

Report of the Joint Committee on Kansas Security to the 2023 Kansas Legislature

CHAIRPERSON: Senator Mike Petersen

VICE-CHAIRPERSON: Representative Eric Smith

OTHER MEMBERS: Senators Rick Kloos, Virgil Peck, Jeff Pittman, and Mary Ware;
Representatives Dave Baker, Michael Houser, Jarrod Ousley, and Louis Ruiz

CHARGE

KSA 2021 Supp. 46-3301 directs the Joint Committee to study, monitor, review, and make recommendations on matters related to the security of state officers or employees, state and other public buildings, and other property and infrastructure in the state and to consider measures for the improvement of security for the state.

Joint Committee on Kansas Security

ANNUAL REPORT

Conclusions and Recommendations

The Joint Committee on Kansas Security (Committee) notes requests for school safety and security moneys have far exceeded the \$5.0 million per year appropriated for that purpose and recommends the Legislature review the overall amount and how funding to specific districts is determined. It also recommends review of the appropriation bill language authorizing school safety and security grants to ensure bill language authorizes those moneys to be used for communications systems including, but not limited to, 800-megahertz radios that communicate directly with first responders in the case of an emergency.

The Committee notes positive results from the Kansas Bureau of Investigation (KBI) Northeast Child Victim Task Force and expresses its support for replicating those efforts in other parts of the state. The Committee notes additional funding for the KBI for personnel and office space would be required.

The Committee recognizes concerns regarding the effects of the renovation of the Docking State Office Building on Kansas Highway Patrol operations. It expresses appreciation to the Department of Administration for providing appropriate temporary facilities.

Proposed Legislation: None.

BACKGROUND

The 2004 Legislature created the Joint Committee on Kansas Security (Committee) (KSA 2021 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 statute also directs the Committee to review and monitor federal moneys received by the State for the purposes of homeland security and other related security matters.

COMMITTEE ACTIVITIES

Granted two meeting days by the Legislative Coordinating Council, the Committee met twice in 2022. It met jointly with the Joint Committee on Information Technology (JCIT) on August 17, 2022, and it met on October 4, 2022.

Some of the presentations to the Committee were made in sessions closed under the provisions of KSA 75-4319(b)(12)(C), which details exceptions to the Kansas Open Meetings Act. Legislative staff were not present in the closed sessions.

Meeting of August 17, 2022

At this meeting, the Committee heard information on Legislative Branch cybersecurity, a federal and state cybersecurity initiative, responsibilities of the Kansas Bureau of Investigation (KBI) regarding public safety and cybersecurity, and results of an audit by the Legislative Division of Post Audit on centralized information technology (IT) security services. Information on implementing provisions of 2022 HB 2510, Section 50 proviso language regarding IT project review was presented, and new Executive Branch IT staff members were introduced.

Staff of the Legislative Division of Post Audit presented results of IT security audits of the Kansas Department of Agriculture, the Judicial Branch, Parsons State Hospital, the Office of the Attorney General, and the Kansas Department of Labor in closed sessions.

Legislative Branch Cybersecurity Assessment

The Legislative Chief Information Technology Officer (CITO) reviewed results of a third-party review of legislative network vulnerabilities conducted for the Kansas Legislative Office of Information Services. He stated a scan completed in November 2021 identified 4 high-risk vulnerabilities, 18 medium-risk vulnerabilities, and 8 low-risk vulnerabilities, and that all were being addressed appropriately through patches and upgrades to mitigate the risks.

The Legislative CITO also reported staff, with a contractor, had conducted a security tools gap analysis that identified specific areas for improvement. He stated staff had responded by automating processes with the help of new security, logging, analysis, and alert software capable of using machine learning to recognize patterns on the Statehouse network. In response to a question, he also stated no security incidents in the Capitol to date had interrupted more than one user's work flow, and video conference system guidelines were being evaluated regarding security for video conferences.

Agency IT Project Reports

The Chief Information Technology Architect, Office of Information Technology Services (OITS), outlined the changes being implemented for agency IT project reports in response to 2022

HB 2510, Section 50 proviso language, primarily focusing on how JCIT is included in the development of each project. He explained that, after the Kansas Information Technology Office (KITO) reviews a newly submitted project plan, JCIT is given the opportunity to provide feedback to the KITO before the CITO receives the project plan. He acknowledged the review plan will be adjusted as needed during implementation.

Federal Infrastructure Bill and Cybersecurity

The Chief Information Security Officer, Kansas Information Security Office (KISO), reported on aspects of the federal Infrastructure Investment and Jobs Act, Public Law 117-58 (also known as the Bipartisan Infrastructure Law) that will assist state, local, tribal, and territorial governments in addressing cybersecurity risks.

He said the KISO was waiting for the Notice of Funding Opportunity announcement on how the \$1.0 billion in funding was to be apportioned over the next four federal fiscal years. He stated the law requires 80 percent of the funding to go to local units of government and 20 percent to be allocated to the State. The State is responsible for creating a planning committee to determine priorities and develop, implement, and revise a cybersecurity plan, which is an ongoing process that includes releasing a request for proposal for grant administration resources.

He noted home rule provisions in Kansas law limit the State's involvement in local government cybersecurity, and local governments are not required to notify the State of security breaches.

The Chief Information Security Officer also provided information on the Cyber Task Force, an initiative that includes establishing a steering committee, designating a Director of Cyber Collaboration and Cyber Preparedness, creating an intern program within the KISO, interacting with local units of government and local associations, and planning a state cybersecurity conference.

He also reviewed ransomware best practices; he noted advances in programming enable network segmentation to mitigate ransomware attacks, allowing security professionals to contain malicious activity to portions of a network by creating layers of separation between assets with sensitive data.

Public Safety Cybersecurity

The KBI Chief Information Officer testified regarding the KBI's IT operations support for both the agency and the Kansas Criminal Justice Information System (KCJIS). He noted that the KBI, through KCJIS, supports a wide range of technologies, which makes cybersecurity critical for storing and sharing of information.

The primary KCJIS stakeholders are public-safety agencies: law enforcement, prosecutors, the courts, corrections, and associated entities in Kansas (connecting to at least one local agency in each county); other states; and international law enforcement agencies. He noted the Kansas Highway Patrol (KHP) and the Federal Bureau of Investigation perform audits of the system.

Responding to a question, the KBI Chief Information Officer stated the average response time to a Kansas car stop query is six seconds and that different issues require different levels of queries.

The KBI Chief Information Officer provided additional information in a closed session.

Audit of Centralized IT Security Services

A Principal Auditor with the Legislative Division of Post Audit reviewed the report of an audit of the KISO, "Availability, Cost, and Quality of Centralized IT Security Service."

The Principal Auditor reported the audit found KISO to be in compliance with the Kansas Cybersecurity Act, but some agencies do not use KISO security services. He explained KISO offers three levels of security services: basic, intermediate, and advanced; however, only a few agencies use the second and third levels of services. The audit concluded that it is not clear whether the cybersecurity of Executive Branch agencies is improving, and KISO could be more proactive in presenting its services to state agencies.

The Principal Auditor stated insufficient data were available to determine any definitive answer to the audit question on whether KISO provides cost-effective security services to state agencies, except to conclude that KISO's revenues were less than its costs in FY 2020 and FY 2021.

Responding to questions, the Secretary of Administration stated fees paid by state agencies using a security service fund the KISO, the funding structure for cybersecurity services should be revisited, and a baseline level of service should be made available to all agencies. Increasing awareness of cybersecurity was noted in discussion.

Meeting of October 4, 2022

At this meeting, the Committee heard information on KHP staffing and operations, impacts of the renovation of the Docking State Office Building on KHP operations, Capitol Complex security, protections against electromagnetic pulses, Adjutant General's Department installation resiliency, K-12 school safety, crime statistics, and KBI activities. In closed sessions, the Deputy Director of Kansas Homeland Security, Adjutant General's Department, provided information on threats associated with foreign company contracting and other threats facing Kansas.

KHP Staffing and Operations

Overall KHP Staffing

An Executive Commander with the KHP provided an update on KHP staffing. He stated the number of sworn and uniformed members of the KHP declined from 547 in 2019 to 469 in 2022, and the number of civilian (non-sworn) staff members decreased from 293 to 267 in the same time period. He described challenges attributable to decreased staffing, such as slower response times, less timely assistance to local law enforcement agencies, reduced visibility of law enforcement, risks to officer safety in some situations, and burnout related to increased demands on remaining staff members. He noted many other law enforcement agencies also have fewer officers than what is optimal and face recruiting challenges.

The Executive Commander described KHP retention and recruitment efforts. He provided information on 2022 pay increases and stated those increases seem to have slightly increased the number of applicants; however, other law enforcement agencies also are increasing pay. He stated the Deferred Retirement Option Program (DROP) had been successful in retaining KHP staff during this national labor shortage. Under the DROP, retirement payments for a KHP or KBI

officer who agrees to continue to work in that capacity for a specified time period accumulate in an account the officer does not access until full retirement.

All troopers participate in recruitment to some degree, the Executive Commander said, through career fairs, personal contacts, and community events. He highlighted various efforts underway, including efforts to attract recruits from underrepresented groups.

The Executive Commander reviewed the steps taken to screen recruits. He stated the KHP retains high standards for its recruits, a personality test recruits take has been useful, the application process takes a shorter period of time than it did a few years ago, and the KHP hopes to have at least 15 graduates from its academy in 2022.

The Executive Commander also reviewed staffing for the Capitol Police, describing the duties of the commander, lieutenants, full-time law enforcement officers, part-time law enforcement officers, Capitol Area guards, communications specialists, and clerical staff. The Capitol Police are hoping to see more applicants due to pay increases in 2022 executive directives. He noted Capitol Area guards monitor 273 cameras, 109 of them assigned to the Statehouse, plus 637 doors and 489 panic alarms. He briefly described other duties and equipment.

Regarding preparedness for protests and rallies at the Statehouse, the Executive Commander stated KHP participates in state response exercises and training. Troopers specifically trained and equipped in mobile field force tactics may be activated to be staged, deployed, or both by the KHP Superintendent for a civil disturbance or an event for which credible intelligence indicates a high probability for civil unrest.

Capitol Police Relocation and Capitol Complex Security Enhancements

The Executive Commander reported central monitoring and dispatch for the Capitol Police were being temporarily relocated to the Landon State Office Building but the space there is insufficient for all Capitol Police personnel and operations. He noted response times would be slower as a result of the move. He stated the KHP recommends Capitol Police operations be returned to the Docking State Office Building when

renovations are complete. He stated the KHP expects to need six additional Capitol Area guards to meet staffing recommendations when renovations of the Docking State Office Building are complete.

The Secretary of Administration stated the KHP move to a temporary location is scheduled for December 2022, and relocation costs have been built into the cost of the renovation project, and enhancements to Capitol Complex security are expected to be completed in summer 2023. She also stated the Capitol Complex security enhancement project will include new video surveillance and access control systems. The Secretary provided additional information on the Kansas Capitol Complex security aspects in a closed session.

EMP Shield Technologies

The founder and Chief Engineer of EMP Shield, a company in Burlington, Kansas, presented information on the effects of high-altitude electromagnetic pulses on the United States. He stated incidents caused by an intentional electromagnetic pulse (EMP) attack, such as a nuclear bomb detonated in the atmosphere, or a naturally occurring geomagnetic disturbance from solar eruptions could damage significant portions of the nation's critical infrastructure, including the electrical grid, communications equipment, water and wastewater systems, and transportation modes, as well as household and consumer electrical systems. He provided action steps and generally reviewed types of equipment to mitigate the severity of a threat, strike, or pulse. He provided additional information in a closed session.

National Guard Installation Energy and Water Plan

The Director of Public Works, Kansas National Guard, Adjutant General's Department, provided an overview of the Installation Energy and Water Plan (IEWP) and more specific information on some of its components. The IEWP is an effort to reduce water and energy vulnerabilities among Kansas Army National Guard installations, including mission critical facilities, to ensure the service members can accomplish their missions. The IEWP is regularly updated and revised. Mission-critical facilities were determined using criteria such as whether the

facility is a data or communications center supporting mission activities and whether it is a designated emergency shelter; geographic distribution is also considered, and at least one such facility is located in each Kansas Homeland Security region.

The Director explained that, using the plan, facilities are evaluated to determine whether they could sustain operations under all operating conditions for at least 14 days, to identify their deficiencies for meeting critical needs, and to determine what actions are needed to have those facilities meet standards. He reviewed the results of risk assessments for electricity, natural gas, propane, and water and wastewater, and implementation plans to reduce demand, improve infrastructure, and increase capacity. He reviewed certain projects and noted Kansas is eligible to receive federal funding for IEWP projects.

The Director provided additional information on Kansas Army National Guard resilience and conservation infrastructure; energy master plans, for Forbes Field and for the rest of the state, that include conservation and determining energy needed to meet critical functions; Energy Resilience and Conservation Investment Program projects in Salina and planned projects at Forbes Field, Fort Riley, and Fort Leavenworth, involving the installation of solar arrays; and Kansas Army National Guard energy security performance in reducing energy and water use.

K-12 School Safety

The Director of the Safe and Secure Schools Unit, Kansas State Department of Education (KSDE), provided an update on the Safe and Secure Schools program. He noted state funding specifically for the State Board of Education, through KSDE, to develop and adopt statewide safety and security standards for schools was provided in 2018 SB 106, Section 76.

He said that in consultation with school officials and other state agencies, school safety standards have been adopted for infrastructure protection, security technology systems, interoperable communications with law enforcement and first responders, communications outside of school, up-to-date crisis plans, training and exercises, in-school crisis drills, accountability for adopting plans in keeping with the standards, and firearm safety education programs.

The Director stated the Safe and Secure Schools Unit has partnerships with the Adjutant General's Department and its Division of Emergency Management, the Attorney General, KBI, Kansas Department of Health and Environment, Kansas Department of Wildlife and Parks, KHP, and the State Fire Marshal. The Director noted the numbers and types of drills required each school year. He also reviewed types of activities, such as presentations, supporting grants, and assistance to districts, that he and the school safety specialist provide.

The Director noted grant moneys of \$5.0 million a year have been provided via appropriations for the past three years, including in 2022 HB 2567, for school district acquisition and installation of systems necessary for security monitoring, securing entrances, and salaries and wages for school resource officers, at a dollar-for-dollar match with the local school district.

He stated each year KSDE has received requests from school districts for more than \$11.0 million in projects. He also noted communications equipment, such as 800-megahertz radios, and training are not among the types of items listed in the appropriations language.

Crime Statistics and KBI Activities

The KBI's Executive Officer presented crime statistics showing, by year, numbers of crimes by category and the ten-year average numbers of crimes in the categories of violent crime, murders, rape, robbery, and assault and battery.

He noted that although there were fewer violent crimes, murders, and aggravated assaults in 2021 than in 2020, the numbers of crimes in those categories in Kansas remain significantly above the ten-year averages, and the Kansas violent crime rate exceeds the rate for the United States as a whole, when comparing numbers of crimes per 100,000 people. Additionally, he noted the number of robberies has declined, with the exception of motor vehicle theft.

The Executive Officer noted 87 total agent positions are filled, and 104 are authorized. He stated the Field Division, with 38 special agents, investigates approximately 300 violent crimes per year, and the scope and number of investigative requests has increased.

Crimes Against Children

The Executive Officer reported crimes against children are a priority area for the agency. KBI special agents are assigned to investigate child sexual and physical abuse throughout the state but, because of the small number of agents as compared with the numbers of requests for assistance and reported incidents of child abuse, those agents investigate only those cases in which the victim is younger than 14 and the suspect is older than 18.

The Executive Officer stated six members of the Northeast Child Victim Task Force and a supervisor investigate cases that involve the sexual exploitation of children in the northeastern part of the state, with 42 investigations in FY 2021. More than 350 tips reported to the National Center for Missing and Exploited Children from across Kansas were waiting to be assigned for investigation as of the date of the meeting.

The Executive Officer noted calls for collaboration among executive and law enforcement agencies regarding investigation of child abuse.

Illegal Substances

The Executive Officer said marijuana, methamphetamine, heroin, and synthetic opioids continue to be the most widely available and used drugs in the region, citing data from the federal High Intensity Drug Trafficking Areas Program. The three most prevalent drugs submitted to the KBI laboratory in FY 2021 were marijuana, methamphetamine, and cocaine.

He also stated the KBI laboratory has seen a dramatic increase in fentanyl submissions, from 81 in 2020 to 463 in 2021. He noted the very small amount of fentanyl needed to cause an overdose, its use in counterfeit pharmaceuticals, and how mapping overdose cases in partnership with the Emergency Medical Services Board assists law enforcement in targeting areas for enforcement.

Cybercrime

The Executive Officer described the Internet Crime Complaint Center (IC3), a program administered by the Federal Bureau of Investigation, that has received more than 6.5 million cybercrime complaints nationally since its

inception in 2000. Five of the most common types of cybercrime are extortion, identity theft, personal data breaches, non-payment and non-delivery of services, and phishing type activity, such as attempts to obtain an individual's sensitive account login information. Kansas reported 2,693 complaints to IC3 in 2021.

The Executive Officer stated the KBI Cyber Crime Unit, established in 2019, has six special agents and one supervisor; two of the special agents serve on federal cybercrime task forces that recovered \$4.5 million for Kansas from fraudulent unemployment claims. In FY 2022, the Cyber Crime Unit reviewed 448 cases and initiated 23 criminal investigations.

He noted cybercrime cases require significant time and labor. He stated additional resources are needed to adequately address this rapidly growing and under-reported crime.

CONCLUSIONS AND RECOMMENDATIONS

After discussion on topics including communications systems for use in school safety situations, school district demand for school safety grants, resource requirements to extend KBI child victim investigative services across the state, cybersecurity costs to local governments and resources available to them in expertise as well as money, KCJIS data, concerns related to the temporary relocation of Capitol Police operations, and fentanyl test strips, Committee members agreed to the following:

- The Committee notes requests for school safety and security moneys have far exceeded the \$5.0 million per year appropriated for that purpose and recommends the Legislature review the overall amount and how funding to specific districts is determined. It also recommends review of the appropriation bill language authorizing school safety and security grants to ensure bill language authorizes those moneys to be used for communications systems including, but not limited to, 800-megahertz radios that communicate directly with first responders in the case of an emergency.

- The Committee notes positive results from the KBI Northeast Child Victim Task Force and expresses its support for replicating those efforts in other parts of the state. The Committee notes additional funding for the KBI for personnel and office space would be required.
- The Committee recognizes concerns regarding the effects of the renovation of the Docking State Office Building on KHP operations. It expresses appreciation to the Department of Administration for providing appropriate temporary facilities.