MINUTES

JOINT COMMITTEE ON KANSAS SECURITY

December 12, 2018
Room-546-S—Statehouse

Members Present

Senator Dan Goddard, Chairperson
Representative Kevin Jones, Vice-chairperson
Senator Kevin Braun
Senator Mike Petersen
Senator Pat Pettey
Senator Lynn Rogers
Representative Michael Houser
Representative Jarrod Ousley
Representative Louis Ruiz
Representative Eric Smith

Members Absent

All members present.

Staff Present

Jill Shelley, Kansas Legislative Research Department
Aaron Klaassen, Kansas Legislative Research Department
James Fisher, Kansas Legislative Research Department
Jenna Moyer, Office of Revisor of Statutes
Kyle Hamilton, Office of Revisor of Statutes
Connie Burns, Committee Assistant

Conferees

Captain Amber Harrington, Troop K (Capitol Police), Kansas Highway Patrol
Lieutenant Eric Hatcher, Troop K, Kansas Highway Patrol
Bryan Caskey, Director of Elections, Office of Kansas Secretary of State
Katie Whisman, Executive Officer, Kansas Bureau of investigation
Dale Dennis, Deputy Commissioner of Education, Kansas State Department of Education
     (KSDE)
Susan J. McMahan, School Safety Specialist, KSDE
John Calvert, School Specialist, KSDE
Jared Hartter, Director, Kansas Intelligence Fusion Center
Richard Lewallen, Program Manager, Kansas Army National Guard
Katrin Osterhaus, IT Audit Manager, Legislative Division of Post Audit
Rod Blunt, Chief Information Security Officer, Kansas Information Security Office, Office of
     Information Technology Services

Others Attending

See Attached List

All-Day Session

Welcome

Chairperson Goddard called the meeting to order at 10:02 a.m. and asked the Committee members and staff to introduce themselves and state what districts they represent.

Statehouse Security

Captain Amber Harrington, Troop K (Capitol Police), Kansas Highway Patrol (KHP). stated information on Statehouse security would be provided in a closed executive session.

Chairperson Goddard read the motion. *Representative Jones moved and Senator Pettey seconded, that the open meeting of the Joint Committee on Kansas Security in Room 546-S of the statehouse be recessed for a closed, executive meeting pursuant to KSA 2018 Supp. 75-4319(a), to discuss matters related to statehouse security measures, pursuant to KSA 2018 Supp. 75-4319(b)(12)(C), because discussion of such matters in an open meeting would jeopardize such security measures; that the committee resume the open meeting in room 546-S of the Statehouse at 10:25 a.m. and that this motion, if adopted, be recorded in the minutes of the Joint Committee on Kansas Security and be maintained as a part of the permanent records of the committee. The motion carried*. The motion was adopted at 10:07 a.m. Designated essential personnel in addition to Committee members were Captain Harrington and Lieutenant Eric Hatcher, Troop K Capitol Police, KHP.

The Committee returned to open session at 10:25 a.m.

Captain Harrington and Lieutenant Hatcher addressed questions and concerns on incidents in the Statehouse since concealed carry was authorized, text alerts regarding emergencies for legislators, and active shooter training for legislators and legislative staff. Lieutenant Hatcher stated there have been no reported misfires or brandishing of weapons in the Capitol, but weapons have been left behind and Capitol Police have investigated reports of weapons being "flashed." If there is an emergency, Lieutenant Hatcher stated, the Nixle system would send out an alert based on the zip code for the area, which is 66612. In response to a question regarding active shooter training, Lieutenant Hatcher stated it is important for people to have as much knowledge as possible.

Election Security

Bryan Caskey, Director of Elections, Office of Kansas Secretary of State (Office), addressed topics concerning election security (Attachment 1).

- **Voter registration security.** Mr. Caskey stated the State contracts with a private company, Election Systems and Software, to build, maintain, and support the

statewide voter registration system. He stated the system has not experienced a breach or cyber incident affecting voter registration since the inception of the system in 2005. The Office works with the Kansas Intelligence Fusion Center (KIFC) to identify and strengthen any weakness with the system. The statewide voter registration system is accessible only by county election officials on specific systems with a secure connection and requires multi-factor authentication. He described the security of this system as being of utmost importance, and said constant vigilance is maintained.

- **Security of electronic poll books.** Mr. Caskey stated Kansas county election officers may use electronic poll books at each polling location in the state and the electronic poll books are not connected to the statewide voter registration system on Election Day; he noted electronic poll books speed voter check in. At the conclusion of each election, the information contained on the electronic poll books is uploaded into the statewide voter registration system by trained election staff in counties that use electronic poll books. He stated the Office highly recommends every county that uses electronic poll books print paper poll books and have them instantly available, if needed.

- **Cybersecurity training for state and local election staff.** Training and information sharing regarding cybersecurity threats is a continual challenge for state local election officials, Mr. Caskey stated. In 2018, the Office shared with all 105 county election offices free training resources provided by the Department of Homeland Security (DHS), trusted industry leaders, and the Multi-State Information Sharing and Analysis Center. He stated the Office conducted weekly conference calls with election officials that contained cybersecurity updates and threat information where appropriate, and efforts will be expanded and updated in 2019 and 2020.

- **Interstate Crosscheck system.** Mr. Caskey stated prior to a review of the Crosscheck system by personnel from the Office and DHS, the Office began overhauling the data collection and data dissemination process, and implementation of additional security features was not completed in 2018 prior to the beginning of the primary elections in participating states. As a result, no data were collected or distributed in 2018. The program will be reviewed by Secretary of State-elect Scott Schwab before any announcement on 2019 occurs. Mr. Caskey noted all funding for the Office is from fees.

- **Certification and verification of voting equipment.** Mr. Caskey stated the Office requires all equipment be certified by the federal Election Assistance Commission before it may be used in Kansas. The Secretary of State will make the final decision on whether to grant certification. He noted each county is responsible for the purchase and maintenance of voting equipment in this state, and he stated the Office conducts an audit of every county after each election to ensure all voting equipment hardware and software has been certified and approved for use.

- **Help America Vote Act (HAVA) funds.** Mr. Caskey stated Kansas has received $4,383,595 in federal HAVA funds along with a state match of 5 percent, for a total of $4,602,775 earmarked for improvements in election security; the moneys must be spent in the next five years. The incoming Secretary of State will make

the final decision on how these funds will be spent; however, it has been recommended the money be spent in these categories: voting equipment; implementation and training concerning post-election audits; additional testing and implementing of security improvements to the statewide voter registration system; providing training, and security resources, to local county elections and information security (IT) personnel; and working with local election officers, DHS, the Kansas Bureau of Investigation (KBI), and others to develop comprehensive security communications plans for all 105 counties.

In response to questions, Mr. Caskey stated staff attorneys concluded early in 2018 the State Tort Fund would cover any liability and cyber liability insurance was not necessary, statutes determine how a vacancy could be filled when selecting a replacement for a representative elect, and the Office had not to date hired "white hat" hackers to test Office systems but has hired a contractor to perform penetration testing.

The recent Kansas Legislative Research Department memorandum "The Status of Election Security in Kansas" (Attachment 2) was provided to the Committee members

Kansas Crime Trends and Threats to Public Safety

Katie Whisman, Executive Officer, 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). Ms. Whisman stated the new KBI forensics lab processed more than 27,000 case assignments in fiscal year (FY) 2018. (Attachment 3)

Crime trends. Ms. Whisman stated nationally, property crime decreased over two years by 3.0 percent, decreasing for the 15th consecutive year, and violent crime decreased by 0.2 percent. The opposite has occurred in Kansas, with property crime increasing by 2.3 percent, mainly in motor vehicle theft, and violent crime increasing by 6.3 percent. In Kansas, there was an 18.9 percent increase in murder and 7.9 percent increase in rape from 2016 to 2017. She reviewed three-year crime trends, which included statistics for murder, rape, robbery, and aggravated assault or battery; all have increased from 2014 to 2017.

Persistent and emerging threats to public safety. Ms. Whisman provided an overview of persistent and emerging threats to public safety, which include crimes against children, financial crime, and cybercrime. With regards to crimes against children, Ms. Whisman noted these cases are some of the most complex, and often are defended like capital murder cases. She stated the KBI unit is staffed with seven agents, and they investigate only violations of Jessica's Law that carry significant penalties (*i.e.*, crimes listed in KSA 2018 Supp. 21-6627). Ms. Whisman also stated the 2018 Legislature provided for 13 additional agent positions (of which 3 have been filled) for this unit, which will allow the KBI to begin addressing online exploitation and physical abuse investigations. Additionally, Ms. Whisman stated the KBI would be seeking a budget enhancement for FY 2021 to station 12 agents in Department for Children and Families offices for immediate response capacity.

Ms. Whisman stated Kansans losses from financial crimes in 2017 exceeded $102.6 million. The agency has not had the capacity to to accept these types of cases since 2012, unless the case is related to public corruption, and she noted the agency will be seeking a budget enhancement to begin investigations.

With regards to cybercrimes, Ms. Whisman stated Kansas ranks 34th in total financial losses from cybercrimes and in number of victims. She stated these crimes frequently target health care and public safety agencies, have the potential to "lock up" critical systems such as 9-1-1, and are occurring more frequently. Additionally, she stated the KBI has no capacity to investigate these types of crimes. She provided an example of a collaborative program in Michigan that could serve as a template for Kansas.

Drug trafficking was also addressed. Ms Whisman stated methamphetamine, heroin, fentanyl, and marijuana are the drugs most presented in KBI laboratory exhibits. She also described links between these drugs and violent and property crime.

Ms. Whisman addressed questions and concerns on Kansas crime trends and statistics, demographic information on opioid use, use of firearms in violent crimes, and the number of stolen firearms used to commit a crime. In response to Committee questions about crime trends and statistics, and use of firearms in crimes, Ms. Whisman stated the reporting software the agency utilizes is limited and certain LEAs provide only summary data. With regards to questions about opioid use, she noted she will provide that information to the Committee at a later time.

K-12 Security: 2018 House Sub. for SB 109, Section 76, Standards

Dale Dennis, Deputy Commissioner of Education, Kansas State Department of Education (KSDE), provided an update on the Kansas Safe and Secure Schools State Aid Grant Program (Attachment 4). Following the enactment of 2018 House Sub. for SB 109 (an appropriations bill), which established the $5.0 million School Safety and Security Grant Fund (Fund) in a proviso, KSDE staff formulated tentative standards and developed an application for the distribution of moneys in the Fund, Mr. Dennis stated. The State Board of Education approved the tentative standards and application on July 10, 2018, and funding was distributed to all applicants on July 16, 2018. Mr. Dennis noted requests to fund the purchase of firearms or ammunition or pay ongoing salaries were not funded and stated the State Board of Education and the participating agencies place the safety of students and staff as top priority. He noted the bill requires school districts match the state aid allocation at least dollar for dollar and stated districts will be audited to ensure compliance. He provided a copy of the bill, tentative standards, Safe and Secure Schools State Aid Grant application, formula for distribution of this state aid, and amounts requested and allocated by district. Mr. Dennis also stated, in order to continue the program, legislative action will be required in 2019.

Susan J. McMahan, School Safety Specialist, and John Calvert, School Safety Specialist, KSDE, presented the revised version of standards required by 2018 House Sub. for SB 109, Section 76 (Attachment 5). Ms. McMahan stated the revised standards are a result of internal discussion of the 12 tentative standards and 10 weeks of discussion with representatives of the Attorney General, Adjutant General, KBI, KHP, Kansas Fire Marshal, Kansas Department of Health and Environment, and Kansas Department of Parks, Wildlife and Tourism. The nine revised standards were presented to the State Board of Education, which unanimously voted on December 11, 2018, to adopt the standards. Ms. McMahan reviewed each of the standards, which address school infrastructure, technology systems, 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. A copy was provided to the Committee.

Ms. McMahan also noted the number of school safety drills required by law, and the proviso in 2018 House Sub. for SB 109, Section 98, to increase them, might be an issue for the 2019 Legislature. She stated the proviso requires a total of 16 drills to be held during the school year: 4 fire drills, 3 tornado drills, and 9 crisis drills, requiring a drill be conducted every 11 days on average. Mr. Calvert stated the nature of these drills can "shake up" children. It was also stated crisis drills would include law enforcement and first responder personnel, who would be pulled away from their normal duties.

In response to questions, Mr. Dennis discussed mental health pilot programs 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). He also stated he was unsure about whether phones using the FirstNet system would be available to school administrators but would look into it and respond to the Committee. Ms. McMahan discussed suicide prevention in the school safety standards.

Chairperson Goddard recessed the meeting for lunch at 12:13 p.m.

Agriculture Security

Chairperson Goddard reconvened the meeting at 1:35 pm.

The Chairperson called for a motion to go into closed executive session on agriculture security.

Representative Jones moved and Senator Pettey seconded, that the open meeting of the Joint Committee on Kansas Security in Room 546-S of the Statehouse be recessed for a closed, executive meeting pursuant to K.S.A. 2018 Supp. 75-4319(a), to discuss matters relating to agricultural security measures, pursuant to K.S.A. 2018 Supp. 75-4319(b)(12)(C), because discussion of such matters in an open meeting would jeopardize such security measures; that the committee resume the open meeting in room 546-S of the Statehouse at 2:00 p.m. and that this motion, if adopted, be recorded in the minutes of the Joint Committee on Kansas Security and be maintained as a part of the permanent records of the committee. The motion carried. This motion was adopted at 1:35 p.m. These people were designated as essential personnel for purposes of the closed session: Jared Hartter, Director, KIFC; Cody Bruce, KIFC; Richard Lewallen, Anti-terrorism Program Manager, Kansas National Guard; and Lieutenant Colonel Dana Graf, Kansas National Guard.

The Committee returned to open session at 2:00 p.m.

Armory Security

The Chairperson called for a motion to go into closed executive session on security measures related to armories of the Kansas Army National Guard.

Representative Jones moved and Senator Pettey seconded, that the open meeting of the Joint Committee on Kansas Security in Room 546-S of the Statehouse be recessed for a closed, executive meeting pursuant to K.S.A. 2018 Supp. 75-4319(a), to discuss security matters relating to armories of the Kansas Army National Guard, pursuant to K.S.A. 2018 Supp. 75-4319(b)(12)(C), because discussion of such matters in an open meeting would jeopardize

such security measures; that the committee resume the open meeting in room 546-S of the Statehouse at 2:30 p.m. and that this motion, if adopted, be recorded in the minutes of the Joint Committee on Kansas Security and be maintained as a part of the permanent records of the committee. The motion carried. This motion was adopted at 2:03 p.m. The following people were designated as essential personnel for purposes of the closed session: Mr. Hartter, Mr. Bruce, Mr. Lewallen, and Lieutenant Colonel Graf.

The Committee returned to open session at 2:30 p.m.

Executive Agency Information Systems

Katrin Osterhaus, IT Audit Manager, Legislative Division of Post Audit (LPA), provided information on IT security audits (Attachment 6). She stated LPA has done IT security audits for many years and, in 2015, the Legislature codified the IT security audit work into law. Agencies are selected to be audited based on an annual risk assessment. A table was provided of the more than 30 agencies audited since 2014. The purpose of the IT security audits is to evaluate agencies' compliance with a selection of the State's established IT security standards. Ms. Osterhaus stated reports of IT audits are permanently confidential. However, she stated general IT security policy findings include these:

- Many agencies do not conduct training to prevent successful social engineering intrusion (such as e-mail or phone phishing);
- A number of agencies have poor physical controls for access to their data centers;
- A number of agencies do not properly update their computer systems software, leaving them vulnerable to security threats; and
- Some agencies do not require strong password protection.

Ms. Osterhaus stated some of the root causes include:

- Insufficient awareness of state security requirements;
- Inadequate top management support, understanding, or emphasis;
- Lack of sufficient IT resources;
- Lack of sufficiently knowledgeable staff;
- User pushback;
- Failure to consider insider threats; and
- Poor communication across agency divisions.

She also noted many state agency IT departments are missing positions or have vacant positions and high turnover, and these issues result in remaining staff "putting out fires" instead of engaging in strategic planning. Additionally, Ms. Osterhaus stated, state agency pay for IT staff is not commensurate with pay in the private sector, making it difficult to retain knowledgeable IT staff.

In response to a question, Ms. Osterhaus stated state law specifies the agency head is ultimately responsible for that agency not being compliant.

Ms. Osterhaus stated more information on previous audits would be provided in the closed executive session.

The Chairperson called for a motion to go into closed executive session on security measures related to executive branch agency information systems.

Senator Pettey moved and Representative Jones seconded, that the open meeting of the Joint Committee on Kansas Security in Room 546-S of the Statehouse be recessed for a closed, executive meeting pursuant to K.S.A. 2018 Supp. 75-4319(a), to discuss matters relating to security measures in executive branch agency information systems, pursuant to K.S.A. 2018 Supp. 75-4319(b)(12)(C), because discussion of such matters in an open meeting would jeopardize such security measures; that the committee resume the open meeting in room 546-S of the Statehouse at 3:00 p.m. and that this motion, if adopted, be recorded in the minutes of the Joint Committee on Kansas Security and be maintained as a part of the permanent records of the committee. The motion carried. This motion was adopted at 2:48 p.m. The following people were designated as essential personnel for purposes of the closed session: Ms. Osterhaus; Justin Stowe, Legislative Post Auditor; Sagar Bhatia, IT Auditor; and Rod Blunt, Chief Information Security Officer (CISO).

The Committee returned to open session at 3:00 p.m.

Implementation of the Kansas Cybersecurity Act

Rod Blunt, CISO, Kansas Information Security Office (KISO), addressed the Committee regarding the implementation of the Kansas Cybersecurity Act (KCA) (KSA 2018 Supp. 75-7236 through 75-7243) (Attachment 7). Mr. Blunt stated the KISO provides technical cybersecurity capabilities and information assurance services, both of which provide executive leadership the information necessary to make more accurate and informed risk decisions. He stated the agency offers cybersecurity awareness training, vulnerability scanning for agencies connected to the state data network, and intelligent central logging solutions for the collecting and storing of system access logs important for an agency's computer forensic capability.

Mr. Blunt suggested a change in the annual status report regarding executive branch cybersecurity programs from the KISO to legislative committees, required by KSA 2018 Supp. 75-7239(c)(14), to require that report only in odd-numbered years rather than annually. He stated this provision is problematic because agencies are required to submit assessment reports to the KISO in October of only even-numbered years, and changing the reporting interval would ensure committees receive the most up-to-date data.

Mr. Blunt addressed concerns about the lack of training at the upper level and the importance of the training.

Committee Comments and Recommendations

Senator Rogers requested to be excused from this portion of the meeting. The request was approved by Chairperson Goddard. The Committee discussed topics, including possible repercussions to legislators who handle firearms inappropriately in the Statehouse; training for legislators and staff regarding emergency preparedness; emergency notifications; policies for determining entry to the Statehouse; cybersecurity for state agencies, including funding for achieving best practices; and emergency preparedness drills in K-12 schools.

After further discussion, the Committee recommended 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 recommended 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 recommended 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 recommended legislative leadership consider providing additional, regular information, training, or both regarding emergency procedures, including for an active shooter situation, to legislators and legislative employees.

The Chairperson thanked the Committee members and staff.

Adjourn

The meeting was adjourned 4:09 p.m.

Prepared by Connie Burns

Edited by James Fisher and Jill Shelley

Approved by the Committee on:

_____January 7, 2019_____
(Date)