

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at
Chairperson

1:30 ~~xxx~~ p.m. on March 5, 1985 in room 531N of the Capitol.

All members were present except:
Senator Gaines

Committee staff present:

Julian Efird - Research
Bruce Kinzie - Revisor

Conferees appearing before the committee:

Jamie Schwartz - Department of Economic Development

The Chairman called the meeting to order and passed out copies of the balloon version of S.B. 26. (Exhibit A) Two amendments to this bill would exempt judges from this provision and allow for this bill to expire in July 1986. This would allow a one year trial period before the hotline would come up for review. There was some discussion and a motion was made to adopt these amendments by Senator Strick and seconded by Senator Frey. Senator Johnston voiced opposition saying he felt this bill was too broad and unworkable and Senator Francisco concurred. The Chairman then called for a vote and motion carried. Senator Hoferer then made a motion that S.B. 26 be reported favorable for passage. This was seconded by Senator Frey and motion carried.

Attention was then turned to S.B. 80 and Jamie Schwartz addressed the committee briefly, replying to recommendations for his Department from Post Audit. There was some discussion and Senator Francisco made a motion to recommend S.B. 80 favorable for passage. This was seconded by Senator Johnston. Motion carried.

Discussion next turned to S.B. 177 concerning the Department of Economic Development relating to the reorganization. In a questioning session with the Secretary of the Department, Senator Francisco requested a report on the discrepancies within the report of the Post Audit. In reviewing the bill, Senator Johnston made a motion to change line 273 making the Director of the Office of Minority Business a classified position rather than unclassified as now stated. This was seconded by Senator Francisco and motion carried. Further discussions and questions ensued but because of the time factor no action was taken on S.B. 177.

A motion was made by Senator Hoferer to approve the minutes of the March 4 meeting. A seconded was made by Senator Winter. Motion carried.

The meeting was then adjourned by the Chairman.

GUEST LIST

COMMITTEE: Senate Governmental Organization

DATE: Mar. 5, 1985

NAME	ADDRESS	COMPANY/ORGANIZATION
Jacque Dukes	Jopokn	KASB
Amie Klingenstein	K.C.K.	
Jane Sanchez	K.C.K.	
Gwonne Brown	722 Reynolds	KCKs Metropolitan Lutheran Ministry
Jamie Schwartz	Topokn	K.O.F.D
Nachi Dehary	"	"
Barb Anton	"	Legislative Post Audit

SENATE BILL No. 26

By Senators Vidricksen, Allen, Arasmith, Bogina, Burke, Doyen,
Ehrlich, Frey, Harder, Hoferer, Gordon, D. Kerr, F. Kerr,
Langworthy, Montgomery, Morris, Reilly, Salisbury, Talkington,
Thiessen, Walker, Werts, Winter and Yost

1-15

0020 AN ACT establishing an efficiency in government hotline; pro-
0021 viding for the reporting of suspected cases of improper gov-
0022 ernmental activity and for audits relating thereto; amending
0023 K.S.A. 75-2973 and repealing the existing section.

0024 *Be it enacted by the Legislature of the State of Kansas:*

0025 New Section 1. (a) As used in this section, "improper gov-
0026 ernmental activity" means any activity by a state agency or by an
0027 officer or employee of the state agency which is undertaken in
0028 the performance of the officer's or employee's official duties,
0029 whether or not the action is within the scope of employment of
0030 the officer or employee, and which:

0031 (1) Is in violation of any state or federal law including, but
0032 not limited to, corruption, malfeasance, bribery, theft of govern-
0033 ment property, fraudulent claims, fraud, coercion, conversion,
0034 malicious prosecution, misuse of government property or willful
0035 omission to perform duties;

0036 (2) is economically wasteful or inefficient; or

0037 (3) involves misconduct, mismanagement or incompetency.

0038 (b) The post auditor is hereby authorized and directed to
0039 establish an efficiency in government hotline. The efficiency in
0040 government hotline shall be a system for the reporting of sus-
0041 pected cases of improper governmental activity. This system
0042 shall be designed to permit any person in the state at any time to
0043 place a toll-free call into the system and report suspected cases of
0044 improper governmental activity. Each state agency shall display
0045 prominently notice of the existence of the efficiency in govern-
0046 ment hotline and the telephone number of the hotline.

Exhibit A
3/5/85

0047 (c) In accordance with the rules of the legislative post audit
 0048 committee, the post auditor shall report alleged instances of
 0049 improper governmental activities to the legislative post audit
 0050 committee along with any recommendations of the post auditor
 0051 relating thereto. The legislative post audit committee, upon
 0052 receiving such information, may direct the post auditor and the
 0053 division of post audit to conduct an audit of any type described in
 0054 K.S.A. 46-1107, 46-1108 or 46-1114, and amendments to these
 0055 sections, as the committee deems appropriate. The audit shall be
 0056 conducted in accordance with and subject to the provisions of
 0057 the legislative post audit act. The post auditor and the division of
 0058 post audit in conducting such audit shall have access to all books,
 0059 accounts, records, files, documents and correspondence, confi-
 0060 dential or otherwise, to the same extent permitted under sub-
 0061 section (g) of K.S.A. 46-1106 and amendments thereto, except
 0062 that for audits conducted under K.S.A. 46-1114 and amendments
 0063 thereto such access shall be subject to the limitations established
 0064 under subsection (d) of such section. The identity of the person
 0065 providing the information which initiated the investigation shall
 0066 not be disclosed without the written permission of the person
 0067 providing the information, except that such information may be
 0068 disclosed pursuant to a subpoena or as required under K.S.A.
 0069 46-1106 and amendments thereto. The post auditor may request
 0070 the assistance of any state agency in conducting any audit under
 0071 this section.

0072 (d) Nothing in this section shall be construed to limit the
 0073 authority of the legislative post audit committee, on its own
 0074 initiative, to investigate incidences of improper governmental
 0075 activities.

0076 ~~(e)~~ This section shall be part of and supplemental to the
 0077 legislative post audit act.

0078 Sec. 2. K.S.A. 75-2973 is hereby amended to read as follows:
 0079 75-2973. (a) No supervisor or appointing authority of any state
 0080 agency shall prohibit any employee of the agency who is in the
 0081 classified service under the Kansas civil service act from dis-
 0082 cussing the operations of the agency, either specifically or gen-
 0083 erally, with any member of the legislature.

(e) The provisions of this section shall not apply to any judge. As used in this section, "judge" means any justice of the supreme court, judge of the court of appeals or judge of any district court of Kansas.

(f)

(g) The provisions of this section shall expire on July 1, 1986.