Report of the Joint Committee on Information Technology to the 2022 Kansas Legislature

CHAIRPERSON: Representative Kyle Hoffman

VICE-CHAIRPERSON: Senator Mike Petersen

RANKING MINORITY MEMBER: Representative Pam Curtis

OTHER MEMBERS: Senators Tom Holland, Jeff Pittman, Dennis Pyle, and Caryn Tyson; and Representatives Kenneth Collins, Steve Huebert, and Rui Xu

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, and 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 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 2021

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 2022 Legislature:

- Legislation with similar contents to 2021 rs2422, which was considered by the Committee, should be introduced and assigned to the appropriate House committee for consideration during the 2022 Session;

- The work of the Kansas Task Force on Cybersecurity is important and the recommendations within the Task Force's final report should be reviewed by the Legislature. Further, the Committee encourages the Legislature to make cybersecurity a policy priority for the State of Kansas;

- Further study of ways state government can assist local entities regarding cybersecurity preparedness and adoption of technology should be considered;

- The State Board of Education should develop guidelines for information technology (IT) security for school districts and provide IT security training to school district employees;

- The process used to monitor the Unemployment Insurance Modernization project has been beneficial and it would be valuable to apply a similar process to other large scale state IT projects;

- More conversation between legislative committees and vendors submitting proposals for state IT projects should be explored;

- State IT leaders should explore ways to recruit and retain IT professionals and develop the State's IT professional talent pool; and

- The Committee commends the Kansas Legislative Office of Information Services on the implementation of the Virtual State House Project and its continued efforts to support remote participation in the legislative process.

Proposed Legislation: None.

BACKGROUND

The Joint Committee on Information Technology (Committee) 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:

Kansas Legislative Research Department 0-3 2021 Information Technology

- Study computers, telecommunications, and other information technology (IT) used by state agencies and institutions. The state governmental entities defined by KSA 75-7201 include executive, judicial, and legislative agencies and Kansas Board of Regents institutions;

- 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 or 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 submit to the Committee annually all IT project budget estimates and revisions, all three-year plans, and all deviations from the state IT architecture. The Legislative CITO 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 2021 Legislative Session on February 23 and May 26, 2021. In addition to these days, the Committee met during the 2021 Interim, as authorized by the Legislative Coordinating Council, on August 19, November 17, and December 15.

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

At the February 23, 2021, meeting, the Committee elected a new chairperson, vice-chairperson, and ranking minority member for the 2021 calendar year.

Information Technology Legislation

At the February 23, 2021, meeting the Committee received a briefing on 2021 HB 2188 from Office of the Revisor of Statutes staff. The bill would allow the Committee to assess and provide recommendations for agency IT projects prior to the projects' submission to the Kansas Information Technology Office (KITO). The revisor also provided an overview of the current IT project approval by the KITO.

The Committee continued its discussion on pending IT legislation before the Legislature at the August 19, 2021, meeting. The three bills discussed were HB 2188, SB 249, and SB 250. The Chairperson also suggested that the Joint Committee look at combining HB 2188 and SB 249 into one bill that contained the best elements of both. Discussion also occurred on whether legislation should contain detailed instructions on when projects should come before the Committee or broader language that would be built upon by organizations such as the Information Technology Executive Council (ITEC).

The Committee continued its discussion on pending IT legislation at its November 17, 2021, meeting. Discussion was primarily on HB 2188 and SB 249 regarding Committee oversight of IT projects. Topics discussed included criteria to

trigger a review, the timeframe for the Committee to complete a review, what actions the Committee could take for projects that failed review, and how detailed the review should be. The discussion ended with the revisor being requested to draft a new bill combining elements of HB 2188, SB 249, and committee discussion into a new bill.

During the December 15, 2021, meeting the Committee heard draft legislation (rs2422), which combined elements of the three bills previously discussed. During discussion, the Committee made changes to the draft legislation regarding the newly proposed oversight mechanisms, what information is required to be reported to the Committee, when projects must be reported to the Committee, who is required to report on projects to the Committee, and which other legislative committees the Committee will be reporting its recommendations to. The Committee requested the revisor integrate the discussed changes into the draft legislation so it could be discussed in a meeting to be scheduled early in the 2022 Legislative Session, prior to introduction of the new bill.

Executive Branch Quarterly IT Project Reports

May 26, 2021

At the May 26, 2021, meeting, the Chief Information Technology Architect (CITA) from the Office of Information Technology Services (OITS) reviewed the Quarter 4, 2020, (October–December) and Quarter 1, 2021, (January–March) IT project reports. The CITA reported in Quarter 4, 2020, one project was in alert status. Projects are placed in alert status if they exceed 20 percent variance of one or more project performance metric (Schedule, Deliverable, Tasks, Resources, or Financial plan):

- The Department for Children and Families (DCF) Prevention and Protection Services (PPS) Comprehensive Child Welfare Information System (CCWIS) Planning Project was 33.0 percent behind on deliverables due to the COVID-19 pandemic.

The CITA cited three projects in caution status from the Quarter 4, 2020, quarterly report. Projects are placed in caution status if they exceed 10–19 percent variance of one or more project performance metric (Schedule, Deliverable, Tasks, Resources, or Financial plan):

- The Kansas Department of Health and Environment (KDHE) Bureau of Environment Remediation (BER) database;

- The KDHE Bureau of Water Environmental Protection Agency (EPA) E-Reporting Project; and

- The OITS Voice End User Device Refresh.

No information was provided as to why the projects were in caution status.

The CITA reported in Quarter 1, 2021, five projects were in alert status:

- The KDHE BER data management system was 26.0 percent behind on deliverables and anticipates completion in May;

- The KDHE Bureau of Water EPA E-Reporting Project was 20.0 percent behind on deliverables and completion was anticipated in September 2021;

- The OITS Voice End User Device Refresh is delayed due to the COVID-19 pandemic and teleworking;

- The Kansas Bureau of Investigation (KBI) DNA Data Bank Software Replacement is delayed due to prior commitments and other priorities within the agency; and

- The Kansas Virtual Statehouse Project is delayed due to backorders for parts needed to

complete elements within the Visitor Center Auditorium.

The CITA cited one project in caution status from the Quarter 1, 2021, quarterly report:

- The Kansas Department of Transportation (KDOT) Construction Management System (CMS) Replacement Implementation Effort is 12.0 percent over schedule due to needing additional time to perform setup for additional functionality that can only occur during the spring or fall when the system is not being utilized.

A demonstration by the CITA of the Kansas Information Technology Office Project Dashboard (Dashboard) was provided to the Committee. The Dashboard provides similar detail as what can be found in the quarterly reports, but makes it easier for individuals to review details for specific information on a project of interest and provides an "at-a-glance" overview of project status. The Dashboard also provides planned project cost and links to its specific page reference in the most recent quarterly report. At the time of this report's publication, the dashboard can be accessed at: https://ebit.ks.gov/kito/project-dashboard.

August 19, 2021

At the August 19, 2021, meeting the CITA reviewed the Quarter 2, 2021, (April-June) IT project reports.

The CITA reported that the following six projects were in alert status:

- The Kansas Department for Aging and Disability (KDADS) Services State Hospital Infrastructure Upgrade is behind schedule due to changes in timeline due to an IT equipment shortage;

- The KDHE BER Database and EPA E-Reporting Project are behind schedule and deliverables due to business constraints

resulting from the COVID-19 pandemic and shifting agency priorities;

- The OITS Voice End User Device Refresh is behind schedule; the original end date was March 2021, which was moved to August 2021. The shift was due to constraints related to the COVID-19 pandemic. As of August 19, 2021, the project is complete;

- The OITS Data Center as a Service is behind schedule because tax filing deadline extensions due to the COVID-19 pandemic delayed the migration of the Kansas Department of Revenue (KDOR) data. The project is scheduled to be complete in September 2021;

- The Kansas Virtual Statehouse is behind schedule and behind on the financial plan; and

- The KDOT Equipment Management System is behind on its deliverables due to the short project duration. As of Aug 19, 2021, these delayed deliverables have been received.

The CITA reported the following three projects were in caution status:

- The KDHE Kansas Eligibility Enforcement System Hardware and Software Project is behind schedule due to the final phase being delayed due to a high number of defects. As of Aug 19, 2021, this project has been completed;

- The KBI DNA Databank is behind on its scheduled tasks. The core system is complete; and

- The KDOT Construction Management System is behind

schedule due to the complexity of migrating from a mainframe database.

November 17, 2021

At the November 17, 2021, meeting the CITA reviewed the Quarter 3, 2021, (July–September) IT project reports.

The CITA reported the following four projects were in alert status:

- The KBI DNA Databank was behind schedule and currently awaits one deliverable before reaching completion;

- The KDHE BER Database was behind schedule because of shortages and being shutdown due to the COVID-19 pandemic. The project is also behind on deliverables. Completion is anticipated in 2021;

- The KDOT Construction Management system is behind schedule and has over planned resource hours; and

- The KDOT Equipment Management System was behind schedule due to the specific windows in which it can be developed. It also has over planned resource hours.

The CITA reported the following projects were in caution status. Projects are placed in "caution" status if they exceed 10–19 percent variance of one or more project performance metric (Schedule, Deliverable, Tasks, Resources, or Financial plan):

- The OITS Integration Hub Project was behind schedule but was anticipated to be completed in 2021.

Executive Branch IT Update

May 26, 2021

At the May 26, 2021, meeting, the Secretary of Administration (Secretary), who also serves as the Chief Information Technology Officer (CITO) for the Executive Branch, updated the Committee on a number of IT-related initiatives, including:

- ITEC policy updates in the areas of project approval, status reporting, oversight, business contingency planning, business contingency implementation, and data administration;

- Ongoing migration of state data centers to the facility located in Overland Park. The project was reported to be 98.0 percent complete, with servers to be migrated and located with the Kansas Department of Corrections (expected completion June 1, 2021), Kansas Department of Labor (expected completion June, 2021), KDOR (expected start June 2021), and OITS (expected start after all other agencies have been migrated); and

- Overview OITS service rates for FY 2022 and 2023.

August 19, 2021

At the August 19, 2021, meeting, the Secretary updated the Committee on a number of IT-related initiatives, including:

- The Cybersecurity Task Force established by Executive Order 21-25. The Task Force is comprised of individuals from both the public and private sector and is tasked with providing the Governor with recommendations on the State's cybersecurity practices. A preliminary report would be released in October 2021, with the final report being released in December 2021;

- Methodology for collapsing OITS from 29 to 15 rates for FY 2022 and FY 2023, and communication efforts to state agencies regarding services cost estimates. The Secretary reported Network and Telecommunications device rates would be reduced in FY 2022 and all other rates would remain unchanged. In FY 2023, rates would be adjusted to better align with costs, and rates would have a net increase of $3.3 million dollars due to a vendor cost increase for the data center and O365 lines of service; and

- Organizational restructuring of OITS, which will see the creation of more client service-focused elements within OITS.

November 17, 2021

At the November 17, 2021, meeting, the Secretary updated the Committee on a number of IT-related topics such as:

- OITS having closed and vacated the Landon Data Facility as of October 1, 2021;

- An update regarding the Three-Year IT Plan initiative. The Secretary stated the plan is being tested this year on cabinet agencies, with the expectation that all Executive Branch agencies shall participate next year;

- ITEC seated two new members at the September meeting, including Secretary of Labor Amber Schultz and State Librarian Eric Norris. Mike Mayta with the City of Wichita was also retained on ITEC; and

- The Cybersecurity Task Force delivered its interim report to the Governor on October 5, 2021. The

final report is due to the Governor by December 5, 2021.

Legislative Branch IT Update

May 26, 2021

At the May 26, 2021, meeting the Legislative CITO provided an update on the Kansas Virtual Statehouse Project. The CITO stated that for the first time, residents can participate in the legislative process from anywhere in the state. Implementation of this project was done in 7 weeks and resulted in 2,510 total virtual meetings and 139,697 total meeting minutes during the 2021 Legislative Session.

The Director of Technical Services for the Kansas Legislative Office of Information Services (KLOIS) also provided an update on in-progress, upcoming, and completed IT hardware projects. In-progress projects include a legislative laptop refresh, Windows server upgrades for legislative staff agencies, networks switch upgrades for the Statehouse, audio system upgrades for committee rooms and legislative chambers, and upgrades to the new Webex system. Upcoming projects for the 2021 Interim include expansion of the data backup system, House voting system display board upgrades, legislative staff computer update, and a security assessment for legislative information systems.

Additionally, the Director of Application Services for KLOIS provided an update on the Kansas Legislative Information System and Services (KLISS) performance in the 2021 session, mid-session KLISS updates, and planned interim updates. Mid-session updates include: improvements to the Office of the Revisor of Statutes Lawmaking system, the Legislative Research Department's Decision Support system, General Orders interface and report functionality, and bill and resolution transparency functionality. Planned interim updates include: upgrades to the KLISS web-based framework for the Legislature's website, Chamber interfaces, Senate Voting System, and the Committee System; redesign of the Senate Journal application to simplify the creation process; analysis for a bill location report tool; testing of an updated OpenOffice client; Improved Data Archival solution; and a new

member interface tool to help legislators track legislative process information.

August 19, 2021

At the August 19, 2021, meeting the Legislative CITO discussed the support that KLOIS provided for the redistricting process, specifically the redistricting tour that occurred in early August. Updates were also provided on the June 15 ITEC meeting

Also at the August 19 meeting, the KLOIS Director of Technical Services provided an overview of active and upcoming projects. Active projects included: the Virtual Statehouse Project audio update; legislative committee room conference phone audio integration; and the legislative staff computer refresh. Upcoming projects included the first phase of a security assessment that will carry over into the 2022 Legislative Session. Completed projects include the Rubic Backup System expansion and the installation of new voting system display boards in the chamber of the House of Representative, of which the Committee received a demonstration.

The KLOIS Director of Application Services provided an overview of active, upcoming, and completed interim projects. Active projects include: web upgrades to keep systems up to date, maintain security, and allow for the integration of more modern applications such as a member interface; and an overhaul of the Senate Journal creation process. Completed projects included implementation of new KLISS builds for legislative divisions. Upcoming projects included creation of a member portal for legislators to use that would be designed and implemented during the 2022 Interim.

November 17, 2021

During the November 17, 2021, meeting, the Legislative CITO provided updates to the Committee on the information system request for proposal (RFP) and updates to the KLISS software system. At the direction of the Legislative Coordinating Council, KLOIS drafted an RFP seeking replacement of KLISS. The RFP was released on October 11, 2021, and no bids had yet been received, though some were expected by the close of the RFP on November 22, 2021. The

project would have a four-year implementation window. An overview of the KLISS system was also provided with a history of updates made to the system by the vendor and KLOIS since its inception. Further details were provided on updates made in 2020 and updates planned for the near future.

December 15, 2021

The Legislative CITO provided a further update on the KLISS RFP during the December 15, 2021, meeting. He stated the RFP closed on November 22, 2021, and that five vendors submitted proposals. The proposals were under review by a procurement team composed of members from the the Chief Clerk of the House, Legislative Administrative Services, Legislative Office of Information Services, Legislative Research Department, Office of the Revisor, and the Secretary of the Senate. The CITO stated that the procurement team would be reviewing vendor demonstrations next week from all five vendors, and he hopes to have a recommendation to the Legislative Coordinating Council by the start of the 2022 Session.

The Committee also discussed concerns with the new voting boards in the chamber of the House of Representatives. Members voiced concerns about issues during the 2021 Special Session regarding the boards correctly showing members who wished to speak. Concerns of general legibility were also voiced. KLOIS staff provided further information on how the issues are being resolved.

Redistricting Software Update

At the August 19, 2021, meeting, Kansas Legislative Research Department staff provided an overview on redistricting and the software used for the process.

Judicial Branch IT Update

May 26, 2021

At the May 26, 2021, meeting, the Judicial Branch CITO provided an update on the eCourt Case management System. Tracks 1 and 3 had been completed. Track 2 (Wichita, Judicial District 12 and 18) was scheduled to be completed in June 2021. Track 4 (Judicial Districts 1, 2, 3, 5, 7, and

29) was scheduled to be completed in August 2021. Track 5 (Judicial Districts 12, 15, 17, 20, 22, 23, and 28) was scheduled to be completed in February 2022. No updates for Track 6 (Judicial District 9, 16 ,24, 25, 26, 27, and 30) or the Appellate Courts was provided.

August 19, 2021

At the August 19, 2021, meeting, the Judicial Branch CITO indicated the eCourt case management system is actively working within some judicial tracks, however several reporting function errors have been identified and the project has been paused until the developer has corrected the defects. At the time of the August 19 Committee meeting, payment of approximately $2.0 million had been withheld by the Office of Judicial Administration (OJA) until corrections have been made.

The three major reporting issues the system is facing include: the E-citation system currently has an error relating to vehicle makes; export of the collections reports does not consistently run correctly; and the "Elevated Access" part of the external stakeholder access system is not functioning.

November 17, 2021

The Judicial Branch CITO provided further updates on the eCourt case management system at the November 17, 2021, meeting. He stated that work is progressing, with the new system being brought online in additional counties. The next collection of counties to be brought online will include Douglas County, Leavenworth County, and Wyandotte County. It was noted that due to technical aspects of their current systems, implementation in both Johnson and Sedgwick Counties will be delayed to allow for integration of the new system with other agencies within the counties.

IT Audits

May 26, 2021

At the May 26, 2021, meeting, Legislative Division of Post Audit (LPA) staff provided a monitoring report on the KBI's Automated Biometric Identification System IT project. LPA has been monitoring this project since January 2020, and at the time of the May 26 Committee meeting, the project was still considered to be in the planning stage and was not being tracked as an active project by the KITO.

The project schedule was in caution status due to award of the associate contract being delayed, and the respective project deadline had not yet been updated.

August 19, 2021

In a closed session at the August 19, 2021, meeting, an IT auditor with LPA presented the results of IT security audits for KDADS; Blue Valley School District, Unified School District (USD) 229; and Emporia School District, USD 253.

November 17, 2021

At the November 17, 2021, meeting LPA staff provided an update on the monitoring report for the KBI's Automated Biometric Identification System IT Project. LPA staff reported that the project's scope, cost, and security were all in satisfactory status while the project's timeline was in cautionary status. LPA staff stated that the timeline was behind primarily due to a two-month delay in the KBI signing the contract for the project. Completion of the project was scheduled for November 2022.

LPA staff also provided two audit reports for the Committee concerning school district IT security and delayed payments and fraud regarding the unemployment insurance system. The school district IT security audit was a limited scope audit seeking to address what IT capabilities and resources USDs have. The report stated that USDs are not required to implement any specific forms of IT security controls.

Furthermore, it was reported that of the 51.0 percent of USDs that responded to LPA, the majority reported lacking basic IT security controls such as security awareness training, confidential data encryption, computer vulnerability scans, or having an incident response plan. The USDs had stated that their most significant barrier was the hiring and retention of qualified IT staff.

The unemployment insurance audit addressed causes for the delay of payments from the Kansas Department of Labor (KDOL) to claimants throughout 2020 and into 2021, and sought to identify the amount of fraudulent payments made. LPA staff noted the delayed payments primarily were caused by an outdated IT infrastructure, with issues of staff training and capabilities due in part to the outdated IT infrastructure. The report found that the increased staff KDOL brought on during the COVID-19 pandemic appeared to have little to no impact on the responsiveness of the call center to claimant phone calls. LPA utilized machine learning to analyze claims and sought to determine payments likely to be fraud with a 95.0 percent confidence level. The report estimated approximately $700.0 million had been paid out in fraud with approximately half being paid out in federal funds and half in state funds.

The Committee also received IT security audits from LPA staff for Wichita State University, KDOR, and the Kansas Racing and Gaming Commission in closed session.

December 15, 2021

During the December 15, 2021, meeting, LPA staff presented an IT audit report evaluating the statutory definition and monetary threshold for major IT projects. The audit was completed in April 2018, and discussion among the Committee primarily focused on whether anything had changed since the audit's findings and how the audit could help inform Committee discussion on proposed legislation.

COMMITTEE DISCUSSION

The Committee indicated it intended to meet in early January to conclude its work on a draft of IT-related legislation (rs2422).

COMMITTEE CONCLUSIONS AND RECOMMENDATIONS

At its meeting on December 15, 2021, meeting, Committee members discussed their conclusions and recommendations for the 2021 Legislature and agreed to the following:

- Legislation with similar contents to rs2422, which was considered by the Committee, should be introduced and assigned to the appropriate House committee for consideration during the 2022 Session;

- The work of the Kansas Task Force on Cybersecurity is important, and the recommendations within the Task Force's final report should be reviewed by the Legislature. Further, the Committee encourages the Legislature to make cybersecurity a policy priority for the State of Kansas;

- Further study of ways state government can assist local entities regarding cybersecurity preparedness and adoption of technology should be considered;

- The State Board of Education should develop guidelines for IT security for school districts and provide IT security training to school district employees;

- The process used to monitor the Unemployment Insurance Modernization project has been beneficial, and it would be valuable to apply a similar process to other large-scale state IT projects;

- More conversation between legislative committees and vendors submitting proposals for state IT projects should be explored;

- State IT leaders should explore ways to recruit and retain IT professionals and develop the State's IT professional talent pool; and

- The Committee commends the KLOIS on the implementation of the Virtual State House Project and their continued efforts to support remote participation in the legislative process.