

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 20, 2008 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department  
Melissa Doeblin, Revisor of Statutes Office  
Theresa Kiernan, Revisor of Statutes Office  
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Senator Dwayne Umbarger  
Barbara Hinton, Legislative Post Audit  
Jeff Russell, Legislative Services  
Captain Dan Brown, Capitol Police  
Charles Simmons, Kansas Department of Corrections

Others attending:

See attached list.

**SB 672 - K-GOAL amendments; repealing mandatory audits by certain state agencies on certain dates; at least four annual audits conducted by legislative post audit as determined by the legislative post audit committee**

Chairman Brungardt opened the hearing on **SB 672**.

Senator Dwayne Umbarger appeared in favor of the bill. (Attachment 1) The bill address governmental efficiency and expands K-GOAL to provide accountability for state agencies and specific state programs. The audits would be reported directly to the appropriate standing committee and would be charged with reviewing and evaluating the audits. These committees have the ability to implement aspects of the audit, potentially saving the taxpayers and ultimately the will of the Legislature to act on an audit's recommendations.

Barbara Hinton, Legislative Post Auditor, spoke in favor of the bill. (Attachment 2) The bill changes the legislative audit, evaluation, and review process spelled out in the Kansas Governmental Operations Accountability Law (K-GOAL). There has been considerable legislative interest in trying to identify ways to streamline state government by eliminating or combining certain agencies or programs, and by operating needed state agencies and programs more efficiently. Interest has shown itself through discussions or efforts to:

- establish a new Kansas Government Efficiency Commission
- have the Post Audit Committee focus more of our audit work on efficiency and cost savings issues (the LPAC's proposal to focus at least half of the audit work on efficiency/cost savings issues. That would be about 6-10 "efficiency-focused" audits per year.)
- bring back "sunset" audits and reviews in Kansas (1978-1992; established a legislative audit, review, and evaluation process for selected agencies that were abolished unless specifically continued by law)
- change the nature of the audit work conducted under K-GOAL (1992 - current; similar to sunset, but without the threat of being abolished)

Maintaining a statutory requirement for K-GOAL audits focused on efficiency could help ensure that such audits continue to be performed in the future; there would need to be a change to the K-GOAL law as proposed in the bill to specify a new round of agencies to be audited and reviewed for the next 8-year cycle, if the Legislature wants to continue the K-GOAL legislative audit, review, and evaluation process beyond 2009.

Chairman Brungardt closed the hearing on **SB 672**.

**HB 2905 - An act requiring each state agency to designate a security liaison**

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on March 20, 2008 in Room 526-S of the Capitol.

Chairman Brungardt opened the hearing on **HB 2905**.

Jeff Russell, Director, Legislative Services, spoke in favor of the bill. (Attachment 3) The bill would require each state agency within the capitol complex to designate a current employee to be the agency's security liaison.

Captain Dan Brown, Troop Commander of the Capitol Police, spoke in favor of the bill and stated that the bill would lay the groundwork for state agencies and the security liaison to work with the best practices and policies relating to security issues developed by the Kansas Highway Patrol (KHP) and made available to all state agencies. The security liaison would work with the KHP capitol police office. (Written testimony was not provided)

Chairman Brungardt closed the hearing on **HB 2905**.

**HB 2740 - Correctional officers to receive 40 hours of annual training not current 80 hours.**

Chairman Brungardt opened the hearing on **HB 2740**.

Charles E. Simmons, Deputy Secretary for Facilities Management, Kansas Department of Corrections (KDOC), spoke in favor of the bill. (Attachment 4) The bill is consistent with the waiver granted by appropriation provisos for the fiscal years 2003 and 2004. An across the board requirement of two weeks of annual classroom training for all officers adversely impacts the Department's operations, in that, while officers are participating in training, they are unavailable for assignment to their regular security duties. The minimum 40 hours of annual curriculum training is consistent with the training standards of other states. A chart regarding the training hours for corrections officers in other states was provided.

Chairman Brungardt closed the hearing on **HB 2740**.

**Final Action:**

**SB 672 - K-GOAL amendments; repealing mandatory audits by certain state agencies on certain dates; at least four annual audits conducted by legislative post audit as determined by the legislative post audit committee**

Senator Reitz moved to pass SB 672 out favorably. Senator Ostmeier seconded the motion. The motion carried

**HB 2905 - An act requiring each state agency to designate a security liaison**

Senator Francisco moved to pass HB 2905 out favorably. Senator Reitz seconded the motion. The motion carried

**HB 2740 - Correctional officers to receive 40 hours of annual training not current 80 hours.**

Senator Lynn moved to pass HB 2740 out favorably. Senator Reitz seconded the motion. The motion carried

The meeting was adjourned at 11:38 am. The next scheduled meeting is March 25, 2008.



State of Kansas  
Senate Chamber

**DWAYNE UMBARGER**

SENATOR, FOURTEENTH DISTRICT  
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COMMITTEE ASSIGNMENTS  
CHAIRMAN: WAYS & MEANS  
CHAIRMAN: JOINT COMMITTEE ON STATE  
BUILDING CONSTRUCTION  
MEMBER: JUDICIARY  
ORGANIZATION, CALENDAR  
& RULES  
JOINT COMMITTEE ON  
PENSIONS, INVESTMENTS  
& BENEFITS

I appreciate the opportunity to voice my support in favor of SB 672. SB 672 resulted from the initiative of the Ways and Means Committee to address governmental efficiency. As Chairman, I requested that the Legislative Post Auditor appear before the Committee to detail how the Legislature could respond to concerns that another entity needed to be created to investigate governmental efficiency. From testimony provided on February 11, it is evident that we do not need another group to identify efficiency, as Legislative Post Audit has performed well in that capacity. In the past ten years, the agency has identified more than \$97 million in opportunities to save money, cost avoidance, or increased revenues. Thus far, a total of \$59 million has been realized.

The bill expands K-GOAL to provide accountability for state agencies and specific state programs. Each state agency would be subject to audit, review, and evaluation, as determined by the Legislative Post Audit Committee. At least four performance audits would be conducted each year, under the direction of the Committee. The agencies and programs would be selected by the Committee from a list provided by the Legislative Post Auditor. The audit topics would come both from legislators and the general public as well.

The following factors could be applied to agencies undergoing evaluation:

- (1) Whether the primary function is needed
- (2) Whether another federal, state, local or private agency exists that could efficiently perform the functions of the agency or program
- (3) Whether the agency or program could be operated more efficiently and still fulfill its intended purpose
- (4) Whether there are any other factors, as determined by the Legislative Post Auditor or the Legislative Post Audit Committee, that would need to be determined for the audit

It is important to note that the audits performed under K-GOAL would be reported directly to the appropriate standing committee. These committees would be charged with reviewing and evaluating the audits. These committees have the ability to implement aspects of the audit, potentially saving the taxpayers of our state. Ultimately, it will be the will of the Legislature to act on an audit's recommendations.

In conclusion, the Ways and Means Committee asked for a bill introduction to incorporate the suggestions of Ms. Hinton. These suggestions would further clarify and strengthen the agency. With your support of SB 672, the agency would be able to improve the Legislature's ability to make our state government even more efficient.

Sen Fed & State

Attachment 1  
3-20-08



LEGISLATURE OF KANSAS

## LEGISLATIVE DIVISION OF POST AUDIT

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**Information for the Senate Federal and State Affairs Committee on SB 672**  
**Barb Hinton, Legislative Post Auditor**  
**March 20, 2008**

Mr. Chairman and members of the Committee, thank you for allowing me to appear before you regarding SB 672. This bill changes the legislative audit, evaluation, and review process spelled out in the Kansas Governmental Operations Accountability Law (K-GOAL).

Recently, there's been considerable legislative interest in trying to identify ways to streamline state government by eliminating or combining certain agencies or programs, and by operating needed state agencies and programs more efficiently. Among other things, that interest has shown itself through discussions or efforts to:

- establish a new Kansas Government Efficiency Commission
- have the Post Audit Committee focus more of our audit work on efficiency and cost savings issues (At its February 20 meeting, the Post Audit Committee endorsed the LPAC Chair's proposal to focus at least half of our audit work on efficiency / cost savings issues. That would be about 6-10 "efficiency-focused" audits per year.)
- bring back "sunset" audits and reviews in Kansas (1978-1992; established a legislative audit, review, and evaluation process for selected agencies that were abolished unless specifically continued by law)
- change the nature of the audit work conducted under the Kansas Governmental Operations Accountability Law (1992-current; similar to sunset, but without the threat of being abolished)

As head of the Legislature's audit oversight agency, I've been involved in many of these discussions. As part of that process, I was invited to appear before the Senate Ways and Means Committee in mid-February to provide information about the current K-GOAL law, and to share my thoughts on how it could be improved to focus on efficiency issues. That Committee subsequently introduced the bill you have before you today.

When it was passed in 1992, K-GOAL was viewed as a good government law. It spelled out that government was supposed to "serve the public need" in the most efficient, economical, and cost-effective manner. It set out a schedule of selected agencies to be audited each year on a cyclical basis (in 2009 we'll be at the end of the second 8-year cycle), and it set up a vigorous legislative review and evaluation process for each of those agencies. Those two tracks are described below:

- **a performance audit of each agency subject to K-GOAL, as directed by the Post Audit Committee**
  - scope could be broad or narrow
  - audits up to two years old could "count"
  - consider factors related to efficiency, effectiveness
  - completed not later than 30<sup>th</sup> day of session
  - Committee could change years

Sen Fed & State

Attachment 2  
3-20-08

- **a review and evaluation by a legislative “committee of reference” that considered the audit, held public hearings, and obtained public and agency testimony**
  - familiarize themselves with agency
  - consider audit
  - hold hearing to get public and agency testimony
  - take efficiency, effectiveness factors into consideration
  - make recommendations regarding the agency and its operations
  - decide to retain agencies for future review under K-GOAL (takes legislative action)

We’ve done 34 K-GOAL audits over the years, as shown on the attached list. Although many of those audits have had significant findings and received considerable legislative attention, there’s been little legislative buy-in to the K-GOAL process. The Post Audit Committee often found itself having to approve audits of agencies where there seemed to be little up-front legislative interest. And although the committees of reference held K-GOAL hearings in the early years and reviewed the audits for a few more years, they finally quit having us present those audits. Their focus had shifted to other areas.

To make the K-GOAL process more flexible and relevant to the Committee and the Legislature, and to focus the audits done under the law more on efficiency issues, SB 672 would do the following:

- make any state agency or program subject to an audit/review under K-GOAL
- direct that a minimum of 4 audits per year be conducted under K-GOAL
- specify that the agencies or programs to be audited and scope of audits would be selected from a list that Post Audit staff prepare for the Committee (after soliciting ideas from numerous sources)
- clarify and focus the fundamental determinations that would be made in such audits on efficiency/cost savings issues, as applicable (what’s selected would vary depending on the nature and scope of audit proposed)
  - Is the agency or function still needed?
  - If it’s still needed, could it be combined with another agency or program?
  - If it’s needed and in the right place, could it be operated more efficiently or cost effectively?
- require these audits to be done before Dec 1 (so they would be ready at the start of session for the legislative review and evaluation process)
- keep the requirement for legislative review and evaluation, but change the committee of reference to other committees, as determined by the LCC

Because the Post Audit Committee directs all of our audit work and has endorsed the proposal to focus at least half of that work on efficiency / cost savings issues, there doesn’t need to be a statutory change to make that happen. The changes spelled out in SB 672 essentially incorporate much of the process the Committee has approved for identifying, selecting, and approving these topics. However, maintaining a statutory requirement for K-GOAL audits focused on efficiency could help ensure that such audits continue to be performed in the future.

There would need to be a change to the K-GOAL law—as proposed in SB 672, or to specify a new round of agencies to be audited and reviewed for the next 8-year cycle—if the Legislature wants to continue the K-GOAL legislative audit, review, and evaluation process beyond 2009. That’s because the Legislature hasn’t acted to retain any agencies subject to audit during this cycle for future K-GOAL review.

## Agencies Subject to K-GOAL Audits

Session originally Specified for <u>K-GOAL review:</u>	Session actually completed for:
1993 Department of Social and Rehabilitation Services <i>(focus on foster care)</i>	1993 (used 1991 audits)
Capitol Area Security Patrol <i>(focus on general effectiveness)</i>	1993
1994 Department of Administration <i>(focus on Personnel Services)</i>	1994
Department of Commerce and Housing <i>(focus on economic development activities)</i>	1994
1995 Department of Health and Environment <i>(focus on impact of fed-mandated regulations <u>and</u> waste tire disposal program)</i>	1996 (2 audits)
Kansas Water Office and Water Authority <i>(focus on potential duplication of water regulation)</i>	1995
1996 Department of Transportation <i>(focus on highway construction)</i>	1996
Department of Agriculture <i>(focus on weights and measures enforcement program)</i>	1996
1997 Department of Revenue <i>(focus on sales tax collection and enforcement)</i>	1997
State Conservation Commission <i>(focus on effectiveness at meeting Water Plan goals)</i>	1997
Kansas Public Employees Retirement System <i>(focus on types of benefits provided)</i>	1997
1998 State Corporation Commission <i>(focus on abandoned wells)</i>	1998
Department of Education <i>(focus on Statewide assessment tests)</i>	1998 (used 1996 audit)
1999 Department on Aging <i>(focus on in-home services to the elderly)</i>	1999
Department of Human Resources <i>(focus on implementation of 1993 changes to the Worker's Compensation law)</i>	1999
2000 Department of Corrections <i>(focus on handling of parole violators <u>and</u> safety issues)</i>	2000 (2 audits)
Department of Wildlife and Parks <i>(focus on financial management, efficiency, and effectiveness)</i>	1995
2001 Department of Administration <i>(focus on management of State-held lands)</i>	2001

Session originally  
Specified for  
K-GOAL review:

Session actually  
completed for:

2001	Department of Commerce and Housing <i>(focus on coordination/effectiveness of eco devo programs)</i>	2001
2002	Department of Health and Environment <i>(focus on nursing home inspections)</i>	2002
2002	Department of Agriculture <i>(focus on pesticide and fertilizer program)</i>	2002
2004	SRS <i>(focus on controlling Medicaid costs for medical svcs)</i>	2002 (used 2001 audit)
2005	Department of Education <i>(focus on school district budgets)</i>	2002
2004	Department on Aging <i>(focus on long-term care)</i>	2003 (used 2001 audit)
2003	Juvenile Justice Authority <i>(focus on JJA oversight of programs)</i>	2003
2003	Department of Corrections <i>(focus on cost for death penalty)</i>	2004
2003	Public Safety Agencies <i>(focus on hiring and promotion practices)</i>	2004
2005	Board of Regents <i>(focus on faculty teaching loads)</i>	2005
2008	Department of Revenue <i>(focus on delinquent trust tax collections)</i>	2005
2006	None (requirement shifted forward statutorily because of cost study)	
2006	Department of Labor <i>(focus on error rates for unemployment benefit payments)</i>	2007
2006	Corporation Commission <i>(focus on Kan-Ed effectiveness at meeting goals, and its placement within Regents)</i>	2008
2007	Department of Wildlife and Parks <i>(focus on lease/purchase of building for NE Regional Office)</i>	2008 (used 2007 audit)
2008	Department of Transportation	2009
2002	Kansas Water Office/ Water Authority	





State of Kansas

# Legislative Administrative Services

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Jeffrey M. Russell  
Director

To: Senate Federal and State Affairs Committee  
From: Jeff Russell  
Re: **HB 2905**  
Date: March 20, 2008

Good morning, Mr. Chairman and members of the committee. I am Jeff Russell, Director of Legislative Services, and am appearing before you today in my capacity as a member of the Capitol Complex Security Advisory Group. Our charge was to prepare a report advising the Joint Committee on Kansas Security on any needed enhancements to security within the Capitol Complex.

That report is completed and has been distributed to the joint committee.

One item that arose out of the advisory group deliberations was the need for timely communications between the KHP and the various agencies within the Capitol Complex. The idea is that if each agency were to designate a current employee to serve as a security liaison, communications flow would be quicker, more accurate, and more effective. For these reasons, we would appreciate your support of HB 2905.

Thank you for your kind attention and opportunity to testify.

A handwritten signature in black ink, appearing to be "JR" or similar initials, written in a cursive style.

Sen Fed & State

Attachment 3  
3-20-08

Testimony on HB 2740  
To  
Senate Federal and State Affairs Committee  
By Roger Werholtz  
Secretary  
Kansas Department of Corrections  
March 20, 2008

The Department of Corrections supports HB 2740. HB 2740 would amend K.S.A. 75-5212 to reduce the minimum number of annual training hours for a corrections officer from 80 to 40 hours. HB 2740 is consistent with the waiver granted by appropriation provisos for the fiscal years 2003 and 2004.

The Department believes that routine annual training of officers can be accomplished with a 40 hour curriculum, thus significantly reducing the amount of overtime paid or the necessity of facilities implementing reduced shift staffing plans in order to accommodate officers participating in annual training. The Department's practice of providing additional annual training necessary for various posts would continue. Firearms training would be in addition to the annual 40 hour curriculum. An across the board requirement of two weeks of annual classroom training for all officers adversely impacts the Department's operations in that while officers are participating in training, they are unavailable for assignment to their regular security duties.

The Department's annual training needs would be met with HB 2740. In addition to the annual class room training provided pursuant to K.S.A. 75-5212, the Department has instituted an annual "stand down day" in which facilities curtail inmate activities in order for staff to review security and operational procedures at their post. Facility stand down days serve as on the job training and enhance both the implementation of policies as well as review of the adequacy of these policies. Additionally, the Department, by policy, intends to increase the training for newly hired corrections officers from the current 200 hour curriculum to 240 hours. The minimum 40 hours of annual curriculum training provided by HB 2740 is consistent with the training standards of other states. Please note the attached chart regarding the training hours for corrections officers in various states.

# CORRECTIONAL OFFICER EDUCATION AND TRAINING

## TABLE 2 – SUBSEQUENT TO PRE-HIRE

SYSTEM	IN SERVICE TRAINING HOURS		SYSTEM	IN SERVICE TRAINING HOURS		SYSTEM	IN SERVICE TRAINING HOURS	
	First Year	Annually		First Year	Annually		First Year	Annually
ALABAMA	40	>40	MISSISSIPPI	40	40	WEST VIRGINIA	40	40
ALASKA			MISSOURI	40	40	WISCONSIN	280	8
ARIZONA	40	40	MONTANA	40	40	WYOMING	40	40
ARKANSAS	40 to 60	40 to 60	NEBRASKA	0	40			
CALIFORNIA	52	52	NEVADA					
COLORADO	120	40	NEW HAMPSHIRE	40	40			
CONNECTICUT	40	40	NEW JERSEY	120	40			
DELAWARE			NEW MEXICO	40	40			
DISTRICT OF COLUMBIA			NEW YORK	80	40	CANADIAN SYSTEMS		
FLORIDA	40	40	NORTH CAROLINA	132	28	MANITOBA	0	0
GEORGIA	184	20	NORTH DAKOTA	160	43	NEWFOUNDLAND	0	24
HAWAII	40	40	OHIO	40	40	NOVA SCOTIA	70	35 to 45
IDAHO			OKLAHOMA	240	40	ONTARIO	120	40
ILLINOIS			OREGON	40	40			
INDIANA	120	40	PENNSYLVANIA	1,760	40			
IOWA	166	40	RHODE ISLAND	40	40			
KANSAS	0	80	SOUTH CAROLINA	2 to 6	20			
KENTUCKY	240	40	SOUTH DAKOTA	40	Unknown			
LOUISIANA	40	Variety of programs & hours	TENNESSEE	240	40			
MAINE	0	40	TEXAS	40	40			
MARYLAND			UTAH	40	40			
MASSACHUSETTS	40	40	VERMONT	40	40			
MICHIGAN	40	>40	VIRGINIA	80	40, plus firearm range			
MINNESOTA	104 TO 144	40	WASHINGTON	32, plus a year of OJT	32			