

Report of the Joint Committee on Information Technology to the 2024 Kansas Legislature

CHAIRPERSON: Representative Kyle Hoffman

VICE-CHAIRPERSON: Senator Mike Petersen

RANKING MINORITY MEMBER: Representative Pam Curtis

OTHER MEMBERS: Senators Tom Holland, Rick Kloos, Jeff Pittman, and Caryn Tyson; and Representatives Kirk Haskins, Carl Turner, and Barb Wasinger

CHARGE

Review, Monitor, and Report on Technology Plans and Expenditures

The Committee is directed to:

- Study computers, telecommunications, and other information technologies used by state agencies and institutions. The state governmental entities defined by KSA 75-7201 include executive, judicial, legislative agencies, and Regents Institutions;
- Review proposed new acquisitions, including implementation plans, project budget estimates, and three-year strategic information technology plans of state agencies and institutions. All state governmental entities are required to comply with provisions of KSA 75-7209 *et seq.* by submitting such information for review by the Committee;
- Monitor newly implemented technologies of state agencies and institutions;
- Make recommendations to the Senate Committee on Ways and Means and the House Committee on Appropriations on implementation plans, budget estimates, and three-year plans of state agencies and institutions; and
- Report annually to the Legislative Coordinating Council and make special reports to other legislative committees as deemed appropriate.

December 2023

Joint Committee on Information Technology

ANNUAL REPORT

Conclusions and Recommendations

The Joint Committee on Information Technology Committee submits the following recommendations and considerations to the 2024 Legislature:

- The Office of Information Technology Services continue to work with the Kansas National Guard, the Legislature, and their staff to develop legislation to more easily enable the collaboration between the State, National Guard, and local entities when responding to cybersecurity threats and incidents;
- The Committee strongly urges the Legislative Post Audit Committee to direct the Legislative Division of Post Audit (LPA) to resume providing more-in-depth information technology (IT) Security Audit Reports, instead of recently approved more-limited audits of an increased number of agencies. The Committee believes these audits are crucial to improving the State's IT Security Posture;
- The Legislative Post Audit Committee engage with the Kansas Office of Information Services to determine and evaluate additional IT security audit criteria;
- Appropriate legislative committees consider providing additional funding and resources to LPA to allow for additional IT security audits and network security checks;
- Future meetings of the Committee include, as part of its agenda, the review of past IT security audits that were considered unfavorable by LPA;
- The Judicial and Legislative branches submit a three-year IT plan to the Committee for presentation with the Executive Branch's three-year IT plan. The Committee would prefer the plans to be compiled into a single, statewide, three-year IT plan;
- The Kansas Information Technology Office work with the Committee to identify state agencies with IT projects with an unsatisfactory status in the most recent quarterly IT projects report, and ensure appropriate chief information officers are present during future Committee meetings to provide more detail to Committee members about the projects and status;
- Encourage the Kansas State Department of Education to continue to engage with the Cybersecurity and Infrastructure Security Agency and school districts to assist with updating, patching, and maintaining IT systems;
- Allow the Committee to meet regularly during the Legislative Session by setting a designated meeting time and approve additional interim meeting days to allow the Committee to more effectively advise and consult on State IT projects, per KSA 75-7902;
- Encourage the adoption and utilization of the "dot gov" domain by local units of government, and encourage the use of the State and Local Cybersecurity Grant Program to obtain such a domain;

- Encourage the Office of Revisor of Statutes to work with Kansas Legislative Office of Information Services to develop legislation pertaining to the use of generative artificial intelligence, and encourage the House Committee on Legislative Modernization to further discuss this topic and consider the proposed legislation;
- The Kansas Information Security Office (KISO) provide a report on the impact of the provisions in 2023 HB 2019 pertaining to the requirement to report to the KISO cybersecurity incidents within 12 hours of discovery by public entities and vendors utilizing public data;
- Encourage legislative leadership to align the rules regarding the policy and practice of video recording traditionally non-recorded votes; and
- The Legislative Coordinating Council address the retention policy for video recordings of committee meetings.

Proposed Legislation: None.

BACKGROUND

The Joint Committee on Information Technology has statutory duties assigned by its authorizing legislation in KSA 46-2101 *et seq.* The Committee may set its own agenda, meet on call of its Chairperson at any time and any place within the state, and introduce legislation. The Committee consists of ten members: five senators and five representatives. The duties assigned to the Committee by KSA 46-2101 and KSA 2018 Supp. 75-7201 *et seq.* are as follows:

- Study computers, telecommunications, and other information technologies used by state agencies and institutions. The state governmental entities defined by KSA 75-7201 include Executive, Judicial, and Legislative agencies and State Board of Regents institutions;
- Review information technology (IT) project plan summaries, prior to the release of a request for project proposal, that are determined to have a significant business risk as established per Information Technology Executive Council policy. In instances when requested by Committee members, conduct a meeting to advise and consult on such projects prior to the release of a request for proposal. This process is provided for in KSA 75-7209;
- Review proposed new acquisitions, including implementation plans, project budget estimates, and three-year strategic IT plans of state agencies and institutions. All state governmental entities are required to comply with provisions of KSA 75-7209 *et seq.* by submitting such information for review by the Committee;
- Monitor newly implemented technologies of state agencies and institutions;
- Make recommendations to the Senate Committee on Ways and Means and the House Committee on Appropriations on implementation plans, budget estimates, and three-year plans of state agencies and institutions; and
- Report annually to the Legislative Coordinating Council (LCC) and make special reports to other legislative committees as deemed appropriate.

In addition to the Committee's statutory duties, the Legislature and its committees, including the LCC, may direct the Committee to undertake special studies and to perform other specific duties.

KSA 75-7210 requires the Executive, Judicial, and Legislative Chief Information Technology Officers (CITOs) to annually submit to the Committee all IT project budget estimates and revisions, all three-year plans, and all deviations from the state IT architecture. The Committee is directed to review the estimates and revisions, the three-year plans, and the deviations and make recommendations to the Committee regarding the merits of and appropriations for the projects. In addition, the Executive and Judicial CITOs are required to report to the Legislative CITO the progress regarding implementation of projects and proposed expenditures, including revisions to such proposed expenditures.

COMMITTEE ACTIVITIES

The Committee met during the 2023 Legislative Session on March 15, 2023. The Committee also met during the 2023 Interim, as authorized by the LCC, on July 31, August 23, October 18, November 1, and November 15.

Election of Chairperson, Vice-chairperson, and Ranking Minority Member

At the March 15, 2023, meeting, the Committee elected Representative Hoffman as Chairperson, Senator Peterson as Vice-chairperson, and Representative Curtis as Ranking Minority Member for the 2023 calendar year.

Executive Branch Quarterly IT Project Reports

At the March 15, 2023, meeting, the Chief Information Technology Architect (CITA) reviewed the Quarter 4, 2022, (October-December) IT project reports. The CITA reported that in Quarter 4, 2022, there were 23 active projects, 25 approved projects, and 10 planned projects. At the time of the report, eight projects were in “alert” status. Projects are placed in “alert” status if they exceed 20 percent variance of 1 or more project performance metrics (schedule, deliverables, tasks, resources, or financial plan).

The following eight projects were in “alert” status during Quarter 4, 2022:

- The Department for Children and Families (DCF) Child Support Services Re-

platforming project was experiencing schedule delays due to issues with the vendor’s project management team and data migration challenges;

- The Kansas Bureau of Investigation (KBI) Automated Biometric Identification System (ABIS) project was behind schedule due to a shift in agency priorities for project resources. The project will be recast;
- The Kansas Department of Transportation (KDOT) Construction Management System Replacement Implementation Effort II was behind schedule due to system performance issues. The project will be recast;
- KDOT Equipment Management/Capital Inventory System project is experiencing project resource issues, and most issues should be resolved Quarter 1, 2023;
- Kansas Department of Wildlife and Parks (KDWP) SmartCop Record Management System was behind on tasks but should be on schedule in Quarter 1, 2023, and meet the original timeline;
- The Kansas Highway Patrol (KHP) Criminal Justice Information System (CJIS) Software Upgrade project was behind schedule due to data migration challenges. The project will be recast;
- The Kansas State University IT Data Center Relocation project was awaiting equipment that had been delayed due to data migration issues. The project scope change was expected; and
- The Office of Information Technology Services (OITS) ServiceNow IT Business Management Software Implementation project expanded the scope of the project to ensure the software is compatible for future use by other agencies and does not utilize excessive custom modules. The project will be recast.

No projects were reported as being in “caution” status. Projects are placed in “caution” status if they exceed a 10-19 percent variance of one or more project performance metrics (schedule, deliverables, tasks, resources, or financial plan).

At the July 31, 2023, meeting, the CITA reviewed the Quarter 1, 2023, (January-March) IT projects report. The CITA reported that in Quarter 1, 2023, there were 28 active projects, 27 approved projects, 10 planned projects, 1 canceled project, and 9 completed projects. At the time of the report, five projects were in “alert” status for Quarter 1, 2023:

- The Kansas Department for Aging and Disability Services (KDADS) State Hospital and Substance Use Disability Electronic Health Records project was behind due to having to adjust the projects baseline to address weaknesses in wireless coverage;
- The DCF Child Support Services Re-platforming project was behind schedule due to requirements and resource issues;
- The KHP Criminal Justice Information System Update project was behind schedule;
- The KDOT Equipment Management/Capital Inventory System project was behind on deliverables but still on schedule for overall completion; and
- The KDWP SmartCop Record Management System was behind on deliverables but still on schedule for overall completion.

At the time of the report, the two projects in “caution” status were the following:

- Fort Hays State University Workday Financial Aid Module project, due to being behind on deliverables, though it remained on schedule for overall completion; and

- Pittsburg State University Student Financial Aid System project, due to being behind on deliverables, though it remained on schedule for overall completion.

At the August 23, 2023, meeting, the CITA reviewed the Quarter 2, 2023, (April-June) IT projects report. The CITA reported that in Quarter 2, 2023, there were 34 active projects, 25 approved projects, 14 planned projects, and 4 complete projects. At the time of the report, four projects were in “alert” status for Quarter 2, 2023:

- The KDADS State Hospital and Substance Use Disability Electronic Health Records project was behind due to tasks not accounted for in the original timeline;
- The DCF Child Support Services Re-platforming project was behind due to changes in federal requirements for the de-identification of test data and staffing issues due to the varied nature of skills needed for the project;
- The KDOT Equipment Management/Capital Inventory System was behind on tasks due to a resourcing issue but was still on schedule for overall completion; and
- The KDWP SmartCop Record Management System project was behind on tasks due to data integration issues, but was anticipated to be back on schedule in Quarter 4, 2023.

The one project in “caution” status was the Pittsburg State University Student Financial Aid System project, which was behind on deliverables.

At the November 15, 2023, meeting, the CITA reviewed the Quarter 3, 2023, (July-September) IT projects report. The CITA reported that in Quarter 3, 2023, there were 35 active projects, 22 approved projects, 8 planned projects, and 0 complete projects. At the time of the report, 8 projects were in “alert” status for Quarter 3, 2023:

- The DCF Child Support Services Re-platforming project was behind due to

issues regarding disaster recovery. The project will be recast;

- The KDADS State Hospital and Substance Use Disability Electronic Health Records project was behind due to continuing to address network infrastructure issues. The project will be recast;
- The Kansas Children’s Cabinet and Trust Fund Early Childhood Care and Education Workforce Registry project was behind on both deliverables and tasks;
- The KBI ABIS II project was behind on both deliverables and timing;
- The OITS Enterprise Licensing Platform project was behind due to tasks involving database migration and diversion;
- The KDOT Bridge Office Management System and Set-Aside Upgrade project was behind due to its dependency on another system that was recently upgraded;
- The KDOT Reinforced Concrete Box System Update project was behind on tasks and timing; and
- The KDWP SmartCop Record Management System project was behind due to the agency’s decision to postpone training until after hunting season.

At the time of the report, the following two projects were in “caution” status:

- The Kansas Department of Health and Environment Bureau of Waste Management Data Management System project was behind on both deliverables and tasks; and
- The KDOT Equipment Management System/Capital Inventory System Replacement project was behind on timeline and deliverables.

Other Executive Branch IT Update

At the July 31, 2023, meeting, the Executive Branch CITO provided an overview of IT governance in Kansas, as well as an overview of OITS and the Kansas Information Security Office (KISO). The CITO also provided an update on the State and Local Cybersecurity Grant program.

IT Project Review Process Updates

At the August 23, 2023, meeting, the CITA provided the Committee with an update on the new business risk assessment model that went into effect on July 1, 2023, that determines if proposed IT projects are required to be approved and monitored by the Kansas Information Technology Office and if the Committee is required to advise and consult on the project prior to seeking a request for proposal. The CITA provided the Committee with two example projects, one reportable and one not reportable, and showed a step-by-step walk-through of how the new process evaluates new IT projects.

Branch Cybersecurity Initiatives and Outreach

At the October 18, 2023, meeting, the Executive Branch CITO provided the Committee an update on the 2023 Kansas Public Sector Cybersecurity Summit that occurred in Wichita on September 20, 2023. He also provided an overview of the funding sources for the OITS and specifically addressed the budget enhancement provided by the 2023 Legislature, which was used to hire additional cybersecurity staff and provide cybersecurity services and tools to state agencies at no cost.

Other Executive Branch IT Presentations

An update was also provided at the August 23, 2023, meeting on the new enterprise licensing system that is being developed to assist licensing agencies.

At the November 15, 2023, meeting, the Executive Branch CITO presented the Committee with an overview of the recently released three-year IT plans report.

Judicial Branch Update

At the July 31, 2023, meeting, the Deputy Director of Information Services for the Office of

Judicial Administration provided an update on the Court Case Management System. She stated that the system is currently live in 103 counties, with the most recent additions being Douglas, Shawnee, and Wyandotte counties. Two counties and the State Appellate court are the only entities left to transition to the new system. The Deputy Director stated that Sedgwick County is scheduled to transition on August 7, 2023, with the others transitioning by the end of 2024.

Cybersecurity Incident

At the October 18, 2023, meeting, the Special Counsel to the Chief Justice provided the Committee with an update on the status of court operations following a cybersecurity incident on October 12, 2023. The conferee stated that all state court systems, with the exception of Johnson County, were impacted. Furthermore, the court system was unable to utilize electronic filings or payments, and so all court business was required to be done on paper or by fax. The conferee was unable to go into further details in open session but noted that IT experts were working to determine the reason for and extent of the issue since its occurrence on October 12.

An additional update was provided by the Executive Branch CITO, who noted the Judicial Branch does not report to their office but that their office has provided support and have embedded a IT security officer within the agency to assist after the incident occurred. He further noted that the Judicial Branch did comply with new state statute, which required the notification of KISO upon the discovery of a cybersecurity incident.

Further information was provided by both the Special Counsel to the Chief Justice and the Executive Branch CITO to the Committee during executive session.

At the November 1, 2023, meeting, the Committee received an update from the Office of Judicial Administration on the cybersecurity incident during executive session.

Legislative Branch Update

Legislative Branch IT Staff Introductions and Updates

At the July 31, 2023, meeting, the Legislative Branch CITO provided the Committee with an update on recent hires made to fill positions within the Kansas Legislative Office of Information Services (KLOIS). The CITO noted that some filled positions are new positions created to support the ongoing KLISS Modernization Project.

Further updates were provided by KLOIS staff regarding status updates on technical and application services. Current technical service projects include ongoing maintenance to and updating of the Kansas Virtual Statehouse, datacenter upgrades, implementation of new software to aid with IT requests, and possible upgrades to the legislative website. Application service projects included updates to the KLISS Lawmaking system, the KLISS Decision Support system, and the KLISS Modernization Project.

The CITO also provided the Committee with an overview and update on the KLISS Modernization Project. The CITO noted that the current focus is on the Lawmaking module of the new system, but attention would also be given to the Legislative Research system, budget and appropriation systems, chamber automation system, committee system, legislative portals for members, and various reporting tools.

KLISS Modernization Update

At the August 23, 2023, meeting, KLOIS staff and a representative of Propylon provided an online demonstration of the South Carolina bill drafting system and request management system. The conferees stated that the new system being built for the Office of Revisor of Statutes (Revisor) would be similar to the demonstration.

At the November 15, 2023, meeting, the Legislative Branch CITO provided the Committee with an update on the KLISS Modernization Project, indicating user acceptance training was underway for some of the system's modules, and the tool is on track to be deployed for the 2025 Legislative Session.

IT Audits

At the July 31, 2023, meeting, Legislative Division of Post Audit (LPA) staff provided IT security audit presentations in executive session for the University of Kansas Medical Center.

LPA also provided a monitoring report for Quarter 1, 2023, on the KBI Automated Biometric Information System IT Project. Additionally, LPA presented the three-year IT Security Report and the Public IT Audit Report to the Committee.

At the August 23, 2023, meeting, LPA staff provided a presentation on the Child Support Performance Audit.

At the October 18, 2023, meeting, LPA staff provided a monitoring report for Quarter 2, 2023, on the KBI Automated Biometric Information System IT Project.

Other Presentations

Cybersecurity Resources

At the July 31, 2023, meeting, the Committee heard a presentation from a representative of the Federal Cybersecurity and Infrastructure Security Agency. The representative noted that the agency is housed within the U.S. Department of Homeland Security and its mission is to provide assistance to state and local governments and business and industry regarding cybersecurity in the following areas:

- K-12 schools;
- Water and wastewater;
- Health systems;
- Cyber supply chain and 5G;
- Election security;
- Soft-target security;
- Federal cybersecurity; and
- Industrial control.

The conferee discussed the organization of the agency, noting Kansas is in Region 7, along with Iowa, Missouri, and Nebraska. The headquarters for Region 7 are in Kansas City, Missouri. Additionally, the conferee provided an overview of the services offered by the agency and the

current risk of cyber threats to individuals, businesses, and governments.

At the October 18, 2023, meeting, the Committee received a presentation in executive session from a representative of the Kansas Intelligence Fusion Center.

At the November 1, 2023, meeting, the Committee received a presentation from KLOIS staff regarding current practices and future plans for maintaining the cybersecurity of the Legislative Branch. Further discussion between KLOIS staff and the Committee occurred in executive session.

Artificial Intelligence

At the August 23, 2023, meeting, the Executive Branch CITO presented the Executive Branch Generative Artificial Intelligence (generative AI) policy to the Committee. The CITO provided an overview of what generative AI is and how it is being implemented by the private sector in order to increase and improve employee productivity. The CITO further noted the concerns of generative AI with regard to intellectual property rights, manipulated or inaccurate responses, non-consensual use of Kansans' information, and the lack of data control. In response, an executive branch policy has been established regarding generative AI with the following elements:

- Establishes guard rails around generative AI;
- Serves as an introduction to the technology and associated risks;
- Prohibits the use of generative AI without human intervention;
- Requires all vendors to disclose the use of generative AI in their products; and
- Prohibits vendors' use of Kansas confidential and restricted use information to train generative AI models.

At the November 1, 2023, meeting, the Committee received a presentation by KLOIS staff

on generative AI. The presentation discussed what generative AI is and how it works, and provided demonstrations of how it can be used to create both text and visual responses to input requests and questions.

At the November 15, 2023, meeting, a representative of the National Association of State Chief Information Officers presented to the Committee about the general perspective of state chief information officers regarding generative AI.

Agency IT Presentation

At the August 23, 2023, meeting, the Committee heard presentations from agency chief information officers (CIOs) on the following active projects:

- The DCF Child Support Services Re-Platforming Project;
- The DCF Comprehensive Child Welfare Information System Project;
- The KDADS State Hospital and Substance Use Disability Electronic Health Records project; and
- The DCF Technical Application Project for SNAP Success.

The agency CIOs provided the Committee with a general overview of the projects, discussed ongoing challenges with the projects, and provided the anticipated completion date for each project.

Election Security

At the October 18, 2023, meeting, the Committee heard a presentation from the State Election Director with the Office of the Secretary of State regarding election security. The conferee provided an overview of how election security works in Kansas, specifically addressing elements of security regarding the use of IT during the voting process.

K-12 Student Data Collection

At the November 15, 2023, meeting, the Committee received a presentation from the IT Director for the Kansas State Department of

Education (KSDE) on the topic of student data collection. The conferee discussed what data KSDE collects and why the data is collected, and further discussed the current system used by KSDE and school districts for this purpose and the new system that will be replacing it.

CONCLUSIONS AND RECOMMENDATIONS

At its November 15, 2023, meeting, Committee members discussed their conclusions and recommendations for the 2024 Legislature and agreed to the following:

- The OITS continue to work with the Kansas National Guard, the Legislature, and their staff to develop legislation to more easily enable the collaboration between the State, National Guard, and local entities when responding to cybersecurity threats and incidents;
- The Committee strongly urges the Legislative Post Audit Committee to direct the LPA to resume providing more-in-depth IT Security Audit Reports, instead of recently approved more-limited audits of an increased number of agencies. The Committee believes these audits are crucial to improving the State's IT Security Posture;
- The Legislative Post Audit Committee engage with the Kansas Office of Information Services to determine and evaluate additional IT security audit criteria;
- Appropriate legislative committees consider providing additional funding and resources to LPA to allow for additional IT security audits and network security checks;
- Future meetings of the Committee include, as part of its agenda, the review of past IT security audits that were considered unfavorable by LPA;
- The Judicial and Legislative branches submit a three-year IT plan to the

Committee for presentation with the Executive Branch's three-year IT plan. The Committee prefers the reports to be compiled into a single, statewide, three-year IT plan;

- The Kansas Information Technology Office work with the Committee to identify state agencies with IT projects with an unsatisfactory status in the most recent quarterly IT projects report and ensure appropriate chief information officers are present during future Committee meetings to provide more detail to Committee members about the projects and status;
- Encourage the KSDE to continue to engage with the Cybersecurity and Infrastructure Security Agency and school districts to assist with updating, patching, and maintaining IT systems;
- Allow the Committee to meet regularly during the Legislative Session by setting a designated meeting time and approve additional interim meeting days to allow the Committee to more effectively advise and consult on State IT projects, per KSA 75-7902;
- Encourage the adoption and utilization of the "dot gov" domain by local units of government, and encourage the use of the State and Local Cybersecurity Grant Program to obtain such a domain;
- Encourage the Office of Revisor of Statutes to work with KLOIS to develop legislation pertaining to the use of generative AI, and encourage the House Committee on Legislative Modernization to further discuss this topic and consider the proposed legislation;
- The KISO provide a report on the impact of the provisions in 2023 HB 2019 pertaining to the requirement to report to the KISO cybersecurity incidents within 12 hours of discovery by public entities and vendors utilizing public data;
- Encourage legislative leadership to align the rules regarding the policy and practice of video recording traditionally non-recorded votes; and
- The Legislative Coordinating Council address retention policy for video recordings of committee meetings.