

Report of the Joint Committee on Kansas Security to the 2019 Kansas Legislature

CHAIRPERSON: Senator Dan Goddard; Senator Steve Fitzgerald (until September 2018)

VICE-CHAIRPERSON: Representative Kevin Jones

OTHER MEMBERS: Senators Kevin Braun (as of November 2018), Mike Petersen (as of November 2018), Pat Pettey, Lynn Rogers, and John Doll (until March 2018); and Representatives Michael Houser, Jarrod Ousley, Louis Ruiz, and Eric Smith

CHARGE

KSA 46-3301 directs the Committee to study, monitor, review, and make recommendations on matters related to the security of state officers or employees and of state and other public buildings and other property and infrastructure in the state. It further directs the Committee to consider measures for the improvement of security for the state. In addition, the Committee is authorized to address these additional topics:

- Emergency communications;
- Cybersecurity; and
- The safety of students and state employees.

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Joint Committee on Kansas Security

ANNUAL REPORT

Conclusions and Recommendations

The Joint Committee on Kansas Security (Committee) recommends full implementation of the Kansas Cybersecurity Act and funding and other resources to enable that full implementation. It urges steps be taken to ensure agency administrators and other state employees receive sufficient training to achieve best cybersecurity practices, and it notes the importance of having qualified information security professionals to manage cybersecurity. Further, it recommends review and possible amendment of KSA 2018 Supp. 75-7239(c)(14) to better align that reporting requirement of the Kansas Information Security Office with agency reporting requirements in KSA 2018 Supp. 75-7240(h)(1).

The Committee recommends the House Committee on Education and the Senate Committee on Education hold informational hearings on the number of emergency preparedness drills required in public and private schools and educational institutions.

The Committee recommends the House Committee on Appropriations and the Senate Committee on Ways and Means review and provide for the replacement of equipment used to screen visitors to the Statehouse and for the addition of equipment to screen large packages delivered to the Statehouse.

The Committee recommends legislative leadership consider providing additional, regular information, training, or both regarding emergency procedures, including for an active shooter situation, to legislators and legislative employees.

Proposed Legislation: None

BACKGROUND

The 2004 Legislature created the Joint Committee on Kansas Security (KSA 2018 Supp. 46-3301) to study, monitor, review, and make recommendations for the following:

- Matters relating to the security of state officers and employees;
- Security of buildings and property under the ownership or control of the State;
- Matters relating to the security of a public body or agency, public building, or facility;

- Matters relating to the security of the infrastructure of Kansas, including any information system; and
- Measures for the improvement of security for the state.

The Legislative Coordinating Council also directed the Committee to study emergency communications, cybersecurity, and the safety of students and state employees.

COMMITTEE ACTIVITIES

The Committee met in the Statehouse on January 29 and December 12, 2018.

Security of State Officers and Employees

At the January 29, 2018, meeting, the Secretary of Administration provided the Committee with a status update on a review of Kansas state agency security policies and procedures began in 2017. She stated the Department of Administration had received survey responses and copies of policies and procedures from more than 100 cabinet and non-cabinet agencies. The responses included descriptions of training opportunities and facility security equipment and procedures. She described efforts then under way: compiling a list of available in-person and online training opportunities, in cooperation with the Kansas Highway Patrol (KHP); compiling a list of security procedures to be incorporated into lease documents and adopted in offices where appropriate; and planning to review and update building security needs as funds became available. She noted security improvements were being funded *via* annual or five-year capital improvement budget requests.

Statehouse Security, including Screening Equipment

At the January 29, 2018, meeting, the former head of Troop K Capitol Police, KHP, reviewed the condition of Statehouse security screening equipment. He reported the x-ray inspection systems and magnetometers had been exposed to dust during Statehouse renovations and their warranties had expired. He described operational problems and the cost of service fees. He also reviewed recommendations for replacement equipment, training, and warranties.

The Troop K Captain and Lieutenant met with Committee members in an executive session during the December 12, 2018, meeting. Any information provided during a closed session is not summarized in this report; staff were not present during closed sessions. In open session, the Captain and the Lieutenant responded to Committee member questions regarding concealed carry, “flashing” and “brandishing” of concealed

weapons, emergency notifications for legislators in case of an emergency, and active shooter training.

2018 HB 2556, Establishing the State Interoperability Advisory Committee

At the January 29, 2018, meeting, an Assistant Revisor of Statutes provided an overview and history on 2018 HB 2556, which had been heard by the House Committee on Government Technology and Security earlier that day. Supporting documentation was distributed to Committee members. (*Note: 2018 Sub. for HB 2556 was enacted, establishing the State Interoperability Advisory Committee in statute; a Statewide Interoperability Executive Committee had been established by Executive Order 07-27. The statutory purpose of the State Interoperability Advisory Committee is to provide input to the Adjutant General’s Department for the development and deployment of centralized interoperable communications planning and implementation capacity for Kansas.*)

Election Security

At the December 12, 2018, meeting, the Director of Elections, Office of Kansas Secretary of State, reviewed voter registration security, the security of electronic poll books, cybersecurity training for state and local election staff, the interstate Crosscheck system, certification and verification of voting equipment, and federal Help America Vote Act (HAVA) funds available to the State.

Voter registration. The Director of Elections reported the statewide voter registration system, in use since January 1, 2006, had not experienced a data breach to date, although there have been repeated attempts. He stated the Office of the Secretary of State works with the Department of Homeland Security (DHS) and the Kansas Intelligence Fusion Center (KIFC) to identify and strengthen weaknesses in that system. He noted access to the voter registration system is limited to certain election officials in state and local offices and to specific computers, with multi-factor authentication required for access.

Security of electronic poll books. The Director of Elections explained counties may choose to use electronic poll books, which speed

voter check-in, but cannot connect those electronic poll books to the state voter registration system on Election Day and are advised to have a paper back-up. He noted each county is responsible for training its poll workers on electronic poll book operation.

Interstate Crosscheck system. The Director of Elections stated the Office of the Secretary of State partnered with DHS to review data collection and dissemination for this system. Implementation of additional security features was not completed before primary elections in participating states, so no data were collected and distributed using the Crosscheck system during 2018. He stated options available for upgrades appear to require funds in the range of \$8,000 to \$14,000; he noted the Office of the Secretary of State is entirely fee-funded. The Director of Elections stated, without Crosscheck, the State was unable to review records for potential duplicate registrations.

Voting equipment and HAVA funds. The Director of Elections stated each county is responsible for the purchase and maintenance of the voting equipment used in that county, but the county must have equipment certified by the Secretary of State. He stated, in 2018, Kansas has received \$4,383,595 in federal HAVA funds, matched by 5.0 percent from the state, for a total of \$4,602,775. Those funds are to be spent in the next five years, and it has been recommended the moneys be spent on voting equipment, implementation and training for post-election audits, additional security improvements to the statewide voter registration system, training and other resources to county election and information technology personnel, and development of security communications plans.

The Director of Elections also noted 2018 HB 2539 prohibits any board of county commissioners from purchasing, leasing, or renting any direct recording electronic voting system and requires any electronic or electromechanical voting system purchased, leased, or rented provide a paper record. He stated approximately 20 counties do not have systems capable of producing auditable, paper results.

Additional information. The Director of Elections, responding to Committee member

questions, also described new voting machines used in Johnson County, problems in reporting from the new election management software in Johnson County for the August 2018 primary election, and improved result reporting response times for the November 2018 general election; described voting machine testing before and after each election; discussed county responsibility to have paper records of votes; stated his office had received no complaints about malfunctioning voting equipment regarding the November 2018 election; and stated the Office of the Secretary of State has contracted for cybersecurity testing.

Kansas Crime Trends

The Executive Officer of the Kansas Bureau of Investigation (KBI) described the responsibilities and resources of the three KBI divisions—Investigations, Forensic Science Laboratory, and Information Services—and their roles in assisting local law enforcement agencies (LEAs). She noted more than 70.0 percent of Kansas local LEAs have ten or fewer staff members.

The Executive Officer stated violent crime and property crimes have been increasing since 2014, both in numbers of crimes and in the rates per capita, which had increased 25.0 percent for violent crime and 6.6 percent for property crime from 2014 to 2017. She noted the number of murders increased from 101 in 2014 to 176 in 2017, the most since 2000; among property offenses, motor vehicle theft showed the greatest increase, from 6,544 in 2014 to 8,232 in 2017 in Kansas and also increasing nationally. Firearms were involved in 68.8 percent of murders, 57.0 percent of robberies, and 45.8 percent of aggravated assaults; the percentages for the latter two categories exceed the national averages of 40.6 percent and 26.3 percent, respectively. The Executive Officer noted the KBI receives only summary data from eight of the larger LEAs; as a result, data in the Kansas Incident Based Reporting System (KIBRS) do not allow all analyses requested, and the KIBRS system is in need of replacement.

Reported losses from financial crimes increased from \$83.3 million in 2015 to more than \$102.6 million in 2017. The Executive Officer stated the KBI stopped accepting financial and

white collar crimes in fiscal year 2012, except cases involving public officials, due to lack of resources. She described Internet-based crimes in Kansas, the absence of capacity to investigate them, and work in Michigan (as an example) to establish public and private collaborations to address cybercrime.

The Executive Officer reported 3 of the 13 formerly vacant positions filled last year are assigned to child abuse investigations and the agency is seeking enhancements to focus additional agents on this subject area.

Regarding illegal drugs, the Executive Officer reported methamphetamine, heroin, fentanyl, and marijuana as most presented in KBI laboratory exhibits, and she described links between those drugs and violent and property crime.

Safe and Secure Schools

At the December 12, 2018, meeting, the Commissioner of Education described actions he and the Director of School Finance have taken to implement the provisions of 2018 House Sub. for SB 109, Section 76, which established the \$5.0 million School Safety and Security Grant Fund and required standards for school safety and security plans to be adopted by each school district. He noted representatives of the KHP, KBI, Attorney General, Adjutant General, State Fire Marshal, and the Kansas Department of Health and Environment were involved in development of school safety specialist position descriptions, tentative school safety standards, application forms, criteria for allocation of state aid, and recommendations to the State Board of Education (State Board). The Department of Wildlife, Parks and Tourism also has been involved with this effort.

The Commissioner of Education stated 156 school districts applied, requesting a total of \$13.0 million for school infrastructure, security technology, communications equipment, and other systems or facilities approved by the State Board. He noted the grants required a dollar-for-dollar local match. He stated, in 2018, the bill became effective July 1, the State Board approved tentative standards and recommended allocations on July 10, and state aid was distributed to the 156 districts on July 16. He provided the formula for

distribution of aid (enrollment head count minus virtual students times \$18.30, or the amount requested, which ever is lower) and a list of amounts requested and allocated by district. He noted no applications for weapons or ongoing salaries were approved.

The two school safety specialists hired by the Kansas State Department of Education in late September and October 1 also appeared before the Committee. A school safety specialist described efforts to create, review, and align required standards to meet requirements in the bill. Those efforts included presenting draft standards to local LEAs, local emergency management departments, 26 school districts, and the Council of Superintendents. The standards were approved by the State Board on December 11, 2018.

A copy of the final standards was provided. The standards address the topics of school infrastructure, technology systems used at the buildings, emergency communications, notifications to parents and community members, crisis plans, training on the crisis plans, crisis drills, exercises with all local responders, and firearms safety. The school safety specialist noted she and her colleague were working on a template for school crisis plans.

The school safety specialist described training that has been provided to school officials. She noted the bill references local collaboration and described roles of school, LEA, and other emergency response personnel.

Responding to questions, the Commissioner of Education discussed mental health efforts, including the mental health pilot program under way in schools in the Garden City, Kansas City, Parsons, Topeka, and Wichita districts and in schools served by the Central Kansas Cooperative in Education (2018 Sub. for SB 423, Section 1). The school safety specialist addressed suicide prevention within crisis plans.

Agriculture Security

The Director of the KIFC met with Committee members in an executive session on this topic during the December 12, 2018, meeting. (*Note: Staff were not present during closed sessions.*)

Armory Security

The Kansas National Guard Anti-Terrorism Program Manager met with Committee members in an executive session on this topic during the December 12, 2018, meeting.

Executive Agency Information Systems

At the December 12, 2018, meeting, the IT Audit Manager, Legislative Division of Post Audit (LPA), provided information on information technology (IT) security audits completed by LPA staff. She noted 2015 HB 2010 placed into statutes requirements LPA perform IT audits as directed by the Legislative Post Audit Committee. She noted reports of those audits are permanently confidential.

The IT Audit Manager stated LPA has found many agencies do not conduct security awareness training and staff do not sufficiently understand security protocols, a number of agencies have poor physical controls for their data centers, many agencies do not keep up with security updates, and several agencies do not adopt strong password settings. Root causes include insufficient awareness of state security requirements; inadequate top management support, understanding, or emphasis; lack of sufficiently knowledgeable staff due to turnover, having too few staff, and low pay not commensurate with the expertise required; user pushback; insufficient attention to possible insider threats; and poor communication across agency divisions. She noted the Kansas Cybersecurity Act (KCA) (2018 House Sub. for SB 56) states executive branch agency heads are solely responsible for the security of all data and IT resources under such agency's purview.

The IT Audit Manager provided additional information to the Committee in an executive session.

Implementation of the Kansas Cybersecurity Act

At the December 12, 2018, meeting, the Chief Information Security Officer (CISO) for the executive branch stated the KCA addressed an absence of oversight and promotes the Kansas Information Security Office (KISO) established by

the bill as responsible to further collaborative and cooperative effort on IT security. He stated the KISO provides information assurance, technical security, and infrastructure security services related to security controls and resources for those connected to the state data network, at a cost to agencies. The KISO has provided cybersecurity awareness training and has more than 13,000 employees in the system. Its vulnerability scanning solution is available to all connected to the state data network, at no additional cost to agencies.

The CISO described reporting requirements in the KCA and suggested a change to a provision in the KCA to align two reporting requirements. He noted the absence of qualified security professionals hinders program development and stated not all agencies have the financial resources to immediately meet KCA implementation requirements. To help address that issue, the KISO has developed guides and templates available on its website to help identify potential security gaps. The CISO emphasized the role of agency executives under the KCA and the importance of the KISO in providing information to those executives.

Committee Discussion

The Joint Committee discussed topics at the December 12, 2018, meeting for possible conclusions and recommendations, including suggesting rules changes to the House and Senate when legislators handle firearms inappropriately inside the Statehouse; providing regular information, training, or both on emergency preparedness notification and procedures to legislators and Statehouse staff; policies for determining entry to the Statehouse; cybersecurity for state agencies and institutions, including assistance provided to executive agencies in achieving best practices in cybersecurity; and drills required in public and private schools.

CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends full implementation of the KCA and funding and other resources to enable that full implementation. It urges steps be taken to ensure agency administrators and other state employees receive

sufficient training to achieve best cybersecurity practices, and it notes the importance of having qualified information security professionals to manage cybersecurity. Further, it recommends review and possible amendment of KSA 2018 Supp. 75-7239(c)(14) to require an annual status report of executive branch cybersecurity programs of executive branch agencies to the Joint Committee on Information Technology and the House Committee on Government, Technology and Security, in odd-numbered years. The Committee noted agencies are required by KSA 2018 Supp. 75-7240(h)(1) to submit a cybersecurity assessment report to the Chief Information Security Officer by October 16 of each even-numbered year, not every year.

The Committee recommends the House Committee on Education and the Senate Committee on Education hold informational hearings on the number of emergency preparedness drills required in public and private schools and educational institutions. The

Committee noted a proviso in the 2018 appropriations bill (House Sub. for SB 109, Sec. 98(c)) requires public and private schools and educational institutions, except community colleges, colleges, and universities, to conduct at least 16 emergency preparedness drills during the school year at some time during school hours, notwithstanding drill requirements of KSA 2018 Supp. 31-133.

The Committee recommends the House Committee on Appropriations and the Senate Committee on Ways and Means review and provide for the replacement of equipment used to screen visitors to the Statehouse and for the addition of equipment to screen large packages delivered to the Statehouse.

The Committee recommends legislative leadership consider providing additional, regular information, training, or both regarding emergency procedures, including for an active shooter situation, to legislators and legislative employees.