

Approved: 1-27-93
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Marvin Smith at 9:00 a.m. on January 26, 1993, 1993 in Room 521-S of the Capitol.

All members were present except: Rep. Kay O'Connor

Committee staff present: Carolyn Rampey, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Arden Ensley, Revisor of Statutes
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Barbara Hinton, Legislative Division of Post Audit

Others attending: See attached list

INTRODUCTION OF BILLS

Helen Stephens, Kansas Society of Land Surveyors, appeared before the committee to request two bills be introduced by the committee. One bill was for a continuing education law for land surveyors. The other bill would change the statute to allow KDOT to prequalify a land surveying firm so that they may bid on land surveying projects only as provided by statute. At the present time when KDOT has projects it wants bid, firms must be prequalified with KDOT and must be an engineering firm. Land surveyors cannot bid on work that pertains just to land surveying unless there is an engineer on staff. For land surveying jobs it is not necessary for them to have an engineer on staff (Attachment 1).

Representative Haulmark moved the committee accept these bills. Representative Benlon seconded. Motion carried.

Briefing by staff on: K-GOAL

Carolyn Rampey, Legislative Research Department, provided briefing and background information on the sunset legislation and how K-GOAL is similar. She stated the purpose of K-GOAL is to establish a procedure to ensure that state government serves the public in the most beneficial, efficient, and cost effective way possible, that purpose being served by periodically reviewing and evaluating operations of selected state agencies (Attachment 2).

Barbara Hinton, Legislative Division of Post Audit, appeared before the committee and provided written material concerning Legislative Post Audit's role in K-GOAL (Attachment 3). She advised the committee could request Post Audit to provide a scope statement on an agency and the committee would submit that scope. It was pointed out that some agencies are so big it is impossible to provide a study of the entire agency so various departments are done periodically.

Final action on:

HB 2038 - Kansas Commission on Governmental Standards and Conduct; qualification of members.

Fiscal note on HB 2038 was handed out, which showed only expenses of members on the board.

Representative Haulmark moved HB 2038 be passed favorably. Representative Ballard seconded.

Representative Benlon made a substitute motion to strike in subsection (5) "hold a substantial interest in or", which is the same in line 25 subsection (4), and also to be passed favorably. Representative Gilbert seconded.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on January 26, 1993, 1993.

Substitute motion carried.

HB 2037 - elections; concerning federal services absentee ballots.

Representative Ballard moved HB 2037 be passed favorably. Representative Benlon seconded. Motion carried.

Representative Scott moved the minutes of January 21, 1993 be approved as presented. Representative Long seconded. Motion carried.

The meeting was adjourned at 10:10 a.m. The next meeting is scheduled for January 27, 1993.

Draft of Prequalification Bill
for
Kansas Society of Land Surveyors

Changes shown in bold italics

Article 58. - STATE ENGINEERING SERVICES

75-5801

Attorney General's Opinions:

State policy; negotiations of contracts for engineering services. 90-103.

75-5802 - Definitions. As used in this act unless the context specifically requires otherwise:

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of engineering and provide engineering services /or to practice the profession of land surveying and provide surveying services.

(b) "Engineering Services " means those services described in subsection (i) of K.S.A. 74-7003 and amendments thereto.

(c) "Surveying Services" means those services described in subsection (k) of K.S.A. 74-7003 and amendments thereto.

~~(e)~~ (d) "Agency head" means the chief administrative officer of a state agency, as that term is defined in subsection (3) of K.S.A. 75-3701 and amendments thereto, but shall not include the chief administrative officer of any state institution.

~~(d)~~ (e) "Negotiating committee" means a committee designated to negotiate as provided in this act, and consisting of (a) the agency head of the state agency for which the proposed project is planned, or a person designated by such agency head, (2) the secretary of administration, or a person designated by said secretary, and (3) the chief administrative officer of the state institution for which the proposed project is planned, or when the proposed project is not planned for a state institution, the agency head shall designate a second person in lieu of the chief administrative officer of the state institution.

~~(e)~~ (f) "Project" means any capital improvement project or any study, plan, survey, or gram activity of a state agency, including development of new or existing programs and preparation of federal grant applications.

~~(f)~~ (g) "State building advisory commission" means the state building advisory commission created by K.S.A. 75-3780 and amendments thereto, or any duly authorized officer or employee of such commission.

75-5803.

Attorney General's Opinions:

State policy; negotiations of contracts for engineering services. 90-103.

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House Govt Org & Elections
Attachment 1

KANSAS SOCIETY OF LAND SURVEYORS
PROPOSED LAW
REQUIRED PROFESSIONAL DEVELOPMENT
(CONTINUING EDUCATION)

SECTION I

Beginning January 1, 1996, as a condition for renewal of registration to practice as a land surveyor issued pursuant to K.S.A. 74-7025, a registrant shall be required to meet the continuing professional competency requirements contained herein.

SECTION II

Terms used herein are defined as follows:

Continuing education: education obtained by a registrant in order to maintain, improve, or expand skills and knowledge obtained prior to initial registration or to develop new and relevant skills and knowledge.

Continuing Education Unit (CEU): unit of credit customarily used for continuing education courses. One (1) continuing education unit is equivalent to ten (10) contact hours of class in approved continuing education course work.

Professional Development Hour (PDH): one (1) contact hour (nominal) of instruction or presentation. The unit of measure for determination of professional development required herein. The common denominator for conversion of other units of credit.

SECTION III

As a condition of registration renewal an active registrant shall successfully complete 40 hours of professional development within the preceding two (2) calendar years prior to renewal of registration, except for allowable carryover. Any license holder who completes in excess of the required hours of professional development within the preceding two (2) calendar years may have the excess, not to exceed one-half the biennium requirement, applied to the requirement for the next biennium.

SECTION IV

The State Board of Technical Professions shall not renew the registration to practice as a land surveyor of any land surveyor who has failed to complete the professional development requirements pursuant to Section III herein, unless good cause is shown for failure to comply with such requirements. If the board determines good cause has been shown, the board shall permit the applicant to make up all outstanding required units of professional development.

SECTION V

Professional Development Hours (PDH), may be earned based on the following criteria, regardless of location:

1. Successful completion of continuing education courses the subject matter of which is directly related to the practice of land surveying or land surveying technical fields with a maximum of 30.0 PDH allowed for this category per year;
2. Successful completion of correspondence, televised, videotaped, and other short courses the subject matter of which is directly related to the practice of land surveying or land surveying technical fields with a maximum of 30.0 PDH allowed for this category per year;

3. Active participation in seminars, in-house courses, workshops, and professional conventions the subject matter of which is directly related to the practice of land surveying or land surveying technical fields with a maximum of 30.0 PDH allowed for this category per year;
4. Successful completion of college level courses the subject matter of which is directly related to the practice of land surveying or land surveying technical fields with a maximum of 45 PDH allowed for this category per year; (successful completion is defined as receiving at least 2.0 grade points in a 4.0 grade point system)
5. Teaching, instructing, and first-time preparation of any of the above with a maximum of 60.0 PDH allowed for this category per year;
6. Authoring published papers, articles, or books the subject matter of which is directly related to the practice of land surveying or land surveying technical fields with a maximum of 30.0 PDH allowed for this category per year;
7. Successful completion of continuing education courses the subject matter of which is indirectly related to the practice of land surveying or land surveying technical fields (example: small business accounting) with a maximum of 10.0 PDH allowed for this category per year;
8. Successful completion of correspondence, televised, videotaped, and other short courses the subject matter of which is indirectly related to the practice of land surveying or land surveying technical fields with a maximum of 10.0 PDH allowed for this category per year;
9. Active participation in seminars, in-house courses, workshops, and professional conventions the subject matter of which is indirectly related to the practice of land surveying or land surveying technical fields with a maximum of 10.0 PDH allowed for this category per year;
10. Successful completion of college level courses the subject matter of which is indirectly related to the practice of land surveying or land surveying technical fields with a maximum of 10.0 PDH allowed for this category per year; (successful completion is defined as receiving at least 2.0 grade points in a 4.0 grade point system)
11. Serving as a member on a board which registers and reviews land surveyors with a maximum of 20.0 PDH allowed for this category per year;
12. Membership in a local, regional, state or national professional or technical society or organization which is directly related to the practice of land surveying shall be counted as 1.0 PDH per society per calendar year with a maximum of 3.0 PDH allowed for this category per year
13. The active practice of land surveying for up to 600 hours per year shall be counted as 1.0 PDH per 100 hours practiced with a maximum credit of 6.0 PDH in this category per year.

SECTION VI

The conversion of other units of credit to PDH units is as follows:

1 college or unit semester hour	45.0 PDH
1 college or unit quarter hour	30.0 PDH
1 continuing education unit	10.0 PDH
1 contact hour of professional development in courses, seminars, professional conventions, etc.	1.0 PDH
Teaching, instructing, preparation	MULTIPLY BY 2
Each paper, article, or book	10.0 PDH

SECTION VII

All land surveyors are charged with the responsibility of maintaining records of their own professional development activities to support credits claimed, which records shall be subject to audit by the State Board of Technical Professions upon a registrant's application for registration renewal. Records required include but are not limited to: (1) a log showing the type of activity claimed, sponsoring organization,

location, duration, instructor's or speaker's name, and PDH credits earned; and (2) attendance verification records in the form of completion certificates, paid receipts or other documentations supporting evidence of attendance. Records shall be maintained for a minimum period of four (4) years and copies thereof shall be provided when such is requested by the State Board of Technical Professions.

SECTION VIII

A land surveyor may, at any time prior to the termination of registration, request to be classified as inactive. Inactive registrations may be maintained by payment of an annual fee determined by the State Board of Technical Professions. Inactive registrations must remain inactive a minimum of one (1) year. Holders of inactive registration shall not be required to complete Professional Development Hours. However, holders of inactive registration may not practice surveying.

A person who wishes to reinstate an inactive registration must satisfy one (1) of the following requirements:

1. satisfaction of one-half the biennial requirement multiplied by the number of years of lapsed or inactive status. The minimum Professional Development Hours shall be one-half the biennial requirement. The requirement shall be satisfied within the biennium prior to reinstatement.
2. successful completion of the Principals and Practice examination within one year immediately prior to application for reinstatement.

SECTION IX

Applications for renewal of registration shall include the completion of a professional development form specified by the State Board of Technical Professions outlining PDH credit claimed. The registrant must supply sufficient detail on the form to permit audit verification, must certify and sign the professional development form, and submit with the renewal application and fee.

SECTION X

If the State Board of Technical Professions disallows claimed PDH credit, the registrant shall have 120 days after notification to substantiate the original claim or to earn other credit to meet the minimum requirement. If a registrant fails to furnish the required professional development form, properly completed or signed, the right to practice land surveying in the State of Kansas will expire 120 days after the date of notification of failure to comply from the State Board of Technical Professions.

SECTION XI

The State Board of Technical Professions may utilize review committees composed of active registrants to provide recommendations regarding the administration of the professional development process contained herein.

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MEMORANDUM

Kansas Legislative Research Department

300 S.W. 10th Avenue
Room 545-N – Statehouse
Topeka, Kansas 66612-1504
Telephone (913) 296-3181 FAX (913) 296-3824

January 25, 1993

To: House Committee on Governmental Organization and Elections
From: Carolyn Rampey, Principal Analyst
Re: History of the Sunset Law and the Development of the Kansas
Governmental Operations Accountability Law (K-GOAL)

Sunset Background

"Sunset" is the scheduled termination of an agency unless a legislature takes positive action to reestablish it. In 1976, Colorado became the first state to pass a sunset law. Kansas, in 1978, became the 26th state.

Common Cause, an organization that promotes governmental reform, is generally recognized as having been a major force behind sunset legislation at the state and national levels. That organization considered sunset legislation a means by which government could become more responsive to the public it serves as a result of the periodic review and evaluation of public services, agencies, and programs. According to Common Cause, it was assumed that most agencies subject to a sunset review would be continued. The concept behind sunset legislation was not to abolish agencies and programs but to make them more responsive and accountable.

Because of the impact Common Cause had on the development of sunset legislation, most states incorporated principles endorsed by Common Cause in their sunset laws. These principles included the provision of ample opportunity for public participation, the establishment of general criteria to guide the review process, and the automatic and periodic termination of agencies under the law unless they were specifically continued.

The initial thrust of sunset legislation involved regulatory agencies. This was because it was thought that regulatory activities were the source of much citizen dissatisfaction with government and should be regularly reviewed; regulatory agencies usually were not as closely scrutinized in the budget review process as were agencies funded by state general revenues; and, usually being small operations with clearly defined functions, regulatory agencies lent themselves to experimentation under sunset laws as legislators sought to determine the value of periodic agency reviews and to evaluate the impact of this particular legislative oversight activity upon their time and staff resources.

Another impetus for sunset activities was the fact that the process was a management tool which helped establish the legislature as a branch of state government equal to the executive.

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House Govt Org + Elec.
Attachment 2

While early proponents of sunset legislation were motivated by citizen disillusionment with government, many legislators viewed the concept of sunset out of their own frustration with executive agencies and their desire to monitor programs and agencies they had created. Thus, sunset activities became part of a trend toward strengthening state legislatures and the oversight functions they perform.

Sunset in Other States

Generally, the scope of laws enacted in other states has changed since the laws were first enacted. The original focus of a majority of the laws was regulatory activity. Today, amendments to the laws in a number of states have added larger state agencies to the sunset review cycle. Accordingly, the criteria by which agencies are reviewed have shifted from factors relating to the necessity and value of state regulation to those relating to an agency's management, organization, and performance in achieving its goals.

The way legislatures manage the sunset review process varies from state to state. In a number of states, sunset activities are referred to standing or interim committees in the subject area of the agency being reviewed. In other states, sunset reviews are generally conducted by a committee whose jurisdiction is broad enough to include, but is not confined to, sunset reviews. A few states have established committees that deal exclusively with sunset activities.

The experience in most states lends support to the notion that the value in sunset legislation lies in its utility as a vehicle to periodically evaluate and improve agencies and programs, not to abolish them. In assessing the states' experiences with sunset legislation, the Council of State Governments has reached the following conclusions:

1. "Sunset was oversold to the public as a way to reduce the size of government and save money." This finding is particularly relevant when one considers that most of the agencies first reviewed -- regulatory agencies -- did not ordinarily receive state general revenues and usually were not abolished. In fact, a common complaint of legislators among the states is that the sunset process itself is expensive and has required the addition of more staff.
2. "States have found it difficult to assess empirically the costs and benefits of state regulation." This conclusion refers to the difficulties involved in measuring the extent to which an agency's goals and objectives have been met. These difficulties tend to become more apparent when the review focuses upon large state agencies that perform a variety of functions and services.

Nevertheless, the sunset process has worked successfully in a number of states. Many states have expanded the role of this oversight procedure by broadening the scope of agencies to which it applies. The benefits of the sunset process most often cited include improvements in government performance, financial savings due to improved agency performance, and increased legislative experience in conducting oversight. The notion that states are able to eliminate significant numbers of unnecessary regulations is generally less touted today than it was in the 1970s. Instead, the sunset process has focused on larger, general areas of state government and provides a means by which state legislatures fulfill their oversight functions.

The Kansas Sunset Law

The Kansas Sunset Law (K.S.A. 74-7245 *et seq.*), as it was enacted in 1978, provided for the abolition of 37 agencies between 1979 and 1984. All but two of the agencies were regulatory in nature. (The exceptions were the Departments and Offices of Secretary of Social and Rehabilitation Services and Health and Environment.) The law itself was set to expire July 1, 1981, unless extended by the Legislature.

When the Sunset Law was reviewed in 1981, legislators considered not only whether to extend it, but also whether changes should be made in the substance of the law itself.

What emerged from the 1981 Session was the law that existed until it was repealed in 1992. It shifted the focus of the process from regulatory agencies to broad, general areas of government and streamlined the review process. More than 20 boards, commissions, and agencies -- all regulatory -- were removed from the sunset process entirely. New agencies were added, including major cabinet agencies such as the departments of Revenue, Corrections, Transportation, and Human Resources. Added also were offices of elected officials, such as the State Treasurer and the Commissioner of Insurance. (See Attachment I for a list of state agencies that were subject to the provisions of the Sunset Law.)

The requirement that there be a performance audit of each agency was removed. Instead, the audit was made optional, subject to the direction of the Legislative Post Audit Committee. A public hearing in both houses on each agency subject to abolition was required. The maximum number of years an agency could be continued was extended to eight years. The Sunset Law itself was extended until July 1, 1984. In 1984, it was reestablished until July 1, 1992. It was repealed in 1992.

K-GOAL

In 1991, the question of whether to extend the Sunset Law was considered by an interim committee. The committee recommended that the Sunset Law be terminated and that, in its place, a law be enacted to more accurately reflect legislative practice as it had evolved.

The legislation recommended by the interim committee and amended during the 1992 Session became effective July 1, 1992. Called the "Kansas Governmental Operations Accountability Law" (K-GOAL), its stated purpose is to establish a procedure to ensure that state government serves the public in the most beneficial, efficient, and cost effective way possible. That purpose can be served by:

. . . periodically reviewing and evaluating the operations of selected state agencies, determining the necessity, propriety and legality of the operations reviewed and evaluated, identifying inefficiency and ineffectiveness, and taking action to retain and maintain appropriate and effective governmental operations, remediate defective governmental operations, and terminate inappropriate or obsolete governmental operations. (K.S.A. 74-7284.)

The law sets forth the procedure the Legislature must follow:

1. there must be a performance audit conducted by the Legislative Division of Post Audit of each agency reviewed;

2. agencies subject to review must be reviewed at least every eight years; and
3. an agency subject to review must be evaluated by a committee in each house and a public hearing must be held.

The law lists factors to be taken into account by the committees conducting the review.

They are:

1. whether all operations of the state agency have been authorized by the Legislature and whether the effects of such operations accord with legislative intent;
2. whether all operations of the state agency are being performed efficiently and effectively and whether any such operations could be performed in a more efficient, effective, or economical manner;
3. whether regulatory operations of the state agency are reasonably related to and are designed for the purpose of protection or benefaction of the public and have such protection or benefaction as a primary effect;
4. whether regulatory operations of the state agency could be performed in a less restrictive manner which could adequately protect the public;
5. whether regulatory operations of the state agency have the effect of directly or indirectly increasing the cost of any goods or services involved and, if so, whether the increase in cost is more harmful to the public than the harm which could result from the termination of such regulatory operations;
6. whether there is need for any change in the organization of the state agency or in any of its operations which would enable the state agency to fulfill its purposes in a more efficient, effective, or economical manner; and
7. whether the termination of any of a state agency's operations would significantly harm or endanger the rights, health, safety, or welfare of the public or result in the reduction or foreclosure of services required or desired by the public.

The possibility of terminating an agency as a consequence of its review exists under K-GOAL. (The Legislature can terminate any statutorily-created agency.) But, unlike the Sunset Law that actually set out in the statutes the day an agency would be abolished unless the Legislature took positive action to reestablish it, K-GOAL sets up a review schedule, not a termination schedule. There is nothing in K-GOAL that would automatically abolish a state agency.

Both the 1991 interim committee and the 1992 Legislature considered which agencies to subject to the K-GOAL review process. Some, but not all, of the agencies that formerly had been under the Sunset Law were placed on the K-GOAL list. Other agencies that had not been subject to the Sunset Law were made subject to review under K-GOAL.

The K-GOAL agencies and the year in which they are scheduled to be reviewed are the following:

- 1993 Department of Social and Rehabilitation Services
Capitol Area Security Patrol
- 1994 Department of Administration
Department of Commerce
- 1995 Department of Health and Environment
Kansas Water Office and Water Authority
- 1996 Department of Transportation
State Board of Agriculture
Agricultural Value Added Processing Center
- 1997 Department of Revenue
State Conservation Commission
- 1998 State Corporation Commission
Department of Education
- 1999 Department on Aging
Department of Human Resources
- 2000 Department of Corrections
Department of Wildlife and Parks

ATTACHMENT I

Activities Related to Kansas Sunset

Agency	Date to be Abolished	Legislative Action
Athletic Commission	1979	1. Athletic Commission not re-established. 2. All-Sports Hall of Fame continued under new Board of Trustees, with administrative functions performed by State Historical Society.
Mobile Home and Recreational Vehicle Commission	1979	Abolished July 1, 1979.
Abstracters' Board of Examiners	1979	Reestablished until 1985; removed from provisions of Sunset Law in 1981.
Board of Hearing Aid Examiners	1979	Reestablished until 1985; removed from provisions of Sunset Law in 1981.
Board of Social Work Examiners	1979	Not reestablished. Behavioral Sciences Regulatory Board created basically to perform existing functions of Board of Social Work Examiners and Board of Examiners of Psychologists.
Board of Examiners of Psychologists	1979	See action taken regarding Board of Social Work Examiners.

<u>Agency</u>	<u>Date to be Abolished</u>	<u>Legislative Action</u>
Department and Office of Secretary of Health and Environment	1980 1986 1994	Reestablished until 1986. Reestablished until 1994.
State Bank Commissioner's Office	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.
State Banking Board	1980	Removed from provisions of Sunset Law in 1981. (Board was in one-year windup period.)
Savings and Loan Commissioner's Office	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.
Savings and Loan Department	1980	Removed from provisions of Sunset Law in 1981. (Department was in one-year windup period.)
Savings and Loan Board	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.
Office of the Administrator of the State Department of Credit Unions	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.
Department of Credit Unions	1980	Removed from provisions of Sunset Law in 1981. (Department was in one-year windup period.)
Credit Union Council	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.

<u>Agency</u>	<u>Date to be Abolished</u>	<u>Legislative Action</u>
Consumer Credit Commissioner's Office	1980	Reestablished until 1986; removed from provisions of Sunset Law in 1981.
Council of Advisors on Consumer Credit	1980	Abolished July 1, 1980.
Commission on Civil Rights	1981 1982 1990 1994	Reestablished until 1982. Reestablished until 1990. Reestablished until 1994.
Board of Barber Examiners	1981	Removed from provisions of Sunset Law in 1981.
Board of Cosmetology	1981	Removed from provisions of Sunset Law in 1981.
Board of Embalming	1981	Removed from provisions of Sunset Law in 1981.
Real Estate Commission	1981	Removed from provisions of Sunset Law in 1981.
Board of Technical Professions	1981	Removed from provisions of Sunset Law in 1981.
Board of Accountancy	1981	Removed from provisions of Sunset Law in 1981.
Accountancy Advisory Council	1981	Abolished July 1, 1981.
Office & Office of Director of Energy Office	1982	Abolished July 1, 1982.

<u>Agency</u>	<u>Date to be Abolished</u>	<u>Legislative Action</u>
Energy Advisory Council	1982	Abolished July 1, 1982.
State Corporation Commission	1982 1983 1991	Reestablished until 1983. Reestablished until 1991.
Securities Commissioner's Office	1982	Removed from provisions of Sunset Law in 1981.
Department and Office of Secretary of Social and Rehabilitation Services	1982 1988 1996	Reestablished until 1988. Reestablished until 1996.
Department and Office of Secretary of Revenue	1983 1987 1989 1995	Reestablished until 1987. Reestablished until 1989. Reestablished until 1995.
Department and Office of Secretary of Transportation	1983 1991	Reestablished until 1991.
Dental Board	1983	Removed from provisions of Sunset Law in 1981.
Board of Healing Arts	1983 1992	Reestablished until 1992.
Board of Nursing	1983 1987 1995	Reestablished until 1987. Reestablished until 1995.
Examining Committee for Physical Therapy	1983	Removed from provisions of Sunset Law in 1981.

<u>Agency</u>	<u>Date to be Abolished</u>	<u>Legislative Action</u>
Board of Examiners in Optometry	1983	Removed from provisions of Sunset Law in 1981.
Board of Pharmacy	1983	Removed from provisions of Sunset Law in 1981.
Board of Veterinary Medical Examiners	1983	Removed from provisions of Sunset Law in 1981.
Department and Office of Secretary of Corrections	1984 1992	Reestablished until 1992.
Division and Director of Information Systems and Computing	1984	Removed from provisions of Sunset Law in 1984.
Department and Office of Secretary of Human Resources	1984 1985 1993	Reestablished until 1985. Reestablished until 1993.
Commission for the Hearing Impaired	1984 1992	Reestablished until 1992.
Department and Office of Commissioner of Insurance	1985 1993	Reestablished until 1993.
Department and Office of Secretary of Commerce	1985 1988 1996	Reestablished until 1988. Reestablished until 1996.
Office of the State Treasurer	1985 1993	Reestablished until 1993.

<u>Agency</u>	<u>Date to be Abolished</u>	<u>Legislative Action</u>
Pooled Money Investment Board	1985 1993	Reestablished until 1993.
Department and Office of Secretary on Aging	1986 1994	Reestablished until 1994.
Behavioral Sciences Regulatory Board	1986	Removed from provisions of Sunset Law in 1981.
Children and Youth Advisory Committee	1986	Removed from provisions of Sunset Law in 1981.
Water Authority	1987 1989 1994	Reestablished until 1989. Reestablished until 1994.
Water Office and Office of Director	1987 1989 1994	Reestablished until 1989. Reestablished until 1994.
State Library and Office of State Librarian	1987 1995	Reestablished until 1995.
Coal Commission	1989 1993	Reestablished until 1993.
Dealer Review Board	1989 1991	Reestablished until 1991.
Public Disclosure Commission and Office of Executive Director	1992	

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<u>Agency</u>	<u>Date to be Abolished</u>	<u>Legislative Action</u>
Department and Office of Secretary of Administration	1992	
Lottery Commission and Office of Executive Director	1992	
Commission on Epilepsy	1993	
Real Estate Appraisal Board	1993	
Behavioral Sciences Regulatory Board	1993	
Film Services Commission	1994	

House Committee on Governmental Organization and Elections
Consideration of K-GOAL Performance Audits

What is your role in selecting areas to audit?
How much of an agency's operations can be audited for K-GOAL?
Which audits are available for this Committee to discuss, and when?

K-GOAL requires the following:

- The Legislative Post Audit Committee (LPAC) is responsible for approving and authorizing performance audits required by K-GOAL.
- In directing the audit, the LPAC specifies the objectives and scope and directs the details of the audit.

LPAC RULE 1-4 (attached) establishes a process for getting input from legislators, committees, agency officials, staff, or others regarding the K-GOAL audit scopes.

THE LPAC did not specifically authorize an SRS K-GOAL audit
•SRS placed first on list so the existing Foster Care audits could be used (KanWork was NOT approved as a K-GOAL audit, but as a performance audit requested by the Legislative Budget Committee.)

THE LPAC specifically authorized the Capitol Area Security Patrol audit, the scope of which was determined in accordance with Rule 1-4. (See attached scope statement.)

- The scope of that audit may be general, addressing all operations of the State agency, or it may be restricted to a particular operation of the State agency.

IN MOST CASES, because of resource limitations, these audits will have to be restricted to a particular operation or program of the State agency.

- CASP a very small agency--still looked at just part of it
- SRS, KDOT, Administration, etc., are very large agencies with many programs and responsibilities.
- Foster care series of audits: 3 audit teams spent 9 months.
- KanWork: 1 audit team spent 12-14 weeks (about the norm for a K-GOAL audit, as conceived by the Governmental Organization Committees and LPAC last year).

K-GOAL SET UP an 8-year cycle, with two agencies being reviewed per year, in part because that cycle could be maintained using only one audit team's resources. (Three other teams are free to do other performance audits requested by legislators or committees.)

- That audit must be completed no sooner than 2 years before the scheduled review date, but by the 30th day of the session.

ALLOWS previous audits to "count" toward the K-GOAL audit requirement, if relevant audit work has been conducted recently.

K-GOAL audits are done for this year. (However, your committee may request any performance audit through the regular audit approval process).

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House Gov't Org. & Elec.
Attachment 3

LATER IN THE Session, Post Audit staff will begin contacting legislators and others regarding their potential questions or concerns for the two agencies that will be reviewed in 1994: Departments of Administration and Commerce.

- The Government Org Committees will receive all K-GOAL audits as part of their review and evaluation of State agencies.

KANWORK and Foster Care audits are done and available for presentation and review.

ANY OTHER SRS audits this Committee thinks may be helpful in their deliberations can be presented. (See attached listing of audits completed within the past 3 years.)

STAFF PULLED together a summary of common problem themes in recent SRS audits for this Committee's information. (See attached.)

CASP will be presented to the LPAC this Thursday, January 28, and will be available any time after that.

Performance audits are performed pursuant to K.S.A. 46-1108, 46-1114 or 74-4921 and amendments thereto, the Kansas Governmental Operations Accountability Law or any other Kansas statutes requiring such audits.

LPAC Rule 1-3. SPECIAL AUDITS. (a) Special audits are audit projects requiring not more than 100 staff hours to complete. Special audits shall be undertaken by the Legislative Post Auditor only on the written direction of the Chairperson of the Legislative Post Audit Committee to the Legislative Post Auditor. A copy of each such written direction shall be distributed to each member of the committee by the Chairperson or by the Legislative Post Auditor.

(b) The Chairperson shall rescind the direction to undertake a special audit upon receipt of oral or written notice from five or more members of the Legislative Post Audit Committee that such members do not approve undertaking the special audit. Such notice shall be conveyed to the Chairperson by such members within five days after the written direction for the special audit is distributed, or mailed if distributed by mail, including the day of distribution.

LPAC Rule 1-4. PERFORMANCE AUDITS REQUIRED BY OTHER KANSAS STATUTES. (a) For any performance audit required to be conducted by any Kansas statute other than the Legislative Post Audit Act, the Division of Post Audit shall review such materials and shall contact interested legislators, committees, agency officials, or other parties as the Legislative Post Auditor deems necessary and

appropriate to help determine the tentative scope of each such performance audit. The Division of Post Audit shall prepare an audit scope statement for each such performance audit in accordance with the statute requiring the performance audit and such other requirements as may be prescribed by the Legislative Post Audit Committee.

(b) Scope statements for each such performance audit shall be presented at a meeting of the Legislative Post Audit Committee and shall be approved or modified and approved by the Legislative Post Audit Committee.

LPAC Rule 1-5. AUDIT REQUESTS BY LEGISLATORS AND COMMITTEES.

(a) Any legislator or legislative committee desiring to request an audit shall contact the Division of Post Audit for assistance in preparing an audit scope statement for presentation of the request to the Legislative Post Audit Committee. Upon being contacted, the Division of Post Audit shall assist the requesting legislator or committee in developing and preparing an audit scope statement for each such request. The audit scope statement shall include appropriate background information on the subject of the requested audit, the specific questions to be addressed by the audit, the proposed audit methods and the estimated time required to complete the audit. The audit scope statement shall be submitted by the Division of Post Audit to the requesting legislator or committee for review and shall be held confidential by the Division of Post Audit until approved by the requesting legislator or committee for presentation at a meeting of the

REVISED SCOPE STATEMENT

Reviewing the Effectiveness of the Capitol Area Security Patrol

The Capitol Area Security Patrol provides security within the Capitol Complex area as well as security protection for certain State officials. Members of the Capitol Area Security Patrol provide security at seven State buildings and the Governor's residence, and check the outer perimeter and grounds at 42 other locations throughout Topeka. They also enforce rules and regulations for parking in six State-owned parking lots and provide security for the Governor and members of the Legislature on request, and investigate accidents and thefts. The Capitol Area Security Patrol is under the supervision and management of the Superintendent of the Highway Patrol.

The Kansas Governmental Operations Accountability Law (K-GOAL) requires the Legislative Division of Post Audit to conduct an audit of the Capitol Area Security Patrol before the 1993 regular session of the Legislature. Specific concerns have been expressed that the Patrol does not respond to calls on a timely basis, that they are not thorough in investigating or following up on complaints, and that they do not have sufficient staff on duty to provide security for the Capitol complex. A performance audit in this area would address the following question:

1. **Does the Capitol Area Security Patrol provide adequate security?**
We would review qualifications and training requirements for members of the Patrol, and assess whether members of the Patrol met those requirements and have passed any required background checks. Through reviews of the Patrol's procedures, we would assess issues such as how they ensure that adequate staff are on duty, and how they document reports of security problems and the Patrol's response to those problems. We would also determine whether the Patrol appears to have adequate written procedures for dealing with security issues such as checking suspicious people, routine patrols, preventing unauthorized entry to the Capitol, and investigating bomb threats. We would contact similar agencies in other states to determine what types of qualifications and training they require for security staff, and how many staff they use to provide security for their state capitols. We would also look at applicable funding and staffing issues that affect the Patrol's ability to provide adequate security. Finally, we would survey Legislators and State employees to obtain their opinions about the level of service provided by the Patrol. The audit would focus on the State Capitol, Docking and Landon State Office Buildings, the building at 512 W. 6th Street, and the six State-owned parking lots in the Capitol Complex.

Estimated completion time: 8-10 weeks

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(Over)

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Common Themes in Recent Audits of the Department of Social and Rehabilitation Services

Lack of basic management information

SRS Central Office doesn't have some basic information it would need to actively manage (rather than react to) its systems and programs. Basic information that SRS either does not have or does not compile in a way that can be used to manage systems or programs includes the following:

- A tracking system for children in foster care
- The number of bedspaces actually available for foster care children
- Actual cost data for foster care
- Actual caseloads for foster care
- The number of abuse and neglect reports received
- A complete Central Registry listing of people who have abused or neglected a child
- information to manage and assess the family services program
- length of time clients have been on welfare
- which clients are participating in the KanWork program
- training being provided to KanWork clients
- which KanWork clients get jobs and how long they hold jobs
- amount of benefits provided to individual KanWork clients

Inaccurate or inconsistent information

Some of the management information SRS has and relies on for planning, budgeting, and operating is inconsistent or inaccurate. In our audits of SRS, we often find that the information the Department provides us is inaccurate. SRS staff sometimes tell us they know the information is inaccurate, but that they don't know why or how. The audit of the Mental Health program pointed out that the information about clients and services from the State and community levels are incompatible and cannot be combined to give a complete picture of mental health services or clients.

Lack of oversight and accountability

SRS Central Office has not provided the kind of oversight needed to ensure that local staff are carrying out SRS directives the way they are supposed to. SRS has developed adequate policies and procedures for many aspects of its systems or programs, but it does not always require local staff to follow them. Those that are required are not always followed; SRS Central Office often does not know whether its policies and procedures are being followed. Supervisory reviews and monitoring (as well as monitoring by Central Office staff) are not taking place as needed or, in some cases, as required. This lack of oversight led to reports of child abuse not being investigated, foster care cases not being

managed or supervised effectively, and local offices not following Department policies in providing information about funeral and burial assistance payments. When Department officials do oversight they often find that the local offices are not following procedures. The KanWork audit reported that the Department's auditors found widespread problems in the local offices' operation of the KanWork program.

Lack of staff training

SRS staff we survey frequently tell us they do not receive the training they need to effectively carry out their jobs. This occurred not only in the child abuse and foster care audits, but also in audits of the Youth Center at Topeka, the client abuse reporting system at Winfield State Hospital, and security problems at the Topeka State Hospital.

Poor documentation of agency actions

The SRS Secretary recently labeled such problems as "paperwork" problems, but without good records of the actions SRS staff have taken, SRS cannot know whether its staff are carrying out their jobs as they are supposed to. We often find documentation problems when auditing SRS programs or institutions. In the child abuse audit, we found cases where weeks or even months appeared to go by before SRS staff acted on complaints of child abuse or neglect. Without any documentation of actions taken, neither we nor, more importantly, SRS can know whether the staff did something and didn't record it, or simply didn't do anything. In addition, social worker turnover is high; without good documentation of what has been done, subsequent social workers may not have the information they need to effectively handle the child's case. We also found poor case documentation in the KanWork audit. In the absence of good information about SRS' actions, there are no assurances that SRS clients are receiving the benefits and services they should receive in a cost-effective and efficient manner.

Management problems

In some instances, mismanagement has caused significant problems within SRS institutions or between SRS and other agencies. Sometimes SRS has been aware of such problems and has not acted to resolve them. The primary examples of serious mismanagement within institutions were in audits of the Youth Center at Topeka, Winfield State Hospital and the development of the CAESCES computer system. Other audits pointed out coordination problems between SRS and other agencies. The KanWork audit discussed severe problems between SRS and the Department of Human Resources in operating the KanWork program. The audits of the increasing costs of nursing homes also discussed similar but less extreme coordination problems.

Lack of automation

Local SRS staff do not have access to Statewide information about families whose children have been abused, neglected, or placed in foster care, so they are generally unaware of any past actions. KanWork records are completely manual so neither the local offices or the central office have ready access to program information either about individual clients or about the program as a whole. The Department is currently developing a computerized system for the KanWork program but they admit that it will not solve all of the program's information problems.

Inefficient use of staff

In the foster care audits, social workers told us they do a lot of tasks that non-social worker positions could do, freeing up their time for providing more and better services.