

Approved: 2-17-93
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 February 16, 1993 in Room 521-S of the Capitol.

All members were present except: Representative Delbert Gross (Excused)
Representative Sheila Hochhauser (Excused)

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:

Representative Kay O'Connor
Joe de la Torre, Secretary of State's Office
Elgia Stevenson, Johnson County Election Commissioner
Representative Jim Lowther
Representative John Toplikar

Others attending: See attached list

Hearing on HB 2187 - elections; requiring distribution of sample ballots.

Representative Kay O'Connor testified on behalf of HB 2187, explaining that this bill would make sample ballots available in public places prior to elections (Attachment 1). She suggested amending page 2, line 26, by adding "or list of candidates and other questions to be voted upon", and page 2, line 28, to change district to area and lines 34, 35, and 36 being stricken.

Joe de la Torre appeared in support of HB 2187 (Attachment 2).

Elgia Stevenson, Johnson County Election Commissioner, made comments regarding HB 2187, suggesting "shall" be changed to "may" to make the bill a little less demanding and making sure constitutional amendments are included since this is the most confusing issue on any election. She also suggested adding the words "or list" in addition to "ballot".

HB 2215 - elections; selection of members of election boards.

Representative Jim Lowther testified on HB 2215, stating that this bill was in recognition of the problems in finding people to serve on the election boards and this bill would create a new method of selecting those people (Attachment 3).

At the committee request, Dennis Hodgins, Legislative Research, will gather information as to what other states do.

Joe de la Torre, Secretary of State's Office, provided written testimony in opposition to HB 2215, stating this bill would not assist in facilitating the recruitment or training of board workers and may actually hinder the process (Attachment 4).

Written testimony from Susan Henson, McPherson County Clerk, was handed out to committee members (Attachment 5).

Elgia Stevenson, Johnson County Election Commissioner, provided information that she did not feel this bill would help in finding people willing to work at the polling places. She stated the main problem is availability.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 16, 1993.

HB 2217 - elections; reporter record proceedings during recount of ballots.

Representative John Toplikar testified in support of HB 2217, which would specify that a certified shorthand reporter be employed by the county conducting the recount to record and preserve a record of the recount and provide copies to the candidate requesting the recount and the Secretary of State (Attachment 6). Questions were raised as to availability of a certified shorthand reporter in some areas and the cost of same. This request would pertain to recounts on any question, too.

Joe de la Torre, Secretary of State's Office, appeared before the committee on HB 2217 with written testimony, stating he felt this requirement was unnecessary and would not contribute to the accuracy and authenticity of the recount procedure (Attachment 7).

Elgia Stevenson, Johnson County Election Commissioner, provided written testimony on HB 2217 (Attachment 8).

HB 2256 - elections; recount of votes and contest involving electronic voting machines.

Representative John Toplikar testified in support of HB 2256, stating candidates whose counties use the computerized machines should also have access to a total recount in all precincts and all machines to make the procedure as fair as possible (Attachment 9). One change in the bill he suggested was on page 3, line 16, to change "information" to "votes".

Elgia Stevenson, Johnson County Election Commissioner, provided written opposition to HB 2256 (Attachment 10).

Action on:

HB 2228 - providing for the conduct of a comprehensive management review of all agencies of state government.

Representative Hendrix moved for approval of balloon changes in HB 2228 (Attachment 11). Representative Haulmark seconded. Motion carried.

Representative Hendrix moved HB 2228 for favorable passage as amended. Representative McKechnie seconded. Motion carried.

Representative Cox moved approval of the minutes for February 11, 1993 and February 15, 1993 as submitted. Representative Ballard seconded. Motion carried.

The meeting was adjourned at 10:30 a.m. The next meeting is scheduled for February 17, 1993.

GUEST LIST

COMMITTEE: House Governmental Organization
+ Elections

DATE: 2-16-93

[illegible]

STATE OF KANSAS

KAY O'CONNOR
REPRESENTATIVE, DISTRICT 14

TOPEKA ADDRESS:
STATE CAPITOL—303-N
TOPEKA, KANSAS 66612-1504
(913) 296-7649

OLATHE ADDRESS:
1101 N CURTIS
OLATHE, KS 66061
(913) 764-7935



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: GOVERNMENTAL ORGANIZATION &
ELECTIONS
PUBLIC HEALTH & WELFARE

TO: HOUSE GOVERNMENTAL ORGANIZATIONS & ELECTIONS
DATE: FEBRUARY 16, 1993
FROM: REPRESENTATIVE KAY O'CONNOR
RE: HB 2187

Mr. Chairman and Committee members:

HB 2187 will provide for sample ballots to be made available in public places prior to an election.

As some of you may know, I was raised in Alaska and, as a teenager and unable to vote, I was more informed about candidates and issues than I was as a newcomer to the state of Kansas for the first few years. My aggressive personality has helped me to become a pretty well informed voter now. But—I'll bet even most of you had a hard time knowing anything about the judge candidates.

In Alaska, I remember being able to pick up a sample ballot at the post office, city hall, grocery stores, libraries, and other public places. We could take it home, study it, talk to our neighbors and other respected sources, and follow election results with some degree of intelligence.

When I first talked to Joe DeLaTorre about this, I told him I had heard that sample ballots were "against the law" in Kansas. He did some research and got back with me to basically say "yes, but go ahead and propose a bill."

Apparently, the laws on the books prohibited sample ballots except for educational purposes in schools, K-12, and through party organizations. These rules were in place because of the fear of ballot stuffing on the very volatile issue of Kansas being a slave or non-slave state. Although we may still have volatile issues, ballot stuffing with sample ballots is no longer a realistic fear.

Ballots can be printed with pink paper, red ink, "void" or "sample ballot" stamped across the face, vertical or horizontal--whichever is the opposite of the actual ballot--or even with more than one district represented so as to make the sample ballot virtually impossible to duplicate and misuse as a real ballot.

2-16-93
House Gov't Org + Elec
Attachment 1

House Governmental Organizations and Elections
From Representative Kay O'Connor
February 16, 1993
Page 2

On page 2, line 7, the portion stricken removes the part of the old statute allowing only sample ballots for K-12 educational purposes.

On page 1, line 24 (d) is the replacement wording that allows sample ballots to be made available to the public. You will notice that the county election officer is allowed to determine the number of ballots to be printed and distributed so as to give the widest latitude of local control of costs and methods of distribution.

Although it is not specified in this bill, the county election officer is not prohibited from charging a fee for the costs of large numbers of ballots requested by one party such as a grocery store.

It is my opinion that any additional costs to implement this bill would be minimal. I was able to print five thousand 8 1/2" x 11" twenty-pound sheets, one-sided with a photo and colored ink, for less than \$150.

Distribution is at the discretion of the county election officer. I would envision no need for anything more than minimal postage or even having interested parties pick them up at the election office.

Some suggested amendments have recently come to my attention that I feel would be good for clean-up and clarification. Page 2, line 26, after "sample ballots", add or list of candidates and other questions to be voted upon, and page 2, line 28, change district to area, with lines 34, 35, and 36 to be stricken.

It is my hope that, if or when, this bill becomes law, we will see a reduction in voter apathy and more and better informed voters at the polls on election days.

I stand for questions at the pleasure of the chair.

Bill Graves
Secretary of State



2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

House Governmental Organization and Elections Committee
Testimony on HB 2187

By
Joe de la Torre
2-16-93

Thank you Mr. Chairman and members of the committee for the opportunity to testify on HB 2187.

Presently the statutes allow sample ballots to be distributed to schools, kindergarten through grade 12, for educational purposes.

The statutes also direct the county election officer to distribute ballots printed on any color of paper other than white for the inspection of candidates and for distribution by political organizations.

Our office is in strong support of distributing to voters, the candidate's names and questions which will appear on the ballot.

Discretion should be given to the county election officer as to how to accomplish this effort either by distribution of sample ballots or list of candidates and questions.

I have consulted with Representative O'Connor regarding our recommendations.

I will be glad to stand for questions.

2-16-93
House Gov't Org + Elec
Attachment 2



TOPEKA

HOUSE OF
REPRESENTATIVES

JAMES E. LOWTHER
REPRESENTATIVE, 60TH DISTRICT
LYON COUNTY
1549 BERKELEY ROAD
EMPORIA, KANSAS 66801

COMMITTEE ASSIGNMENTS

CHAIRMAN: LEGISLATIVE POST AUDIT COMMITTEE

SUBCOMMITTEE CHAIRMAN: APPROPRIATIONS

MEMBER: EDUCATION
TAXATION

Feb. 16, 1993

TESTIMONY ON HB 2215 BY REP. JIM LOWTHER
House Governmental Organization & Election Committee

Subject: New Method of Selecting Election Board Clerks

Thankyou for letting me appear today in support of HB 2215. This bill was introduced in recognition of the problem that exists throughout our state in selecting and filling the election board positions - specifically the election clerks. In discussing the bill with the Secretary of State's office, I am sure that there will be suggestions on amending the bill, and that is no problem as far as I am concerned. Especially if it can be improved. My objective is to focus attention on this problem in hopes that corrective legislation can be in-acted.

Let me try and briefly explain the existing law and the changes that the bill would make. First, the election judges would not be involved and their selection would continue in the same manner under current law. The bill addresses the clerks on the election board.

Sec. 1. Under current law the county election officer appoints the election board judges and clerks. The bill changes "appointed by" to "selected by" the county election officer. The same time frame prevails for appointment after selection.

Sec. 2. The present requirement that not more than one-half of the judges and clerks be from the same party is not changed. The provision in current law that says that this division between parties does not apply if the appointees are not recommended or if they are recommended, and they fail or refuse to qualify or serve is deleted. It would not be necessary due to the new selection process.

Current law has the county chairs recommend people for both judges and clerks. The bill continues this for election board judges, but not for clerks.

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House Gov't Org + Elec
Attachment 3

New Sec. 3.(f). This sets up a new way to pick names for election board clerks - by lot. Voters names are placed in a pot or wheel, one for each party. Names are drawn, one-half from each wheel by the county election officer. Those drawn are to be assigned to a designated election board to serve as clerks.

That is the gist of the bill. A new method of selecting people to serve as election board clerks. There may be several other ways to do this that would be an improvement over the present system. The point is, that improvement is needed. It is a real problem to get people to serve and many of those who have served for years do not want to step aside. If a new selection method is instigated, so that new people serve each election, a need for training would be created. Training is provided now, as I understand it, as needed, so this would not appear to be a big problem. Also, the selection and appointment of Supervising judges and the other judges would continue as is.

Thank you for conducting a hearing on this matter. I hope your discussion proves to be productive.

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Bill Graves
Secretary of State



2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

House Governmental Organization and Elections Committee
Testimony on HB 2215

By
Joe de la Torre
2-16-93

Mr. Chairman, members of the committee, thank you for the opportunity to testify on HB 2215.

It is our understanding that this bill was introduced to alleviate the problems experienced by county election officers with recruiting persons to serve on election boards.

We feel this proposal as presented in this bill will not assist in facilitating the recruitment or training of board workers and may actually hinder the process.

Thank you for the opportunity to appear before the committee. I will be glad to answer any questions you may have.

2-16-93
House Gov't Org + Elec
Attachment 4

McPHERSON COUNTY



February 12, 1993

The Honorable Marvin E. Smith
House of Representatives
Elections Committee Chairman
123 N.E. 82nd
Topeka, KS 66617

Dear Mr. Smith:

Concerning HB 2215 - Selection of Board Workers

As the 1993 Elections Committee Chairperson for the Kansas County Clerks' Association, I have received numerous calls from county clerks opposing passage of this bill for the following reasons:

- Many people whose names are drawn will not want to serve. Therefore, it will be more time-consuming and costly for staff to contact potential board workers if many rejections are received.
- If voters are mandated to serve, we will have board workers who have no choice but to serve; we could be dealing with disgruntled board workers who are inefficient, unfriendly, and discourage voter turnout.
- This bill would mean new board workers every election; it is difficult enough to educate the ones who work on a rotating basis; new workers each election would not be well educated on the ever-changing election laws.
- Establishing a separate card system, which would never be up-to-date, would require additional staff to maintain. In this computer age, establishing such a file would be taking giant step backwards.

Please contact me if my committee can offer further insight.

Sincerely,

Susan R. Henson, McPherson County Clerk
1993 Elections Committee Chair
Kansas County Clerks' Association

2-16-93
Horse Gout Org + Elec

JOHN TOPLIKAR
REPRESENTATIVE, 15TH DISTRICT
831 S. TROOST
OLATHE, KANSAS 66061

ROOM 175-W
STATE CAPITOL
TOPEKA, KANSAS 66612-1504
(913) 296-7695



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENT
MEMBER ECONOMIC DEVELOPMENT
LOCAL GOVERNMENT
JOINT COMMITTEE ON ECONOMIC
DEVELOPMENT

February 16, 1993

GOVERNMENTAL ORGANIZATION AND
ELECTIONS COMMITTEE
TESTIMONY ON HB 2217
REPRESENTATIVE JOHN TOPLIKAR

Mr. Chairman and members of the committee:

This bill, HB 2217, is a simple addition to the current law that details the way in which a recount of an election is conducted.

It specifies that a certified shorthand reporter be employed by the county conducting the recount to record and preserve a record of the recount, and provide copies to the candidate requesting the recount and the secretary of state.

Current law does not provide for such record although currently a candidate calling for a recount must post a bond conditioned to pay all costs incurred by the county.

I recommend the certified shorthand reporter be established into the process both for the protection of the county and candidates involved, to preserve a detailed record in case of lawsuit by the contesting of an election.

I ask for your support of HB 2217 and I stand for any questions.

2-16-93
House Gov't Org. & Elec.
Attachment 6

Bill Graves
Secretary of State



2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

House Governmental Organization and Elections Committee
Testimony on HB 2217

By
Joe de la Torre
2-16-93

Thank you Mr. Chairman and members of the committee for the opportunity to testify on HB 2217.

The recount process is designed for the purpose of determining the outcome of the votes cast in an election. It is the same process used by the election board in counting the votes.

Since the language in this bill makes it mandatory for a certified shorthand reporter to be present at the recount and the cost of that person's service is usually expensive, we are concerned that those individuals desiring a recount may be discouraged from asking for the recount due to the cost involved in posting the required bond.

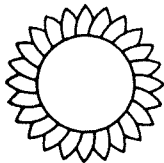
In addition, in some areas of the state, it may be difficult to find a local person with the necessary qualifications.

If more than one county is involved in the recount procedure, several of these reporters may be needed at various locations throughout the district.

We feel this requirement is unnecessary and will not contribute to the accuracy and authenticity of the recount procedure.

I will be glad to answer any questions you may have.

2-16-93
House Gov't Org + Elec
Attachment 7



Johnson County
Kansas

Elgia C. Stevenson
Election Commissioner

TO: Governmental Organization and Elections Committee Members
FROM: Elgia C. Stevenson *Elgia C. Stevenson*
Johnson County Election Commissioner
SUBJECT: HB 2217
DATE: February 12, 1993

This is a memo of opposition to the amendment in section 1, (b) of HB 2217.

Any candidate may specifically request the services of a certified court reporter when filing for a recount. Charges for the service become part of the recount expense.

Candidates are represented by legal counsel. It would seem the recounts participants would request that service from counsel.

*2-16-93
House Gov't Org + Elec
Attachment 8*

JOHN TOPLIKAR
 REPRESENTATIVE, 15TH DISTRICT
 831 S. TROOST
 OLATHE, KANSAS 66061

ROOM 175-W
 STATE CAPITOL
 TOPEKA, KANSAS 66612-1504
 (913) 296-7695



TOPEKA

COMMITTEE ASSIGNMENTS
 MEMBER: ECONOMIC DEVELOPMENT
 LOCAL GOVERNMENT
 JOINT COMMITTEE ON ECONOMIC
 DEVELOPMENT

HOUSE OF
 REPRESENTATIVES
 GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE
 TESTIMONY ON HB 2256
 REP. JOHN TOPLIKAR - FEBRUARY 16, 1993

Mr. Chairman and members of the committee:

HB 2256 is a bill which would allow a system to recount votes from computerized election machines. Currently our state does not provide a mechanism for recounting these types of machines. In the 1990 general election I was involved in an election which was decided by four votes and requested a recount but there was no means by law to recount a computerized voting machine which produced questionable results. This bill would provide the means to recount these machines in case of questioned results.

As of now these machines are only being used in Johnson County, but I understand Sedgwick County is considering using them in the future. When other counties begin purchasing these machines a system must be in place to be implemented in case a recount is requested. In the drafting of this bill I was assisted by the Legislative Research Department which contacted Keith Long, an independent consultant, who helped design this type of machine, and I also had the Revisors Office contact Robert Naegele, another independent consultant who helped implement the machines in Kansas. Both advised in methods that could be utilized for the recounting of these machines.

Section 1(b) says that the cartridge of a machine can only be removed by the election officials who must accompany the cartridge until its results are printed out. Poll agents shall also be present throughout, so that the votes on the cartridge will be read and printed out in public view.

Section 2(b) says that a new cartridge is to be inserted into the machine in question for the purpose of a recount and the results are to be printed out. If there is a discrepancy with the original count and the recount then another cartridge shall be inserted and a second recount made. If the second recount is the same as the first recount, then that shall be the score.

Section 2(c) says the memory of votes within the machine shall not be cleared until a recount has ended or a contest of an election has ended.

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 House Gov't Org + Elec
 Attachment 9

Page 2

The law currently allows candidates to have recounts where paper ballots are used. Candidates whose counties use the computerized machines should also have access to a total recount in all precincts and all machines to make the procedure as fair as possible.

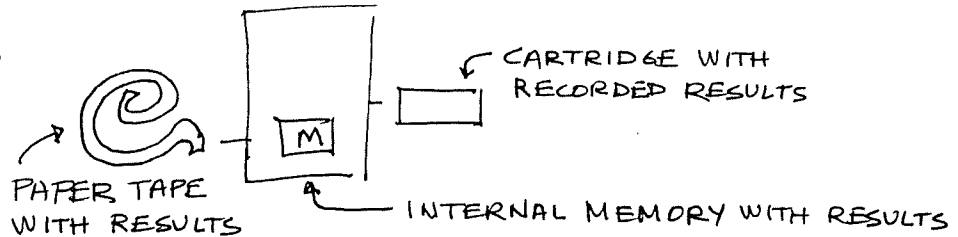
I have prepared a sketch to illustrate the three main components of the computer voting machine and to help you understand what HB2256 would do.

I ask for your support of this bill and stand for questions.

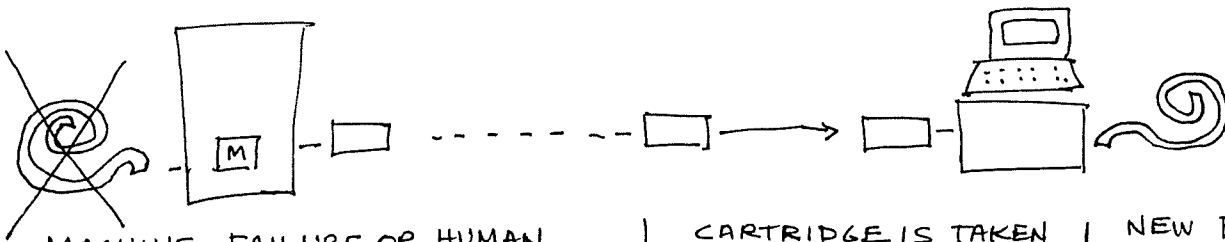
RECOUNTING A COMPUTER VOTING MACHINE

HOW IT WORKS IN HB 2256

THE MACHINE:



Sec. 1.(b)

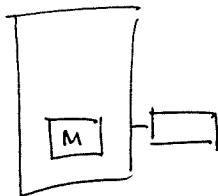


MACHINE FAILURE OR HUMAN ERROR OCCURS. RESULTS CANNOT BE READ FROM PAPER TAPE,

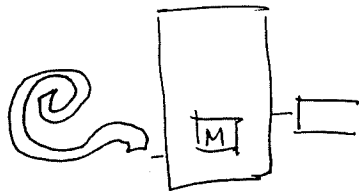
CARTRIDGE IS TAKEN TO A BACK UP READING MACHINE WHERE A COMPUTER TECHNICIAN READS RESULTS.

NEW PAPER TAPE IS PRINTED FROM CARTRIDGE BY TECHNICIAN. RESULT IS QUESTIONED IN A RECOUNT.

Sec. 2.(b) THE RECOUNT

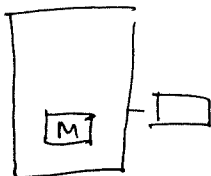


NEW CARTRIDGE IS INSERTED INTO ELECTION MACHINE IN QUESTION.

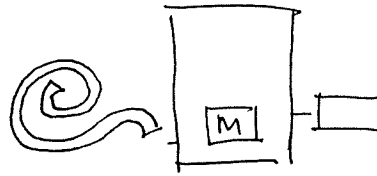


NEW PAPER TAPE IS PRINTED FROM NEW CARTRIDGE.

- IN CASE THE RESULTS ARE NOT IDENTICAL TO ORIGINAL COUNT THIS PROCESS IS REPEATED.

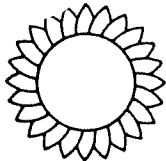


SECOND CARTRIDGE IS INSERTED INTO ELECTION MACHINE IN QUESTION.



SECOND NEW PAPER TAPE IS PRINTED.

- IF THIS COUNT IS IDENTICAL TO FIRST RECOUNT THEN THIS SHALL BE THE RESULT.



Johnson County
Kansas

Elgia C. Stevenson
Election Commissioner

TO: Governmental Organization and Elections Committee Members
FROM: Elgia C. Stevenson *Elgia C. Stevenson*
Johnson County Election Commissioner
SUBJECT: HB 2256
DATE: February 12, 1993

This is a memo of opposition to the referenced bill.

All amendments to HB 2256 relating to vote count security are already incorporated in the design of the AVC ADVANTAGE direct-read voting machine.

The amendments are asking for the impossible from the system, and require systems, which, if possible, would defeat the very security that is being challenged.

Please remember, before any system can be certified for use in Kansas, all such safeguards must be in place.

*2-16-93
House Gov't Org & Elec
Attachment 10*

HOUSE BILL No. 2228

By Representatives Hendrix, Benlon, Bradley, Carmody, Cornfield, Dawson, Empson, Flower, Haulmark, Jennison, Lane, Lowther, Mead, Miller, Mollenkamp, Neufeld, O'Neal, Powers, Roe, Samuelson, Shallenburger, Shore, M. Smith, Wagle and E. Wells

2-4

11 AN ACT providing for a comprehensive ~~management~~ review of ~~agen-~~
12 ~~cies of the state~~, imposing duties upon certain state officers there-
13 for; providing for the conduct of such review, the filing of certain
14 reports and recommendations and the administration of the pro-
15 visions of the act.

governmental functions, structure,
processes and services

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. (a) The purpose of this act shall be to challenge and
19 question the basic assumptions underlying all state agencies and the
20 programs and services offered by the state to identify those that are
21 vital to the best interests of the people of the state and those that
22 no longer meet that goal; and to provide a comprehensive review
23 of state agencies in providing such programs and services.

24 (b) As used in this act "state agency" means any state office,
25 officer, department, board, commission, institution, bureau, agency
26 or authority or any division or unit thereof.

27 Sec. 2. The legislative post audit committee shall direct the post
28 auditor to conduct a management review of state agencies in accor-
29 dance with the provisions of this act. The review is to focus on how
30 state government is organized, managed and financed. The review's
31 perspective is to emphasize service to the customers of state agencies
32 and satisfaction of the state's taxpayers. In the performance of such
33 duties the post auditor shall:

34 (a) Conduct a ~~complete~~ review of all state agencies and all pro-
35 grams, services and activities operated by such agencies;

36 (b) evaluate the efficiency with which state agencies operate the
37 programs under their jurisdictions and fulfill the duties assigned to
38 such agencies by law;

39 (c) determine methods to maximize the amount of federal funds
40 received by the state for programs in order to better ensure that
41 the people of Kansas receive a greater share of the taxes levied on
42 them by the federal government;

(d) identify any state agency or any program or service now

2-16-93
House Gov't Org + ELEC
Attachment

1 offered by an agency that can be eliminated or transferred to the
 2 private sector without injury to the public good and well-being; and
 3 (e) make recommendations for the programs and services the
 4 various state agencies provide as well as recommendations for the
 5 elimination of or reduction in funding to various agencies, programs
 6 or services based on the results of the management review.

7 Sec. 3. There is hereby established the state governmental prac-
 8 tices advisory committee which shall consist of: ~~(a) The chairperson~~
 9 and the ranking minority member of the senate standing committee
 10 on ways and means; ~~(b) the chairperson and ranking minority member~~
 11 of the standing committee on appropriations of the house of rep-
 12 resentatives; ~~(c) four members of the executive branch of govern-~~
 13 ~~ment, designated by the governor;~~ ~~(d) one member from the judicial~~
 14 branch of state government, designated by the chief justice of the
 15 supreme court; ~~(e) one representative of the certified public ac-~~
 16 counting firm that annually audits the state; ~~(f) one representative~~
 17 of the general public appointed by the president of the senate; and
 18 ~~(g) one representative of the general public appointed by the speaker~~
 19 of the house of representatives. It shall be the duty of the advisory
 20 committee to advise with the post auditor on all phases of the review
 21 including coordination of state agency involvement and in the de-
 22 velopment of the scope and direction of a work plan for the guidance
 23 of teams and taskforces established for the conduct of such review.
 24 Members of the committee, who are not governmental officers or
 25 employees, shall receive compensation and subsistence and mileage
 26 expense allowances as prescribed by K.S.A. 75-3223, and amend-
 27 ments thereto.

28 Sec. 4. For the purpose of providing staff assistance to the post
 29 auditor in the conduct of such management review, the director of
 30 the legislative research department, the director of the budget and
 31 chief administrative officer of all other state agencies shall provide
 32 the services of such personnel of the agency as may be requested
 33 by the post auditor.

34 ~~Sec. 5. The post auditor shall establish a project management~~
 35 team which shall consist of members of the staff of the post audit
 36 division, the legislative research department and the division of the
 37 budget.

38 Sec. 6. The post auditor shall establish such number of teams
 39 and taskforces as may be necessary for the conduct of such review.
 40 Such teams and taskforces may be organized according to functional
 41 areas of government to be reviewed or by department as determined
 42 by the post auditor. The post auditor shall designate the team leader
 43 for each team and may appoint to membership on such teams and

(a) (1) The governor or a person designated by
 the governor from such office; (2) the
 secretary of administration or a person
 designated by the secretary from such office;
 (3) the director of the budget or a person
 designated by the director from such office;
 (4)

(5)

(6)

(7)

(8) one representative of the general public
 appointed by the governor; (9)

(10) one representative of the general public
 appointed by the minority leader of the
 senate; (11)

; and (12) one representative of the general
 public appointed by the minority leader of
 the house of representatives. Members of the
 advisory committee shall elect a chairperson
 and vice-chairperson from the membership of
 the committee

(b)

Sec. 5. The chief administrative officer
 of each state agency may serve on, or may
 designate a person from within such agency to
 serve on, a task force of state agency
 officials whose role is to provide input to
 the post auditor on various aspects of
 government operations.

review

other

review

1 taskforces such number of state officers and employees ~~and members~~
 2 ~~of the public~~ having special expertise in any area determined ad-
 3 visable by the post auditor.

4 Sec. ~~7~~ Every agency of the state of Kansas shall cooperate with,
 5 and provide such information and assistance, as may be required by
 6 the post auditor in the implementation of the provisions of this act.

7 Sec. ~~8~~ The post auditor shall develop and adopt a work plan
 8 for the direction of ~~teams and taskforces employed in the conduct~~
 9 ~~of the review.~~

10 Sec. ~~9~~ (a) The ~~state~~ auditor shall provide a special telephone
 11 hot line to receive suggestions and recommendations from both state
 12 officers and employees and the general public. The post auditor shall
 13 advertise the existence and purpose of such hot line in all counties
 14 of the state and shall post notices of such hot line, its purpose and
 15 telephone number in the offices of all agencies of the state. No
 16 supervisor or appointing authority of any state agency shall prohibit
 17 any employee of the agency from discussing the operation of the
 18 agency, either specifically with the post auditor, any member of
 19 the project management team or any member of any team or task-
 20 force involved in the conduct of the review under the provisions of
 21 this act.

22 (b) Any officer or employee who is in the classified service and
 23 has permanent status under the Kansas civil service act may appeal
 24 to the state civil service board whenever the officer or employee
 25 alleges that disciplinary action was taken against the officer or em-
 26 ployee for discussing agency operations in accordance with this sec-
 27 tion. The appeal shall be filed within 30 days of the alleged
 28 disciplinary action. Procedures governing the appeal shall be in ac-
 29 cordance with subsections (f) and (g) of K.S.A. 75-2949 and amend-
 30 ments thereto and K.S.A. 75-2929d through 75-2929g and
 31 amendments thereto. If the board finds that disciplinary action taken
 32 was unreasonable, the board shall modify or reverse the agency's
 33 action and order such relief for the employee as the board considers
 34 appropriate. If the board finds a violation of this section, it may
 35 require as a penalty that the violator be suspended on leave without
 36 pay for not more than 30 days or, in cases of willful or repeated
 37 violations, may require that the violator forfeit the violator's position
 38 as a state officer or employee and disqualify the violator for ap-
 39 pointment to or employment as a state officer or employee for a
 40 period of not more than two years. The decision of the board in
 41 such cases may be appealed by any party pursuant to law. As used
 42 in this section "disciplinary action" means any dismissal, demotion,
 43 transfer, reassignment, suspension, reprimand, warning of possible

, business leaders and other interested
 citizens of the state

(b) In the performance of its duties
 under this act, each review team shall
 catalog and review the functions of
 government within its assigned area, consider
 all information and suggestions received from
 state officers and employees and members of
 the public, and make suggestions for reducing
 costs, improving service and increasing
 capacity and efficiency in state government.

the review teams assigned to conduct the
 review

government operations review

post

for the improvement of state government
 functions, structure, processes and services

or generally

1 dismissal or withholding of work. Any officer or employee who is in
 2 the unclassified service who alleges that disciplinary action has been
 3 taken against such officer or employee in violation of this section
 4 may bring a civil action for appropriate injunctive relief, or actual
 5 damages, or both within 90 days after the occurrence of the alleged
 6 violation. A court, in rendering a judgment in an action brought
 7 pursuant to this act, shall order, as the court considers appropriate,
 8 reinstatement of the officer or employee, the payment of back wages,
 9 full reinstatement of fringe benefits and seniority rights, actual dam-
 10 ages, or any combination of these remedies. A court may also award
 11 such officer or employee all or a portion of the costs of litigation,
 12 including reasonable attorney fees and witness fees.

13 ~~Sec. 10.~~ The state employee award board shall provide the post
 14 auditor with copies of all suggestions received pursuant to K.S.A.
 15 75-37,106 et seq., and amendments thereto.

16 ~~Sec. 11.~~ Upon the completion of its assigned analysis and review
 17 each team ~~or task force~~ shall report the results of its reviews together
 18 with any recommendations thereon to the post auditor. When all of
 19 the teams ~~and task forces~~ have completed the assigned work and filed
 20 reports thereon, the post auditor shall prepare a final report and
 21 recommendations for the accomplishment or implementation of the
 22 objectives of the review. Such report and recommendations shall be
 23 filed and available to the legislative post audit committee on or before
 24 December 15, 1993.

25 ~~Sec. 12.~~ (a) The legislative post audit committee may accept gifts,
 26 ~~grants, or assistance,~~ including the provision of specialized personnel,
 27 from any private or public institution, association or organization.

28 ~~(b) There is hereby established in the state treasury the state~~
 29 ~~agency management review fund. All moneys credited to such fund~~
 30 ~~shall be used to pay costs incurred in the implementation of the~~
 31 ~~provisions of this act. All expenditures from such fund shall be made~~
 32 ~~in accordance with the provisions of appropriations acts and upon~~
 33 ~~warrants of the director of accounts and reports issued pursuant to~~
 34 ~~vouchers approved by the chairperson of the legislative post audit~~
 35 ~~committee or the chairperson's designee.~~

Copies of such report and recommendations shall be made available to the governor, the chief administrative officer of each state agency, the governmental practices advisory committee, and to members of each house of the legislature before the first day of the 1994 regular session of the legislature.

auditor

Sec. 14. On or before July 1, 1994, the post auditor shall prepare a report, together with recommendations, for implementing a performance-based measurement system for state agencies. Such report shall address: (a) The extent to which state agencies in Kansas have set program goals, measure program performance against those goals, and publicly report on their progress toward meeting those goals; (b) the performance-based measurement systems other public or private entities have adopted or are adopting; and (c) recommendations for implementing a performance-based measurement system that will: (1) Improve program effectiveness and public accountability by promoting a new focus on results, customer service and taxpayer satisfaction; (2) help state managers improve service delivery by providing them with information about program results and service quality; and (3) improve legislative decision making by providing

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periodic, objective information on achievement of statutory objectives and on the relative effectiveness and efficiency of state programs and spending.

In preparing this report, the post auditor may seek the advice of the governmental practices advisory committee, state officers or employees, or other members of the general public, as the post auditor deems necessary.

This report shall be filed and made available to the legislative post audit committee on or before July 1, 1994. After the report has been made available to the legislative post audit committee, copies of such report shall be made available to the governor, the chief administrative officer of each state agency, the governmental practices advisory committee and to members of each house of the legislature.

Sec. 15. All audits, reviews and evaluations conducted in accordance with the requirements of K.S.A. 74-7283 et seq., and amendments thereto, shall be conducted in the calendar year next following the calendar year prescribed for such audits by K.S.A. 74-7288 through 74-72,104, and amendments thereto.

Sec. 16. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.