

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRSThe meeting was called to order by Representative Robert H. Miller at
Chairperson1:30 a.m./p.m. on March 19, 1985 in room 526S of the Capitol.

All members were present except:

Representative Aylward - E
Representative Peterson - E

Committee staff present:

Lynda Hutfles, Secretary
Mary Torrence, Revisor's Office
Russ Mills, Research

Conferees appearing before the committee:

Meredith Williams, Legislative Post Auditor
Senator Vidrickson
Jim Kaup, League of Municipalities
Bert Cantwell, Superintendent Kansas Highway Patrol
Dennis Shockley, City of Kansas City

The meeting was called to order by Chairman Miller.

Representative Brady made a motion, seconded by Representative Goosen, to approve the minutes of the March 18 meeting. The motion carried.

The Chairman explained two bill requests. One request was from Representative Peterson and Representative Knopp concerning retirement benefits for judges and the other was a request from the Governmental Organization Committee relating to the make-up of the Board of Healing Arts.

Representative Sughrue made a motion, seconded by Representative Ramirez, that the two bill requests be introduced as committee bills and referred to the proper committees. The motion carried.SB26 - Establishment of "efficiency in government hotline"Meredith Williams, Legislative Post Auditor, explained the bill which would establish a special telephone line for state employees and the public to report inefficiency, mismanagement, or waste in State programs or activities. See attachment A. He suggested that the effective date be changed to July 1.

Senator Vidrickson, sponsor of the bill, gave the committee background information on the bill which is a result of hearings on the subject in the Efficiency Committee last year. Judges were taken out because they felt there would be more complaints about them that were not legitimate. Judicial employees were not exempt.

Hearings on SB26 were concluded.

SB147 - Persons subject to law enforcement training actJim Kaup, League of Municipalities, gave testimony in support of the bill. He said the purpose of this bill is to remove any question that certain types of municipal officers and employees are not subject to the requirements of the law enforcement training act. See attachment B.

Bert Cantwell, Superintendent of the Kansas Highway Patrol, gave testimony in support of the bill with two reservations. First, the training center does not have the time for this additional training in Hutchinson; second, officers would be hired on a provisional basis for two years. Everyone else is at that status for one year.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE,
room 526S, Statehouse, at 1:30 a.m./p.m. on March 19, 1985

There was discussion on whether persons serving warrants should have this training.

Dennis Shockley, City of Kansas City, gave testimony in support of the bill which exempts city warrant officers from the same training requirements as full-time police officers. See attachment C.

Hearings were concluded on SB147.

The meeting was adjourned.

**INSTITUTING AN
"EFFICIENCY IN GOVERNMENT HOTLINE"
AT LEGISLATIVE POST AUDIT**

This report examines the establishment of a special telephone line for state employees and the public to report inefficiency, mismanagement, or waste in State programs or activities.

The Division's staff contacted a number of agencies in Kansas, other states, and the federal government, to determine what experiences others have had with their hotline programs. A brief summary of their findings is included in this report, together with a brief discussion of the options and issues that would need to be addressed before operation of a hotline program could begin.

Possible reasons to institute a hotline. There are several reasons for considering installation of a "Legislative Post Audit hotline":

1. There is now no such hotline program in the State. Although other Kansas agencies use the hotline concept (for example, for welfare fraud), none address the issues of inefficiency and waste in State government.
2. A Legislative Post Audit hotline could help identify ways to improve the efficiency and management of State agencies. It could alert the Legislature to such problems as improper personnel practices, failure to comply with administrative regulations, and similar matters.
3. A Legislative Post Audit hotline has the potential to save, recover, or improve management of State funds. This has been the case in other states. A hotline accessible to any citizen and applicable to any State agency has the potential to recover misspent State funds, or to save money by alerting the Legislature to possible problem areas.
4. A hotline could assist in the prevention and detection of illegal or unethical conduct by State suppliers, officials, or recipients of State funds.

Hotlines in Other Kansas Agencies. Three State agencies have hotline programs:

- The SRS Fraud and Recovery Unit uses a WATS line to receive tips on welfare fraud or other abuse of SRS funds. Officials report that they received about 6,500 calls in fiscal year 1984, resulting in an estimated savings of \$123,000.
- The Kansas Bureau of Investigation's 1-800-KS-CRIME line receives information from the public on crimes committed in Kansas.
- The Highway Patrol's REDDI (Report Every Drunk Driver Immediately) system takes reports on drunk drivers observed by motorists.

In general, the experiences of Kansas agencies have been very favorable. Officials of each of the three systems reviewed reported being very satisfied with their systems' operation.

Federal hotline programs. The program most analogous to the one being discussed for Legislative Post Audit is the hotline of the U.S. General Accounting Office. Its staff has indicated that their screening process eliminates all but 10 percent of the calls. Of the remainder, all are investigated and about 15 percent of those are later substantiated. Although that percentage seems low, federal officials report that the system may be responsible for savings of up to \$44 million over 5 years.

Programs in Other States. Many states have had similar experiences. The Division's staff identified 10 states with "government efficiency" hotlines.

--**California** has a hotline established by state statute in the Office of the Auditor General. Auditors there told the Division that they have received 4,000 calls over the last four or five years, about 10 percent of which proved valid. Hotline calls are carefully screened, and those that appear to be valid are reported to a legislative committee, which may assign topics for further investigation.

--**Delaware** has an elected state auditor, who has extensively promoted the hotline to the public. Officials there indicate, however, that most of their substantive calls come from state workers.

--**South Dakota** officials estimate that they have saved \$10,000-\$15,000 through their hotline program. They warn, however, that proper ground work must be laid with other state officials to avoid charges that the project is aimed at a specific state official, or that it is politically motivated.

Staff in all the states contacted strongly endorsed the hotline concept. Other states with similar hotlines include Pennsylvania, Wyoming, West Virginia, Tennessee, Oklahoma, Ohio, and Washington.

Procedures. Although all of the systems are different, most hotline programs reviewed by the staff share some basic similarities. Typically, a government efficiency hotline is staffed by investigators or others with the training and experience to ask the right questions. The hotline may receive as many as 60 calls a day, or as few as three per month.

The telephone tips received are then reviewed by either a senior official or a team of staff, to decide which calls merit a preliminary investigation. For those calls which do seem to merit further investigation, staff may work several hours or more to determine if the allegation is substantive. The investigator's findings are reviewed by senior staff, the state auditor, a legislative committee or others who determine the course of further work on the matter. In some states (as well as the General Accounting Office) the complaint may be referred to the affected agency for investigation. In these cases, the agency is required to submit a report on its findings and action.

A complaint may also be investigated by the audit staff directly, or referred to the state comptroller, attorney general, or other official.

Finally, hotline officials may determine that no further investigation is warranted, and the file is then closed.

Conclusions

In their contacts with other states, the auditors identified a number of questions and concerns. Target groups, confidentiality of callers, type of phone system, hours of operation, and other issues will have to be resolved before a hotline program can be implemented.

At this preliminary stage, the Division recommends that the following courses of action may be appropriate if the Legislative Post Audit Committee and the Legislature think a hotline should be established within the Division:

1. The experience of other states suggests that most substantive calls come from state workers. In view of the Division's limited resources, the hotline could, at least initially, be targeted to State employees rather than the general public.
2. While the confidentiality of the callers should be assured, the Division should not accept anonymous tips.
3. A WATS line should be used to avoid the possibility that KANS-A-N calls could be traced back to a whistleblowing employee. The line would be answered during business hours by a staff member, and an answering machine would be used at night.
4. Procedures should be devised to assess the effectiveness of the system after a reasonable period of operation.
5. Some matters will require guidance from the Legislative Post Audit Committee and the Legislature. Staff and Committee members will have to determine the amount of flexibility and judgment to be exercised by staff in the disposition of calls.

Estimated cost of establishing a hotline in Kansas. Staff of the Division of Information Systems and Communications indicated that a WATS line would cost \$110 to install, and could be installed and ready to operate with three weeks of notification. They estimated that the monthly fee for 20 hours of use would be \$500. A recorder/answering machine costs \$300-\$400. The Division can prepare a more detailed proposal, with specific options and projected cost estimates, upon request.



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

TO: Members of House Federal and State Affairs Committee
FROM: Jim Kaup, Staff Attorney, League of Kansas Municipalities
RE: SB 147 Amending the Law Enforcement Training Act
DATE: March 19, 1985

The primary purpose of SB 147 is to remove any question that certain types of municipal officers and employees are not subject to the requirements of the law enforcement training act. Many cities employ persons whose duties are law enforcement related, but do not involve crime detection or crime prevention. The League does not believe it was the intent of the Legislature to mandate the extensive, and expensive, educational requirements of the law enforcement training act upon such persons as animal control officers, building and health code inspectors, parking control officers and zoning administrators.

In a June, 1984 opinion (A.G. No. 84-62) Attorney General Stephan stated that parking service officers at the University of Kansas, who engage in traffic control as a part of their duties, are within the definition of law enforcement officers under K.S.A. 74-5602 (e) and due to such, that they are subject to the training provisions of the law enforcement training center act (74-5601 et seq.). The Attorney General said that such officers, if employed for 1,000 or more hours per year, are considered full-time employees for the purposes of the act, despite the fact that they perform traffic control duties only as an incidental part of their overall duties. This opinion has raised concerns regarding the broad wording, and interpretation, of the terms "police officer" and "law enforcement officer" as used in the training act. The amended language found at lines 61:68 of SB 147 is intended to pre-empt any contention that municipal code enforcement officers--e.g. animal control officers, building and health inspectors, parking control officers and zoning administrators--are or should be subject to the training act. The amendment would specifically exempt from the scope of the definition those officers and employees who are not engaged in crime prevention or detection or in the enforcement of criminal or traffic laws. The amendment would exempt from K.S.A. 74-5602 (e) full-time or part-time officers or employees whose duties involve the issuance of citations, or the issuance of a notice to appear so long as that officer or employee is not authorized to effect an arrest of an individual, and if that officer or employee is not authorized to carry firearms in the performance of his or her duties.

This amendment to K.S.A. 74-5602 (e), if passed, would not in and of itself allow cities to use non-law enforcement officers to serve notices to appear issued by municipal courts. K.S.A. 12-4207 requires a notice to appear to be served by a "law enforcement officer". Because K.S.A. 12-4207 is part of the municipal court procedure act--an act which is subject to charter ordinance--cities must use their home rule power to "charter out" from K.S.A. 12-4207 before they can permit non-law enforcement personnel to serve notices to appear.

3/19/85
ATTACH 3

SB 147 also would amend K.S.A. 1984 Supp. 74-5607a to address a special question concerning municipal employees who serve arrest warrants. This amendment appears at lines 95:110 of the bill. The League believes that while employees who serve arrest warrants bear a closer resemblance to police officers than they do to building inspectors, etc., nonetheless their duties do not require the same level of law enforcement training as is necessary for a police officer engaged in crime detection and prevention. Accordingly, the proposed language would try to suit the level of training to fit the duties of the officer. It is our suggestion that the appropriate number of the hours of training for an officer authorized to serve arrest warrants, take people into custody and transport them to the municipal court or jail should be 80 hours.

OBJECTIVE #1:

Support legislation amending the Kansas Law Enforcement Training Act to exempt city warrant officers from the same training requirements as full-time police officers.

OVERVIEW:

Attorney General Opinion No. 84-62, dated June 29, 1984, indicates that our City Warrant Officers are "police officers" or "law enforcement officers" as defined in K.S.A. 1983 Supp. 74-5602 (e). Such "police officers" are by state law, K.S.A. 1983 Supp. 74-5604 (a) required to undergo not less than 320 hours of law enforcement training if they are full-time or 80 hours if part-time, as well as other requirements according to Kansas City, Kansas City Attorney Bob Watson.

While most complaints and notices to appear are mailed by the Clerk of our Municipal Court (and therefore validly served under the Municipal Court Procedure Act, K.S.A. 12-4207), there are occasions where personal delivery of a complaint and notice to appear would be desirable by housing and building code inspectors, animal control officers, or health inspectors.

Therefore, a resolution to the problem must be found to either lower requirements for warrant officers or change the definition of "law enforcement officer".

COMMENTS:

Introduce bill to resolve the problem.

Additional information in Appendix "A".