

Report of the Joint Committee on Information Technology to the 2021 Kansas Legislature

CHAIRPERSON: Senator Mike Petersen

VICE-CHAIRPERSON: Representative Kyle Hoffman

RANKING MINORITY MEMBER: Senator Tom Holland

OTHER MEMBERS: Senators Kevin Braun, Dinah Sykes, and Caryn Tyson; Representatives Kenneth Collins, Pam Curtis, Steve Huebert, and Jeff Pittman

CHARGE

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.

Joint Committee on Information Technology

ANNUAL REPORT

Conclusions and Recommendations

The Joint Committee on Information Technology makes the following recommendations to the 2021 Legislature:

- Relevant state law including, but not limited to, KSA 75-7211 should be amended to require state agencies to submit information technology (IT) project plans to the Committee prior to the release of any request for proposal, or request for quote in the case of a sole-source contact, related to such IT projects;
- The Legislative Coordinating Council (LCC) should authorize the Committee to meet on call of the Chairperson at least once a month during the legislative session;
- In future legislative sessions, standing committees should be established in both the House and the Senate for review of IT and security topics in both the House and the Senate;
- Legislative leadership should work in consultation with the Legislative Chief Information Technology Officer (Legislative CITO) and other experts to develop guidelines and business practices for the use of videoconferencing services and other technology to conduct legislative proceedings;
- The House and the Senate should adopt rules for their respective chambers and joint rules for the use of videoconferencing technology for legislative committee meetings. Such rules should include procedures for conferee participation, state agency representative participation, legislator participation, and course of action on how to proceed when technology is uncooperative or fails;
- The House and the Senate should adopt a rule for their respective chambers and a joint rule requiring each individual participating in a legislative proceeding *via* videoconferencing platform to enable their camera to verify the identity of the participant;
- The House and Senate should adopt rules for their respective chambers and a joint rule to require executive sessions of legislative proceedings to be conducted in person and not with the use of a videoconferencing service and to require state agencies to have the appropriate representative responsible for the topic being discussed physically present for such a proceeding;
- The Kansas State Board of Education should set guidelines for IT security for school districts and provide IT security training to school district employees; and
- State departments and agencies should make security a priority and continue the review of public employee pay for state IT professionals to make compensation more comparable to compensation in the private sector.

The Committee commends the Kansas Department of Labor (KDOL) for their efforts to combat fraud and recommends KDOL continue to expand such efforts to combat fraud across the state. Additionally, KDOL should work with the Office of the Attorney General to develop and implement fraud prevention guidelines.

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 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 2020 Legislative Session on March 11 and March 16, 2020. In addition to these days, the Committee met during the 2020 Interim, as authorized by the LCC, on August 11, November 12, and December 16, 2020.

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

At the March 11, 2020, meeting, the Committee elected a new chairperson, vice-chairperson, and ranking minority member for the 2020 calendar year (CY).

Executive Branch Quarterly IT Project Reports

At the March 16, 2020, meeting, the Director of the Kansas Information Technology Office (Director) reviewed the executive branch agency reports for the October-December 2019 quarter. The Director reported five projects were on “alert” status:

- Fort Hays State University (FHSU) Enterprise Resource Planning (ERP) project implementation has been recast and at the time of this meeting was pending approval from the Executive CITO;
- The Kansas Corporation Commission Document Management System was delayed, but has been completed;
- The Kansas Department of Health and Environment (KDHE) Bureau of Environmental Remediation’s Data Management System is behind schedule with completion of phase three targeted for October 2020 and completion of phase four targeted for February 2021; and
- The Office of Information Technology Services (OITS) IT Hybrid Cloud project was in its execution phase but behind schedule at the time of the meeting due to paperwork not being filed.

The Kansas Department of Transportation (KDOT) K-Hub project was recast in January 2019 and was move out of alert status.

The Director cited one project in “caution” status from the October-December 2019 quarterly report:

- The KDOT Construction Management System replacement was reported as behind schedule but should be completed in summer 2020.

At the August 11, 2020, meeting, the Secretary of Administration (Secretary) reviewed second-quarter 2020 IT project reports, noting two projects were on alert status:

- FHSU ERP project implementation has been recast, and the project was under review; and
- The OITS IT Hybrid Cloud project has been recast, and the project was under review.

The Secretary also discussed an information gathering initiative to help improve the IT project quarterly reporting process and said that OITS will be deploying a new way to share and store these reports with Committee members.

At the November 12, 2020, meeting, the Secretary reviewed third-quarter 2020 IT project reports, noting one project was on alert status:

- The FHSU ERP project implementation has been recast due to the extensive nature of the project and its difficult-to-maintain timeline.

The Secretary also discussed the updated three-year IT plan for executive branch agencies, stating plans will now be refreshed in even-numbered years and updated in odd-numbered years. Additionally, the document will now contain project success stories, and its presentation format is being reassessed to establish clearer priorities and goals.

Executive Branch IT Update

At the August 11, 2020, meeting, the Secretary updated the Committee on a number of IT-related initiatives, including:

- Realigned OITS service rates, including a reduction of unique rates from 30 to 19;
- Statewide Cost Allocation Plan repayment negotiations, which would be between \$1.6 million and \$1.9 million if accepted by the U.S. Department of Health and Human Services;
- Use of the IT Capital Improvement Fund to upgrade the State’s networking and switch hardware and telephones;

- Negotiations with Legislative Administrative Services (LAS) regarding service utilization levels and fees for services;
- Ongoing migration of state data centers to a new data center located in Overland Park, along with the relocation of smaller state agency data centers from the Eisenhower State Office Building to the Landon State Office Building; and
- Hiring of a new Chief Information Security Officer to implement improved cybersecurity measures throughout state agencies.
- The Department of Administration is working with other state agencies to deploy softphones (software that enables computers to make telephone calls) for use with state-issued laptops for remote work in response to the COVID-19 pandemic;
- Phase one of the Layer 2 switch upgrade is almost complete; and
- OITS will be working with legislators to introduce a bill to require state agency IT project reports to be determined by a risk-basis assessment rather than a \$250,000 monetary threshold.

At the November 12, 2020, meeting, the Secretary updated the Committee on the following IT-related initiatives, noting:

- The migration of state data centers is 78 percent complete and is expected to be finished by the end of CY 2020;
- OITS has started the IT Architecture Inventory Project to better understand the State's more than 1,300 IT systems across 12 cabinet and 45 non-cabinet agencies; and
- OITS has started increasing its utilization of a financial management tool (Apptio) to consolidate its financial and operational data and will eventually allow service users to compare actual expenses with budgeted expenditures or potential vendor costs.

At the December 16, 2020, meeting, the Secretary updated the Committee on the following IT-related initiatives, noting:

- The migration of state data centers is 90 percent complete and is expected to be finished by the end of February 2021;
- The state Voice over Internet Protocol (VoIP) phone upgrade is 65 percent complete;

At the December 16, 2020, meeting, the Secretary also provided an overview of the IT Architecture Inventory Project. The goal of the project is to obtain an accounting of the State's more than 1,300 digital systems, supporting resources, and hosting environments. The newly hired Chief Information Technology Architect (CITA) was also present at the meeting and informed the committee he intends to reactivate the Kansas Technical Architecture Review Board and is currently reviewing Information Technology Executive Council (ITEC) policies related to data management and IT strategic direction.

Proposed IT Reporting Statutory Changes

At the November 12, 2020, meeting, the Secretary presented on possible statutory amendments to KSA 75-7201 *et seq.* The amendments were developed by the Kansas Information Technology Office with input from the CITO and the ITEC. Among other things, the proposed changes would amend the definition of an "IT project" by removing the reference to a specific dollar figure that triggers the current reporting process, allowing the review of projects that would be considered low-risk because they fail to meet this threshold.

Fort Hays State University ERP Project Update

At the December 16, 2020, meeting, the Vice President for Administration and Finances for FHSU provided background information and an update on the University's ERP project implementation. The representative said the

project was approved in 2015, and the first phase dealing with university finances and payroll was completed in 2017. The second phase deals with university admissions and recruiting and has required extensions and growth of the project's scope. The project's original budget was \$11.6 million and is now projected to cost about \$17.5 million. The Vice President for Administration and Finances indicated the project is expected to be completed in August 2021, and it will be one of the most advanced student management systems in the country.

Judicial IT Projects Update

At the March 16, 2020, meeting, the Judicial CITO updated members on the multi-year electronic court system project, specifically the progress on the eCourt Case Management System, which will centralize all court system documents. He reported the project is in the 27th month of the scheduled 45-month timeline, and project efforts in 2020 will focus on preparing the system for implementation of the next three scheduled tracks. The project is being implemented in seven tracks (six district court tracks and one appellate court track). Track I was completed in August 2019 and was composed of Clay, Dickinson, Geary, Marion, Morris, and Riley counties. Tracks II, III, and IV are scheduled to be completed by the end of 2020 and include Douglas, Leavenworth, Sedgwick, Shawnee, Wyandotte, and other counties. He said the project is on budget and scheduled to be completed on time in September 2021.

At the August 11, 2020, meeting, the Judicial CITO provided an updated on the Judicial Branch eCourt Case Management System, noting the project roll-out was hindered due to the COVID-19 pandemic. At the time of the meeting, the project was in its 32nd month of a 45-month timeline and was still on budget. The Judicial CITO noted courts started to hold remote hearings during the COVID-19 pandemic and have noticed a higher appearance rate.

At the November 12, 2020, meeting, the Chief Financial Officer for the Judicial Branch provided an update on the Judicial Branch eCourt Case Management System. She said it is anticipated the project will be completed by the end of CY 2021. The project is expected to cost \$14 million in total, and expenditure projections remain stable. The

district courts in Allen, Anderson, Bourbon, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Franklin, Labette, Linn, Miami, Montgomery, Neosho, Osage, Wilson, and Woodson counties were added to the system on November 2, 2020.

Kansas Department of Labor IT Updates

At the August 11, 2020, meeting, the IT Director for the Kansas Department of Labor (KDOL) provided an update on the Unemployment Insurance (UI) system. He noted the challenges KDOL has faced when trying to update the systems to accommodate new federal unemployment programs that were a result of the COVID-19 pandemic. This included the extension of unemployment benefits to 13 weeks and implantation of the Pandemic Unemployment Assistance (PUA) program. These challenges resulted in a backlog of approximately 25,000 unemployment claims. Additionally, the IT Director noted challenges in combating fraud and identity theft. The IT Director also discussed KDOL's work with the vendor Accenture to help stabilize the system's IT infrastructure and stated the agency has hired additional IT staff to implement additional tools to handle the influx of claims.

At the November 12, 2020, meeting, a Deputy Secretary of KDOL provided an overview of the agency's efforts to review modernization of the UI system. The Deputy Secretary noted that prior to 2016, only one in five projects of this nature succeeded in providing the promised functionality. Since that time, the success rate is closer to one in two projects, indicating this increase is due to improved information sharing among states and more experienced vendors working with "out of the box" solutions. The Deputy Secretary also provided a history of KDOL's modernization efforts since implementation of its mainframe system nearly 40 years ago. Current modernization initiatives include:

- Creating a modernization steering committee;
- Dedicating staff resources to a modernization project;
- Working toward completion of a feasibility study; and

- Identifying the most successful state solutions that align with expectations.

At the December 16, 2020, meeting, the Acting Secretary of KDOL provided an update on the agency's unemployment benefits backlog and IT fraud prevention efforts. The Acting Secretary noted that the agency had paid out over \$2.4 million in weekly claims, reduced the regular claims backlog to 4,400 individuals, and reduced the PUA claims from 25,000 to 10,000.

Unemployment Insurance Fraud Prevention

In a closed session at the December 16, 2020, meeting, the Committee heard a presentation on UI fraud prevention efforts from KDOL and other relevant state agency representatives.

Kansas Department of Revenue IT Project Update

At the December 16, 2020, meeting, the Kansas Department of Revenue (KDOR) CITO updated the Committee on the agency's IT preparedness for the 2021 tax season. The KDOR CITO noted the agency's server and data center migration was back on track after OITS worked with the vendor Unisys to resolve performance concerns. The migration is expected to be completed prior to the 2021 tax season. The KDOR CITO also noted KDOR's tax processing staff are working remotely and have not had a single day of non-production, resulting in \$1.7 million of individual income tax returns being processed for the 2020 tax season.

Legislative Branch IT Update

At the March 16, 2020, meeting, the Legislative CITO provided an update on water-damaged committee room audio systems, noting several equipment units were damaged beyond repair and had to be replaced. The systems were back in service on March 3, 2020.

The Legislative CITO also provided an update on a COVID-19 pandemic business continuity plan for Kansas Legislative Office of Information Services (KLOIS), noting a plan has been drafted but is frequently being revised. The plan is designed to ensure operation of information

services and assist legislators, staff, and the public during the COVID-19 pandemic.

Regarding IT projects during the 2020 Interim, the Legislative CITO announced KLOIS was preparing for the systems biennium rollover process, which will update core systems components and implement virtual servers with an updated operating system. Additionally, the Legislative CITO noted the Legislature's web-interface search will move to an enhanced internal search system to eliminate reliance on Google search and allow more control over web searches. The Legislative CITO also stated enhancements to the committee system and legislature website were in development to allow testimony to be published online before minutes are created and to allow miscellaneous documents to be published on the website.

The Legislative CITO stated KLOIS was testing equipment to provide full video and audio streaming of House and Senate chamber sessions and committee meetings, including services for the deaf and hard of hearing in response to an LCC directive to develop these services.

The Legislative CITO also discussed a request for proposals (RFP) for legislator laptops and printers.

At the August 11, 2020, meeting, the Director of Technical Services for KLOIS provided an update on IT hardware projects being worked on during the 2020 Interim. These included: a legislator laptop refresh, a Statehouse printer refresh, and server updates. The Director also noted a new tool has been implemented that will allow legislators to reset the password for accessing their issued laptops should they get locked out. Additionally, the Director of Application Services for KLOIS provided information on updates to the Kansas Legislative Information Services System (KLISS). These updates included chamber automation and Open Office upgrades.

At the November 12, 2020, meeting, the Director of Technical Services provided an update on IT hardware projects underway. The delayed Statehouse printer refresh project had been restarted and was awaiting review of a draft

contract by the LCC. KLOIS was also in the process of inventorying and configuring new legislator laptops and upgrading Statehouse servers. Various network infrastructure projects were also in progress to accommodate the Virtual Statehouse Project. Additionally, the Director of Application Services for KLOIS updated the Committee on the group's progress on testing an upgrade to the Open Office document development component of the KLISS system for the Office of the Revisor of Statutes and the Kansas Legislative Research Department, noting an anticipated deployment for the 2022 Legislative Session.

Virtual Statehouse Project

At the August 11, 2020, meeting, the Legislative CITO provided an update on a Legislative Budget Committee request to review options for improved communications for virtual legislative meetings. The request resulted in the development of the "Kansas Virtual Statehouse" report with the director of LAS. The Legislative CITO provided an overview of the report, noting recommendations for audio, video, and teleconferencing capabilities with closed captioning services in all committee rooms and House and Senate chambers. The estimated cost to implement was \$5.0 million, but the Legislative CITO indicated the project was scalable.

At the November 12, 2020, meeting, the Legislative CITO reported three vendors responded to the RFP and provided system demonstrations. At the time of the meeting, the proposals were under review. The Legislative CITO stated the next steps of the project included approval of a system design and finalization of a vendor contract.

At the December 16, 2020, meeting, the Legislative CITO reported World Wide Technology was selected as the vendor to implement the project. The project will integrate Cisco Webex video conferencing systems and required hardware (monitors, cameras, and microphones) in each committee room. The total cost was estimated to be approximately \$3.6 million. He noted staff training began on December 14, 2020, and installations are expected to be completed before the start of the 2021 Legislative Session.

Information Technology Executive Council Report

As the Chairperson of the Information Technology Executive Council (ITEC) for 2021, the Legislative CITO presented an update on ITEC's review of business contingency and shared solutions policies (series 5000 and 8000, respectively) at the November 12, 2020, meeting. The Legislative CITO provided information on the ITEC members reviewing the policies.

IT Security Audits

At the March 11, 2020, meeting, Legislative Division of Post Audit (LPA) staff provided a three-year summary of agency IT security audits for 19 state agencies. LPA staff noted over 50 percent of audited agencies did not comply with applicable IT security standards and best practices, citing top management inattention and inadequate IT resources as primary reasons for noncompliance. The most significant weaknesses identified were: irregular scans of computers, failure to update security software, lack of incident response and continuity plans, inadequate security awareness or training, and gaps in protection of data.

In a closed session at the August 11, 2020, meeting, an IT auditor with LPA presented the results of IT security audits of the Judicial Branch and KDOT.

In closed sessions at the November 12, 2020, meeting, an IT auditor with LPA presented the results of IT security audits of the Kansas Board of Regents and the Topeka Correctional Facility.

In closed sessions at the December 16, 2020, meeting, an IT auditor with LPA presented the results of IT security audits of the Kansas State Board of Healing Arts, Kansas Public Employees Retirement System, Kansas State University, and the Seaman School District (USD 345). In closed session, the Committee also received requested follow-up information regarding the Topeka Correctional Facility.

COMMITTEE COMMENTS AND DISCUSSION

The Committee requested several reports and follow-up presentations from FHSU, KDOL, KLOIS, OITS, and the Topeka Correctional Facility.

CONCLUSIONS AND RECOMMENDATIONS

At its meeting on December 16, 2020, the Committee members discussed their conclusions and recommendations to the 2021 Legislature and agreed to the following:

- Relevant state law, including, but not limited to, KSA 75-7211, should be amended to require state agencies to submit IT project plans to the Committee prior to the release of any RFP, or request for quote in the case of a sole-source contact, related to such IT projects;
- The LCC should authorize the Committee to meet on call of the Chairperson at least once a month during the legislative session;
- In future sessions, standing committees for reviewing IT and security topics in both the House and the Senate should be established;
- Legislative leadership should work in consultation with the Legislative CITO and other experts to develop guidelines and business practices for the use of video conferencing services and other technology to conduct legislative proceedings;
- The House and the Senate should adopt rules for their respective chambers and joint rules for the use of video conferencing technology for legislative

committee meetings. Such rules should include procedures for conferee participation, state agency representative participation, legislator participation, and course of action on how to proceed when technology is uncooperative or fails;

- The House and the Senate should adopt a rule for their respective chambers and a joint rule requiring each individual participating in a legislative proceeding *via* video conferencing platform to enable their camera to verify the identity of the participant;
- The House and Senate should adopt rules for their respective chambers and a joint rule to require executive sessions of legislative proceedings be conducted in person and not with the use of a video conferencing service, and to require state agencies to have the appropriate representative responsible for the topic being discussed physically present for such a proceeding;
- The Kansas State Board of Education should set guidelines for IT security for school districts and provide IT security training to school district employees; and
- State departments and agencies should make security a priority and continue the review of public employee pay for state IT professionals to adjust compensation to be more comparable to compensation in the private sector.

The Committee commends KDOL for their efforts to combat fraud and recommends KDOL continue to expand such efforts to combat fraud across the state. Additionally, KDOL should work with the Office of the Attorney General to develop and implement fraud prevention guidelines.