

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2158

By Committee on Government Efficiency

2-4

1 AN ACT concerning state agencies; relating to performance measures;
2 amending K.S.A. 75-3715 and 75-3716 and K.S.A. 2010 Supp. 74-
3 72,123 and repealing the existing sections.

4

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

6 New Section 1. (a) The legislature finds that performance
7 measures are an important management tool that has been utilized by
8 state agencies for numerous years.

9 (b) The legislature finds that the use of quantifiable performance
10 measures can be used by the governor and the legislature to assess the
11 effectiveness over time of programs and actions of each ~~sate~~ state
12 agency.

13 New Sec. 2. As used in sections 1 through 3, and amendments
14 thereto:

15 (a) "State agency" shall be defined as set forth in K.S.A. 75-3049,
16 and amendments thereto, **except that the university of Kansas**
17 **hospital authority shall not be included in such definition for the**
18 **purposes of sections 1 through 3, and amendments thereto;** and

19 (b) "performance measures" means a quantitative or qualitative
20 indicator used to assess state agency performance, including outcome
21 and output indicators.

22 New Sec. 3. (a) Each state agency shall consult with a
23 representative of the department of legislative research and the director
24 of the budget or the director's designee to modify each agency's
25 performance measures to standardize those performance measures and
26 to utilize best practices across all state agencies.

27 (b) On or before October 1 of each year, each state agency shall
28 submit an annual report based on those performance measures to the
29 legislative budget committees, the director of the budget and the
30 secretary of administration.

31 (c) The required reports in subsection (b) ~~shall also be sent to the~~
32 department of administration ~~to~~ **shall** be posted on the website created
33 pursuant to K.S.A. 2010 Supp. 74-72,123, and amendments thereto.

1 New Sec. 4. Sections 1 through 3, and amendments thereto, shall
2 be part of and supplemental to article 30 of chapter 75 of the Kansas
3 Statutes Annotated, and amendments thereto.

4 Sec. 5. K.S.A. 2010 Supp. 74-72,123 is hereby amended to read as
5 follows: 74-72,123. (a) As used in the Kansas taxpayer transparency
6 act:

7 (1) "Searchable website" means a website that allows the public to
8 search and aggregate the information identified in subsection (b),
9 including requirements that the website offer the public the ability to
10 efficiently search and display data, and ascertain the total amounts of
11 revenues and expenditures: (A) Of funds established within the state
12 treasury in an aggregate or summary form in a manner determined by
13 the secretary of administration;; (B) of compensation paid to public
14 employees employed by state agencies;; and (C) of bond debt as
15 specified in this act.

16 (2) "Agency" means any entity or instrumentality of the state of
17 Kansas as defined in K.S.A. 75-3701, and amendments thereto, and any
18 other entity or instrumentality delegated statutory authority by the
19 legislature to issue bonds and to collect revenue for the purpose of
20 repaying bonds issued under authority delegated by statute.

21 (3) "Board" means the public finance transparency board.

22 (b) No later than March 1, 2009, the secretary of administration
23 shall develop and operate a single, searchable website accessible by the
24 public at no cost to access, that includes:

25 (1) Annual expenditures, as determined by the secretary of
26 administration and as available within the central accounting system
27 and state payroll system, shall include, but not be limited to:

28 (A) Disbursements by any state agency from funds established
29 within the state treasury;

30 (B) bond debt payments;

31 (C) salaries and wages including, but not limited to, compensation
32 paid to individual employees of state agencies;

33 (D) contractual services including, but not limited to, amounts
34 paid to individual vendors;

35 (E) commodities including, but not limited to, amounts paid to
36 individual vendors;

37 (F) capital outlay including, but not limited to, amounts paid to
38 individual vendors;

39 (G) debt service including, but not limited to, amounts of bond

- 1 interest paid and sources of funds paid for individual bond issues;
- 2 (H) aid to local units including, but not limited to, amounts paid to
3 individual units of government for individually identifiable aid
4 programs;
- 5 (I) other assistance and benefits;
- 6 (J) capital improvements including, but not limited to, amounts of
7 bond principal paid and sources of funds paid for individual bond
8 issues; and
- 9 (K) tax expenditures as reported by the secretary of revenue in the
10 annual tax expenditure report.
- 11 (2) Annual revenues, as determined by the secretary of
12 administration and as available within the central accounting system,
13 shall include, but not be limited to:
- 14 (A) Receipts or deposits by any state agency into funds established
15 within the state treasury;
- 16 (B) taxes including, but not limited to, compulsory contributions
17 imposed by the state for the purpose of financing services;
- 18 (C) agency earnings including, but not limited to, amounts
19 collected by each agency for merchandise sold, services performed,
20 licenses and permits issued, or regulation;
- 21 (D) revenue for the use of money and property including, but not
22 limited to, amounts received for compensation for the use of state-
23 owned money and property;
- 24 (E) gifts, donations and federal grants including, but not limited to,
25 amounts received from public and private entities to aid in support of a
26 specific function or other governmental activity;
- 27 (F) other revenue including, but not limited to, receipts not
28 classified elsewhere; and
- 29 (G) non-revenue receipts including, but not limited to, all receipts
30 that do not constitute revenue.
- 31 (3) Annual bonded indebtedness which shall include, but not be
32 limited to the amount of the total original obligation stated in terms of
33 principal and interest, the term of the obligation, the source of funding
34 for repayment of the obligation, the amounts of principal and interest
35 previously paid to reduce the obligation, the balance remaining of the
36 obligation, any refinancing of the obligation, and the cited statutory
37 authority to issue such bonds.
- 38 (4) *The annual performance measures report of each state agency*
39 *as required pursuant to section 3, and amendments thereto.*

1 (5) Any other relevant information specified by the secretary of
2 administration after consulting with and seeking the advice of the
3 public finance transparency board as established in K.S.A. 2010 Supp.
4 74-72,124, and amendments thereto.

5 (c) The single website provided for in subsection (b) of this
6 section shall include data for fiscal year 2003 and each fiscal year
7 thereafter. The website shall be designed so that such data shall be
8 retained on the single website for not less than 10 years and shall
9 include data for the most recent fiscal years. Data that is available in
10 the central accounting system and state payroll system shall be on the
11 single website as soon as possible, but not later than 45 days after the
12 last day of the preceding fiscal year. The secretary of administration
13 shall develop policies and procedures to make data available from any
14 other source. Nothing in this act shall require the secretary of
15 administration to provide information on the website that is not
16 available in the central accounting system and the state payroll system
17 at the time of initial implementation of the website. After
18 implementation of the initial website, the public finance transparency
19 board shall advise the secretary of administration on incorporating
20 additional information described by this act from any other source of
21 information available to the secretary of administration including
22 information submitted by state agencies pursuant to subsection (d) of
23 this section.

24 (d) Any state agency shall provide, at the request of the secretary
25 of administration, such information as is necessary to accomplish the
26 purposes of this act.

27 (e) Nothing in this act shall permit or require the disclosure of
28 information which is considered confidential by state or federal law.

29 Sec. 6. K.S.A. 75-3715 is hereby amended to read as follows: 75-
30 3715. The director of the budget shall:

31 (a) Keep in continuous touch with the operations, plans and needs
32 of state agencies, and with the sources and amounts of revenue and
33 other receipts of the state;

34 (b) analyze the quantity and quality of services rendered by each
35 agency, and the needs for such services and for any new services;

36 (c) prepare under the supervision of the incoming governor, the
37 budget report for submission to the legislature;

38 (d) prepare a legislative measure or measures reflecting the
39 incoming governor's budget;

1 (e) consider and act on applications for transfers between
2 appropriations of the same agency as provided by law;

3 (f) survey such work programs and periodical allotment requests
4 submitted by state agencies as are required by this act;

5 (g) report to the governor and to the incoming governor on the
6 operation of the budget system and advise and assist the governor,
7 incoming governor, state finance council, legislature and its ways and
8 means and appropriations committees on request, concerning any
9 matters relating to the budget; ~~and~~

10 (h) provide management analysis service to state agencies; *and*

11 *(g) consult with each state agency and a representative of the*
12 *legislative research department to modify each agency's performance*
13 *measures to standardize those performance measures and to utilize best*
14 *practices across all state agencies.*

15 Sec. 7. K.S.A. 75-3716 is hereby amended to read as follows: 75-
16 3716. The director of the budget shall prepare the budget report, with
17 the related legislative measure or measures, for the incoming governor's
18 approval and submission to the legislature. The director of the budget
19 shall, on or before September ~~first~~ of each year, furnish to every state
20 agency or person authorized to spend or receive state funds a sufficient
21 number of budget estimate forms. The forms shall be prepared by the
22 director of the budget and shall be so designed as to show actual
23 expenditures for at least the last preceding completed fiscal year,
24 estimated expenditures for the current fiscal year, and requests for each
25 succeeding fiscal year, and data for like periods with respect to receipts
26 and actual or estimated balances at the end of such fiscal years.

27 The director of the budget may require the estimated expenditures to
28 be classified so as to set forth the data by funds, state agencies,
29 character and objects of expenditures, which expenditures may also be
30 required to be classified by functions and activities. The director of the
31 budget may require the revenue estimates to show the basis upon which
32 the estimates were made and the factors involved in the same, and to be
33 classified so as to show receipts by funds, and sources and types of
34 income. The director of the budget may require such further detail,
35 work programs, supplemental and supporting data, and such
36 information as may be necessary to carry out the provisions of this act.

37 *The director shall also consider the annual performance measures*
38 *reports submitted to the director pursuant to section 3, and*
39 *amendments thereto.*

1 Sec. 8. K.S.A. 75-3715 and 75-3716 and K.S.A. 2010 Supp. 74-
2 72,123 are hereby repealed.

3 Sec. 9. This act shall take effect and be in force from and after its
4 publication in the Kansas register.

5