statement describing the project. The program statement shall:

**(1) Information technology project with significant business risk, pursuant to the information technology executive council policies, must be presented to the joint committee on information technology by the branch chief information technology officer.**

(1) ~~Include a detailed description of and justification for the project, including: (A) An analysis of the programs, activities and other needs and intended uses for the additional or improved information technology; (B) a statement of project scope including identification of the organizations and individuals to be affected by the project and a definition of the functionality to result from the project; and (C) an analysis of the alternative means by which such information technology needs and uses could be satisfied;~~

(2) ~~describe the tasks and schedule for the project and for each phase of the project, if the project is to be completed in more than one phase;~~

(3) ~~include a financial plan showing: (A) The proposed source of funding and categorized expenditures for each phase of the project; and (B) cost estimates for any needs analyses or other investigations, consulting or other professional services, computer programs, data, equipment, buildings or major repairs or improvements to buildings and other items or services necessary for the project; and~~

(4) ~~include a cost benefit statement based on an analysis of qualitative as well as financial benefits.~~

**(b) Prior to the release of any request for proposal or other bid event, specifications for bids or proposals for information technology projects shall be submitted to the chief information technology officer of the branch of state government of which the agency or agencies are a part. Pursuant to 75-7209a, information technology projects requiring chief information technology officer approval shall also require chief information technology officer's written approval on specifications for bids or proposals.**

~~(1) Before one or more state agencies proposing an information technology project begin implementation of the project, the project plan, including the architecture and the cost benefit analysis, shall be approved by the head of each state agency proposing the project and by the chief information technology officer of each branch of state government of which the agency or agencies are a part. Approval of those projects that involve telecommunications services shall also be subject to the provisions of K.S.A. 75-4709, 75-4710 and 75-4712, and amendments thereto.~~

~~(2) All specifications for bids or proposals related to an approved information technology project of one or more state agencies shall be reviewed by the chief information technology officer of each branch of state government of which the agency or agencies are a part.~~

(3) (A) Agencies are prohibited from contracting with a vendor to implement the project if that vendor prepared or assisted in the preparation of the program statement ~~required under subsection (a)~~, the project planning documents ~~required under subsection (b)(1)~~, or any other project plans prepared prior to the project being approved by the chief information technology officer as required under subsection **(a)** ~~(b)(1)~~.

(B) Information technology projects with an estimated cumulative cost of less than \$5,000,000 are exempted from the provisions of subparagraph (A).

(C) The provisions of subparagraph (A) may be waived with prior written permission from the chief information technology officer.

(c) Annually at the time specified by the chief information technology officer of the branch of state government of which the agency is a part, each agency shall submit to such officer:

(1) A copy of a three-year strategic information technology plan that sets forth the agency's current and future information technology needs and utilization plans for the next three ensuing fiscal years, in such form and containing such additional information as prescribed by the chief information technology officer; and

(2) any deviations from the state information technology architecture adopted by the information technology executive council.

(d) The provisions of this section shall not apply to the information network of Kansas (INK).

**History:** L. 1998, ch. 182, § 9; L. 2018, ch. 89, § 39; May 24.

**75-7210. Same; reports to legislative branch.** (a) Not later than ~~October~~ **November** 1 of each year, the executive, judicial and legislative chief information technology officers shall submit to the joint committee and to the legislative research department all information technology project budget estimates and amendments and revisions thereto, all three-year plans and all deviations from the state information technology architecture submitted to such officers pursuant to K.S.A. 2018 Supp. 75-7209, and amendments thereto. The legislative chief information technology officer shall review all such estimates and amendments and revisions thereto, plans and deviations and shall make recommendations to the joint committee regarding the merit thereof and appropriations therefor.

(b) The executive and judicial chief information technology officers shall report **the following** to the legislative chief information technology officer, at times agreed upon by the three officers:

(1) Progress regarding implementation of **reported** information technology projects of state agencies within the executive and judicial branches of state government; and

(2) all proposed expenditures for such **information technology** projects, including all revisions to such proposed expenditures, for the current fiscal year and for ensuing fiscal years.

**History:** L. 1998, ch. 182, § 10; L. 2001, ch. 25, § 1; July 1.

**75-7211. Same; legislative oversight.** (a) The legislative chief information technology officer, under the direction of the joint committee, shall monitor state agency execution of **reported** information technology projects and, at times agreed upon by the three chief information technology officers, shall report progress regarding the implementation of such projects and all proposed expenditures therefor, including all revisions to such proposed expenditures for the current fiscal year and for ensuing fiscal years.

(b) **the joint committee may call the head of any state agency with primary responsibility for an information technology project to advise and consult on the status and progress of such information technology projects including revisions to expenditures for the current fiscal year and ensuing fiscal years. The joint committee may report on the status and progress of such information technology projects to the senate standing committee on ways and means and the house standing committee on appropriations.** The head of a state agency with primary responsibility for an information technology project may authorize or approve, without prior consultation with the joint committee, any change in planned expenditures for an information technology project that would result in the total cost of the project being increased above the currently authorized cost of such project but that increases the total cost of such project by less than the lower of either \$1,000,000 or 10% of the currently authorized cost, and any change in planned expenditures for an information technology project involving a cost reduction, other than a change in the proposed use of any new or replacement information technology equipment or in the use of any existing information technology equipment that has been significantly upgraded.

(c) **Prior to authorizing or approving any IT project change or overrun,** the head of a state agency with primary responsibility for **an said** information technology project shall **report to the Joint Committee all such information technology project changes or overruns** ~~not authorize or approve, without first advising and consulting with the joint committee any information technology project change or overrun.~~ The joint committee shall report all such changes and overruns to the senate standing committee on ways and means and the house standing committee on appropriations.

**History:** L. 1998, ch. 182, § 11; May 21.

**75-7212. Abolition of KIRC and CIA; transfers.** (a) The Kansas information resources council established by K.S.A. 75-4740 and the office of the chief information architect established by K.S.A. 75-4742 are hereby abolished.

(b) The unexpended budgeted balance of any appropriation for the Kansas information resources council as a result of any abolishment by this section shall be and is hereby transferred to the information technology executive council created by this act. The unexpended budgeted balance of any appropriation for the position of chief information architect as a result of any abolishment by this section shall be and is hereby transferred to the legislative coordinating council — operations account.

(c) Whenever the Kansas information resources council is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the information technology executive council created by this act. Whenever the position of chief information architect or the office of the chief information architect is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the position of chief information technology architect or the office of the chief information technology architect created by this act or to the position of executive chief information technology officer, as determined appropriate in accordance with the provisions of this act.

(d) The information technology executive council created by this act shall succeed to all property and records that were used for, or pertain to, the performance of the powers, duties and functions of the Kansas information resources council abolished by this act. The office of the chief information technology architect created by this act shall succeed to all property and records that were used for, or pertain to, the performance of the powers, duties and functions of the office of the chief information architect abolished by this act. Any conflict as to the proper disposition of such property or records arising under this section and resulting from the transfer or abolishment of any existing state agency, or the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

(e) Any conflict as to the disposition of any power, function or duty as a result of any abolishment, transfer, attachment or other change made by this act, or under authority of this act, shall be resolved by the governor, and the decision of the governor shall be final.

(f) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or that could have been commenced, by or against the Kansas information resources council, or by or against the office of the chief information architect or the chief information architect in the chief information architect's official capacity or in relation to the discharge of official duties, shall abate by reason of the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the information technology executive council, the office of the chief information technology architect or the chief information technology architect.

(g) No criminal action commenced or that could have been commenced by the state shall abate by the taking effect of this act.

**History:** L. 1998, ch. 182, § 12; May 21.