

Approved 3-14-89
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Senator Lana Oleen at
Chairperson

1:30 ~~a.m.~~/p.m. on March 2, 1989 in room 531-N of the Capitol.

All members were present except: Senator Moran, excused
Senator Strick, absent
Senator Gaines, absent

Committee staff present: Julian Efird - Research
Jill Wolters - Revisor
Nancy Jones - Secretary

Conferees appearing before the committee: David Willsie, Human Resources
Glenn Coulter, Kansas Contractors Asso.
Kathy Marney, Mechanical Contractors
Tom Slattery, General Contractors of Kansas
Senator Paul Feleciano
Laurie Rosenwasser, Harvest of America
Richard Lopez, SER, Wichita, Ks.
Eddie Gonzales, JUSTICA
Natalie Camacho, HALSA
Lynn Chavez, HALO
Phil Cervano
Robert Gomez, LULAC, President
Jim Dehoff, Kansas AFL-CIO Topeka
Jeannie Chavez Martinez, KACHA

Vice-Chairman Bogina called the hearing to order and requested the numerous conferees to be concise and brief in their testimony due to limited time for bills to be heard.

Hearings on:

SB 224 - Excavation construction, maintenance and repair

Dave Willsie stated it is the responsibility of the Department of Human Resources to inspect public works. Regulations presently enforced are in essence the existing OSHA standards. The Federal government has primacy in the private sector and the state has jurisdiction in the public sector regarding regulations. This bill goes beyond OSHA by imposing criminal charges upon an employer should employee accidents or deaths occur on a construction site.

Jim Dehoff supports SB 224 as Kansas needs explicit rules and regulations concerning safety practices. Due to funding cutbacks, job inspections are limited to reports of unsafe practices, injury or death. Penalties enforced by the state would help eliminate most deaths and injuries in construction work. Passage of SB 224 was strongly urged. (Attachment 1)

Glenn Coulter testified that OSHA provisions for trenching violations are tough and are enforced, therefore SB 224 is not needed. Mr. Coulter is alarmed by the severe criminal provisions provided by SB 224. This bill appears to single out one specific industry to be severely penalized.

(Attachment 2)

Kathy Marney stated the mechanical contractors feel OSHA regulations are designed well and stringent enough to protect employees without the creation of another agency for inspection purposes. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION,

room 531-N, Statehouse, at 1:35 ~~xx~~m./p.m. on March 2, 19 89

Tom Slattery testified that SB 224 would duplicate the work of OSHA. Current regulations authorize OSHA to impose criminal penalties on safety violators. Mr. Slattery questions the wisdom of felony charges to be imposed and urges caution about passing SB 224. (Attachment 4)

Senator Feleciano asked the committee to note the history of legislation on the professionals board in his written testimony. Senator Feleciano feels SB 224 would establish in Kansas, for the first time, effective regulations regarding safety in construction. The purpose of the bill is to draw attention to the need of closer adherence to safety construction. (Attachment 5)

SB 232 - Concerning the Kansas Commission on Hispanic Affairs

Senator Feleciano reviewed the history of the request to form the Advisory Committee. He stated that it is time to elevate the committee to a commission level to formulate policy and a broader scope to address the needs of a large Hispanic population. Although he does not acknowledge authorship of the bill, he is willing to work through problems with the bill.

Jeannie Martinez reviewed the history of KACHA, which has dismantled barriers to Hispanics in the mainstream of society. However, barriers remain and she feels that a free standing commission would provide a better focus, encourage program continuity, and achieve a higher quality of life. SB 232 more clearly reflects the original desire of the community and the intent of the legislature. Passage was urged. ((Attachment 6&7))

Laurie Rosenwasser testified that Harvest of America has worked closely with KACHA to effectively respond to needs of the Hispanic community. A commission would provide direct responsibility for achievement of goals for the Hispanic community. Currently, the roll of the committee is confused as it lacks authority and the ability to mandate staff who are to carry out policies. Growth, development and solutions to problems can be better achieved with creation of a Commission on Hispanic Affairs. ((Attachment 8))

Richard Lopez, testifying as an opponent, questioned the source of funding for a free-standing commission, the membership of the commission and abolishment of the Executive Director position. Mr. Lopez recommended leaving the committee with the Department of Human Resource while continuing its focus (Attachment 9)

Chairman Oleen asked attention be given to a telegram received which addressed SB 232, and was in opposition of the free-standing commission.

Eddie Gonzales testified as an opponent who feels SB 232 has positive and negative ramifications. Budgeting and board representation are areas that require further consideration before forming a commission. (Attachment 10)

Natalie Camacho stated that raising the status of the Advisory Committee to a free standing committee would be an effective tool for HALSA in addressing educational problems in the Hispanic community. A commission would allow this community a greater role in identifying issues and effectively determining policies to benefit all. (Attachment 11)

Lynn Chavex Martinez related personal experiences as a Hispanic and urged creation of the commission to better address problems and overcome barriers which currently exist. (Attachment 12)

Philip Serano read written testimony prepared by Jesse Campos urging passage of SB 232. (Attachment 13)

Robert Gomez testified as strongly favoring a free standing commission which would manage the affairs of Hispanics with more power and strength. The ability to select members to the commission is a primary factor to improve quality of accomplishments.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION,
room 531-N Statehouse, at 1:35 ~~xxx~~ p.m. on March 2, 19 89

Written testimony was submitted from the following individuals:
Martha Bruce, Ks. Advisory Committee; Ray Lopez; J.Q. Rodriguez; Mary
Espinoza; Margarita LaFarelle Hunt; Nate Morales; (Attachments 14 - 19)

Meeting adjourned. The next meeting will be March 3, 1989.

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE 3/2/89

NAME	COMPANY / ORGANIZATION	ADDRESS
Nancy Harding M. Hawie	Intern San Francisco Capital Journal	Topoka "
JANET STUBBS	HBA of KS	"
H. Kaye [unclear]	NECA	Topoka
Dan Ramlow	KS Contractors Assn.	Topoka
JENNY ROBERTSON	As Consulting Engrs.	Topoka
Lynn Chang-Martinez	KU Student	Lawrence
Mary Brown	KU Student	Lawrence
Jeanie Chang-Martinez	KACHA	Law student Lawrence / Kansas KS (Law)
Gail Eber	L.V.L.A.C.	Topoka
Anne Smith	Helm + Ebert - KAA	Topoka

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE 3/2/89

NAME	COMPANY / ORGANIZATION	ADDRESS
Laurie Rosenwasser	Harvest America Corporation	14 th and Metropolitan KCKS 66103
Natalie Camacho	Nigerian American Law Student Assoc	1700 College, Topeka, KS 66601
Tony August	K.I.O.E.	Topeka, Ks
Cladio J. Valde, III	K.U. student	1800 Engel Rd. #564, Lawrence KS 66044
John Augusto	Washburn student	Topeka, Ks.
Eva Pereira	Wagnon's Opie	Topeka, Ks
Tom Slattery	AGC of Ks	Topeka, Ks
Edith P. ...	Justice Inc.	Topeka, Ks.
Jim McHaff	Kansas AFL-CIO	Topeka, Ks
Art Brown	mis - son (Bromens) ASIX	K.C. MO -
Kath ...	MEAK	Topeka
John ...	KDHR	Topeka
...	"	"
Bonnie Parks	KDHR	Topeka
...	KDHR/MCAA	Topeka
Linda Carter	Ks Dept. of Human Resources	Topeka
KAREN ...	DHR	Topeka
...	DHR	Topeka
Philip ...		Topeka
John ...	Kansas State Hist. Soc	Topeka
Robert Young	L.U.I.C.	Topeka
Stomer P. Delgado	El Centro	Topeka
Steve Ramirez		Lawrence
Martin Kennedy	Budget Div.	Topeka
Alexander ...	KU HALO	Lawrence
Steve ...	Sen Staff	

SENATE BILL #224

February 28, 1989

Senate Governmental Organization Committee

Madam Chairperson and Committee Members:

I am Jim DeHoff representing the Kansas AFL-CIO.

I appear before you today in support of Senate Bill #224, which addresses the prevention of accidents in excavation type construction work. This bill also provides penalties for violations.

We feel that the State of Kansas needs to develop rules and regulations concerning safety practices whenever employees are required to work in trenches more than five feet in depth.

Since 1985 there have been seven deaths connected to cave-ins of unsafe ditches in Kansas. Most, if not all, of these deaths were the direct cause of contractor neglect. I have been unable to confirm the number of injuries, because the Kansas Workers' Compensation division was not able to supply it, but with that many deaths there are bound to be injuries.

The U.S. Occupational Safety and Health Administration, or commonly called OSHA, is responsible for safety standards in the construction industry, but due to cutbacks in funding and personnel the past few years, they normally do not inspect job sites unless being notified of a safety problem or an injury or death. This is why it is very important for the State of Kansas to have penalties for those employers who show a total disregard for workers safety and lives. Not only would the employer face penalties from OSHA, but also the State of Kansas. This would help eliminate most deaths and injuries in this type of work.

Most employers would never send an employee in an unsafe ditch, but it is the small number that do that cause the deaths and injuries.

We ask that you give strong consideration to passage of Senate Bill #224.

S.G.O.
3-2-89
ATTACH 1

FEB 27 1989

U.S. DEPARTMENT OF LABOR
216 N. Waco, Suite B
Wichita, KS 67202
Tele. #316/269-6644
KS Toll Free #800/362-2896

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

REPLY TO THE ATTN OF: Jeff C. Spahn
Area Director

February 23, 1989

Mr. Jim DeHoff
Executive Secretary
Kansas AFL-CIO
P.O. Box 1455
Topeka, KS 66601

SUBJECT: Electrocutions/Trench Cave-ins

Dear Sir:

This is in response to your letter dated February 21, 1989.

As I indicated in our telephone conversation, this listing represents fatalities resulting from power line Electrocution or Trenching/Excavating Cave-ins. They do not indicate total accidents.

Fiscal year 1985 (October thru September)

ELECTROCUTION

<u>Name of Employer</u>	<u>Location</u>	<u>Event Date</u>	<u>Number of Fatalities</u>
Gray Painting Co.	Overland Park, KS	06/19/85	one

TRENCHING/EXCAVATING

W.B Contracting Co.	Kansas City, KS	03/12/85	one
Tournade Const.	Plains, KS	08/22/85	one

Fiscal year 1986 (October thru September)

ELECTROCUTION

Kansas Power & Light Co.	Overland Park, KS	11/21/85	one
Welex: A. Haliburton Co.	Hill City, KS	12/16/85	one
Belger Cartage	Kansas City, KS	05/07/86	one
KPL Gas Serv. Co.	Topeka, KS	05/12/86	one
Grays Mobile Home Serv.	Hutchison, KS	08/14/86	one

Mr. J. DeHoff
Feb. 23, 1989
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TRENCHING/EXCAVATING

<u>Name of Employer</u>	<u>Location</u>	<u>Event Date</u>	<u>Number of Fatalities</u>
Tip Top Const. Co., Inc.	Kansas City, KS	12/06/85	one
Linaweaver Const. Co.	Lansing, KS	05/15/86	one

Fiscal year 1987 (October thru September)

ELECTROCUTION

Thornes Tree Serv., Inc.	Lawrence, KS	01/22/86	one
Automatic Sprinkler Corp. of America	Riverton, KS	06/01/87	none
United Electric Co-op	Mound City, KS	06/18/87	one
Elk Valley Grain Co.	Independence, KS	07/13/87	one

TRENCHING/EXCAVATING

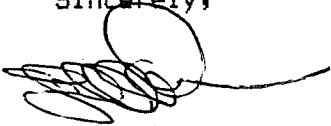
Zarda Backhoe Serv.	Shawnee, KS	07/14/87	one
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Fiscal year 1988 (October thru September)

TRENCHING/EXCAVATING

Underground Utilities	Goddard, KS	10/13/88	one
Snodgrass Const. Co., Inc.	Wichita, KS	01/11/89	one

Sincerely,



Jeff C. Spahn
Area Director

KANSAS CONTRACTORS ASSOCIATION, INC.

TESTIMONY

SENATE GOVERNMENT ORGANIZATION COMMITTEE

February 28, 1989

Madam Chairperson and members of the committee. My name is Glenn Coulter and I am Manager of the Kansas Contractors Association. Our Association is composed of 335 contractor and associate members who build highways, bridges, paving projects, water and sewerage plants and water and sewer lines. I appear before you today representing our entire association.

No organization in Kansas is more safety conscious than the Kansas Contractors Association. Our employers have a very close relationship with their employees - many are young men and women who may be their own children or other relatives who work during the summer - many others have been employed for 20 to 30 years. We want and demand safe worksites.

We are very pleased that OSHA has made Trenching a special target area throughout Kansas and the United States. The OSHA provisions for Trenching violations are tough and this is as it should be.

We sincerely believe however, that Senate Bill 224 is not needed because OSHA is working very hard in the area of Trenching safety in our state.

We are especially alarmed by the very severe criminal provisions provided for in Senate Bill 224. On any given day a construction company in Kansas might have five to ten trenches open and it is absolutely impossible for any employer to be on every job site every minute of every day. And yet the bill states that if a severe accident should occur, as the employer, we are liable to be sent to prison for several years. We believe you will agree that this is extremely unfair and singles out one group of employers in one single industry that has multiple job sites.

In conclusion, we pledge to you that we will continue to stress the importance of safety in Trenching and that we will work towards the day when not one single cave-in will occur in Kansas because of poor safety practices.

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ATTACH 2

timony
Senate Government Organization Committee
February 28, 1989
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We respectfully ask that you not report out Senate Bill 224 favorably.

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

TESTIMONY
BEFORE THE
SENATE GOVERNMENTAL ORGANIZATION COMMITTEE
BY KATHY J. MARNEY
MECHANICAL CONTRACTORS ASSOCIATION OF KANSAS
FEBRUARY 28, 1989

Chairmen Oleen and members of the Committee:

My name is Kathy Marney, Executive Director of the Mechanical Contractors Association of Kansas. I appear before you today in opposition to S.B. 224.

I do not disagree with the intent of the bill but it would creat another regulatory agency to oversee the operation of the construction industry. We are currently regulated by the strict rules and regulations of OSHA.

I understand some contractors have taken short cuts in the safety of their employees on excavating jobs. If they do not follow the strict rules and regulations of OSHA, I do not believe they would follow the rules set by a state agency.

Does this bill set up another agency within the Secretary of Human Resources to physically go out and inspect excavating projects? MCAK feels OSHA's rules and regulations are designed and stringent enough to protect the employee. >

Chairman Oleen and members of the Committee, I urge you not to support S.B. 224. Thank you for allowing me to appear before to today.

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TESTIMONY BEFORE SENATE GOVERNMENTAL
ORGANIZATION COMMITTEE

ON SB 224

by

ASSOCIATED GENERAL CONTRACTORS OF KANSAS, INC.

Thomas E. Slattery

2-28-89

Madam Chairperson and members of the committee, I am Tom Slattery, Executive Vice President of Associated General Contractors of Kansas. AGC of Kansas is a trade association representing members of the construction industry. We have approximately 270 members which include general contractors, subcontractors and associate members.

The issue of safety in construction, particularly in regard to excavation and trenching is extremely important to the Associated General Contractors of Kansas. We have a Safety Committee and a staff person whose job it is to work with all phases of safety in the construction industry. Currently the Occupational Safety and Health Administration under the Department of Labor is responsible for monitoring and enforcing construction safety regulations in the private sector in Kansas. Through the efforts of OSHA and the cooperation of contractors the fatality rates for trenching accidents has

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been significantly reduced over the years. However one trenching fatality is one too many.

It seems to me that SB 224 would duplicate what is already being done by OSHA. OSHA has the authority to and has prosecuted and imposed criminal penalties on persons violating these regulations. Also, I raise the question of the legal wisdom of passing a bill that provides that a person is guilty of a felony (page 2 line 58) without first defining the crime.

Based on our association with and knowledge of OSHA we would request the committee be cautious about passing SB 224 which would duplicate the work of that agency.

SB224

A TRAGIC ACCIDENT OCCURRED ON JANUARY 11, 1989, IN WICHITA.

AN EXCAVATION CAVED IN ON TWO WORKERS, KILLING ONE AND

SEVERELY INJURING ANOTHER. THIS WAS CERTAINLY NOT THE FIRST

TIME THIS HAS HAPPENED. SEVEN DEATHS HAVE BEEN RECORDED

IN SUCH ACCIDENTS SINCE 1985. THE OCCUPATIONAL SAFETY AND

HEALTH ADMINISTRATION (OSHA) OF THE UNITED STATES DEPARTMENT

OF LABOR ESTIMATES THAT MORE THAN ONE HUNDRED WORKERS

LOSE THEIR LIVES EVERY YEAR IN THIS COUNTRY DUE TO UNSUPPORTED

OR IMPROPERLY SHORED EXCAVATION WALLS. OSHA FURTHER ESTIMATES

THAT FOR EACH FATALITY, THERE ARE ABOUT FIFTY RELATED

SERIOUS INJURIES ANNUALLY.

WHAT ABOUT THE EFFECT OF SUCH TRAGEDIES ON EMPLOYERS?

IN ADDITION TO HUMAN LOSSES, ONE MUST CONSIDER THE HIGH

COSTS OF PROPERTY DAMAGE, LOSS OF WORK TIME ON THE PROJECT,

AND WORKERS COMPENSATION FOR WORKERS LUCKY TO SURVIVE

SUCH ACCIDENTS.

CAN SUCH SENSELESS DEATHS BE PREVENTED? MADAME CHAIR,

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WE BELIEVE THE ANSWER IS Y E S. SENATE BILL 224 WOULD ESTABLISH FOR THE FIRST TIME IN KANSAS RULES, AND REGULATIONS FOR THE SAFE CONSTRUCTION, MAINTENANCE, AND REPAIR OF EXCAVATIONS OF FIVE FEET DEEP OR MORE. IN ADDITION THE LEGISLATION PROVIDES FOR A CLASS A MISDEMEANOR PENALTY FOR UNLAWFUL CONSTRUCTION, MAINTENANCE, OR REPAIR OF EXCAVATIONS AND A CLASS E FELONY PENALTY FOR UNLAWFUL CONSTRUCTION, MAINTENANCE, OR REPAIR OF AN EXCAVATION THAT RESULTS IN THE GREAT BODILY INJURY OR DEATH OF AN EMPLOYEE REQUIRED TO ENTER AN UNSAFE EXCAVATION.

MADAME CHAIR AND MEMBERS OF THE COMMITTEE, YOU MAY BE TOLD THAT OSHA HAS RULES AND REGULATIONS AND PENALTIES, AS WELL AS RECOMMENDED STANDARDS, FOR EXCAVATIONS. THAT IS INDEED TRUE. BUT WITHOUT CASTING ASPERSIONS ON EITHER OSHA OR CONSCIENTIOUS EMPLOYERS, WE BELIEVE THAT KANSAS, AS WELL AS OTHER STATES WHO ARE CURRENTLY DOING SO, NEEDS TO ADOPT GUIDELINES AND PENALTIES TO TRY AND PREVENT EVEN ONE TRAGIC ACCIDENT.

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THE PURPOSE OF THIS BILL IS TO BRING TO THE ATTENTION OF EMPLOYERS AND EMPLOYEES IN KANSAS THE NEED FOR ADHERENCE TO SAFE CONSTRUCTION OF POTENTIALLY VERY DANGEROUS EXCAVATIONS. THE DEPARTMENT OF HUMAN RESOURCES WOULD BE RESPONSIBLE FOR ADOPTING VARIOUS EXCAVATION SHORING STANDARDS AND METHODS AND COULD ADOPT AT THE MINIMUM CERTAIN OSHA GUIDELINES OR LOOK AT EVEN BETTER STANDARDS, SUCH AS THOSE IN MICHIGAN.

WE NEED TO BRING OUR ATTENTION TO FOCUS ON THIS ISSUE, LADIES, AND GENTLEMEN, FOR AS WE DISCUSS TAX BREAKS, DOME SCULPTURES, AND TAX OR FEE INCREASES, WE SHOULD DO WHATEVER IT TAKES TO PREVENT THESE ANNUAL ACCIDENTS THAT CARRY SUCH A HIGH PRICE FOR WORKERS AND THEIR FAMILIES, AS WELL AS EMPLOYERS. I BELIEVE THIS LEGISLATION IS A BIG STEP FORWARD IN KANSAS TO TRY AND END THIS PARTICULAR MISERY.

A handwritten signature in cursive script, appearing to read "Sen Paul Fleckenstein".

At 5-3

Testimony to the Committee on Governmental Organization
SB 232 - Proponent of Commission on Hispanic Affairs
Submitted by Jeannie Chavez-Martinez
Chairperson of Kansas Advisory Committee
on Hispanic Affairs
March 2, 1989

Good afternoon, Madame Chair, distinguished members of the Committee.

I am Jeannie Chavez-Martinez and I thank you for the opportunity to address the committee regarding SB 232.

I am the Chairperson of the KACHA, as well as a third year law student and a grandma! . . . and I am proud of all three accomplishments.

However, before I begin I would like to clarify that as a committee member, my appointment is subject to serving terms as designated by statute; and I further wish to point out that my term is up in June whether we remain a Committee or become a Commission; therefore if there is any misconception that the elevation in status of the committee will alter the mechanism presently in place by statute requiring reappointment by the administration, those concerns can be put to rest. My days are numbered, and that's OK; because that is not the issue before us today.

{At issue is the future development of the Kansas Hispanic community.} The service that the KACHA provides is priceless. However, it is my contention that the Kansas Hispanic community does not seek access to programs and into the mainstream to be dependent upon state government, but rather they seek access to enable them to be dependent upon themselves. }

As evidenced by legislative history, echoes of autonomy have resounded through the halls of legislature and through the community since the inception of KACHA.

The Kansas Advisory Committee on Hispanic Affairs, (KACHA) formerly the Kansas Advisory Committee on Mexican American Affairs, (KACMAA) was created by statute in 1974. Senate Bill No. 4 which would create a Commission on Mexican American Affairs was passed in the Senate in 1973. This bill was referred to the House Committee on Federal and State Affairs. The Chairperson of the House Committee requested a study to determine the feasibility of establishing a Commission on Mexican American Affairs. Based on the interim study, it was determined that institutions, including state government, were not responsive to the needs of the Hispanic population. It was further determined that the establishment of a state agency that focused on the problems of this community would not be a duplication of services nor were the problems of the Hispanic community limited to issues involving civil rights and

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employment. The problems facing the Hispanic community reflected those of a poverty population compounded by limited English proficiency. During the interim, the committee received testimony from a variety of individuals and organizations from the state's Mexican community. Almost all the conferees were strongly in favor of creating the commission and expressed the point of view that the commission should be free-standing and not be associated with an existing agency for administrative purposes. The committee concluded that an agency at the state level would be in the best interest of the state's Mexican community and recommended that SB No. 4 be acted upon favorably pursuant to the Committee's amendments which included the recommendation that the Commission on Mexican American Affairs NOT be attached to any state agency for administrative purposes.

The 1974 Session Laws of Kansas, Chapter 208, Senate Bill No. 4 enacted the statute that created the Advisory Committee on Mexican American Affairs. The Act provided for an executive director and set out the purpose and function of the Committee. The Committee was to be "advisory" to the Kansas Commission on Civil Rights. Although the Committee was termed "advisory" the power was vested in the Committee to hire the director and to approve the hiring of subordinate personnel. The powers, functions, and duties of the Committee are set out in K.S.A. 74-6501. (copy attached) The language clearly reflects the independent status of a policy making Commission rather than that of a powerless advisory committee.

In 1976, under Governor Bennett's reorganization order #14 for efficiency in state government, the committee was attached to the Department of Human Resources. (see Chapter 75, art. 57 (L1976Ch.354)) All powers remained vested in the Committee including the hiring of the director and subordinate personnel. The statute was amended the following July to reflect the current statutory language. The statute expressly states that "All budgeting, purchasing and related management functions of the Kansas Advisory Committee on Mexican American Affairs shall be administered under the direction and supervision of the secretary of Human Resources. 75-5716 further states that subject to the provisions of subsections (c) and (d) . . . the powers, duties and functions vested in or exercised or performed by the advisory committee pursuant to law immediately prior to July 1, 1976, shall not be transferred, but shall remain the lawful powers, duties and functions of the committee. 75-5716(c)(1) explicitly transfers the power to employ the director from the advisory committee to the Secretary of DHR and (c) (2) qualifies subsection (c) (1) by stating that the executive director shall be appointed by the Secretary of DHR upon the recommendation of the Advisory Committee and shall serve at the pleasure of the Secretary. 75-5716(d) operates the same as subsection (c) only as applied to subordinate personnel. The statute appears to transfer all personnel management rights from the committee to the Secretary of Human Resources. However K.S.A.

75-5716 and K.S.A. 5717 are NOT the KACHA enabling statutes and are for the purpose of attaching the Advisory Committee to DHR.

The KACHA enabling statute is K.S.A. 74-6401 thru 74-6409. This statute explicitly states that the Director of the Committee "shall be the administrative officer of the Advisory Committee and shall serve the Advisory Committee . . ." and further states that the Director "may appoint, subject to the approval of the Advisory Committee and the Secretary of Human Resources" . . . subordinate personnel. The language of the two statutes read together are conflicting and open to different interpretations. When the language of a statute is vague, the legislative intent controls. The object of all statutory interpretation and construction of laws is to ascertain and effectuate the intention of the legislature. The legislative intent may be ascertained, by considering, among others, the following factors:

- *The occasion and necessity of the law;
- *the circumstances under which the law was enacted;
- *the mischief to be remedied;
- *the object to be attained;
- *the former law, including other laws on similar subjects;
- *the consequences of a particular interpretation;
- *the contemporaneous legislative history; and the past legislative and administrative interpretation or custom relating to the statute.

Based on above factors, legislative history, and past administrative policy, the powers vested in the Advisory Committee on Hispanic Affairs appear more than "advisory".

The KACHA is the only agency in the state specifically charges and mandated to carry out an ongoing advocacy program on behalf of the states growing Hispanic community.

The Kansas Hispanic community has been the recipient of benefits due to the diligent efforts and commitments of the agency staff and board members. We have made progress over the last 14 years. We have dismantled some of the barriers to full participation of Hispanics in the mainstream of our society; and I applaud this progress.

However, significant barriers continue to exist; in education; in employment. As demonstrated by earlier testimony, problems of the Hispanic community are compounded by poverty, limited access to health care and adequate housing among other basic measures of individual and social well-being. The gaps persist and in many cases are widening.

If we allow these disparities to continue, Kansas along with the rest of the U.S. will suffer a compromised quality of life and a

lower standard of living. Our ability to compete in the world market will decline and our domestic economy will falter.

Now is the time to renew our commitment to the advancement of the Hispanic community. The ultimate goal of elevating the status of the Kansas Advisory Committee on Hispanic Affairs to that of free-standing Commission is to enhance the quality of life for Kansas Hispanics, which in turn will reap benefits for the entire state.

To achieve this improved quality of life requires a commitment from the Hispanic community and the leaders of this state. We must take the responsibility to insure that there is a coordinated, systematic approach to positive change.

A free-standing Commission remains the best vehicle for accomplishing the task before us. Such an entity provides a focus, encourages program continuity which is critical to achieving the agency's mandate and as such will result in a cost efficient program.

I urge the committee to endorse SB 232 and to put in place an entity that more clearly reflects the original desire of the Hispanic community and intent of the legislature.

I close with the following thought:

The principles of Democracy are fundamental to the POWER of this Nation. To protect these fundamental principles WE must "EMPOWER" the nation's citizens. Only then will we guarantee our freedoms and our strength as we strive to become a nation rich in respect for human dignity; diverse; but united towards the mutual goals of economic stability, world leadership, and social justice for all.

Thank You and Good Day!

Re: Proposal No. 65—MEXICAN AMERICAN AFFAIRS COMMISSION

The Committee was directed by Proposal No. 65 to conduct a study of the feasibility of establishing a commission on Mexican American affairs. The study was requested by the Chairman of the House Federal and State Affairs Committee as a result of that Committee's consideration of SB 4 during the 1973 Legislative Session.

Background

During the 1973 Session the Senate passed SB 4, which would create a Mexican American Affairs Commission. This bill, which was then referred to the House Federal and State Affairs Committee, would authorize such a Commission to gather and assemble information on problems and programs concerning Mexican Americans, coordinate and assist the efforts of state agencies as to certain needs of this group, develop and assist other public and private organizations in understanding the problems of this group, promote new programs concerning Mexican Americans, evaluate existing programs and proposed legislation concerning Mexican Americans, and conduct training programs for community leadership. Under SB 4, the Commission would have a staff director and would be located for administrative purposes within the Department of Economic Development.

During the interim, the Committee received testimony from a variety of individuals and organizations from the state's Mexican American community. The Director of the Nebraska Mexican American Affairs Commission also met with the Committee. Almost all of the conferees were strongly in favor of creating the commission. In addition to the general support expressed for the bill, several other points were made by the various conferees. It was suggested that steps be taken to assure that the director of the commission be able to speak and write both Spanish and English fluently. Several conferees also expressed the point of view that the commission should be free-standing and not be associated with an existing agency for administrative purposes.

Finally, a representative of the Kansas State Conference of Branches, NAACP, expressed the Conference's continuing opposition to the creation and funding of a commission on Mexican American affairs. Apparently, their major contention is that such a commission would be detrimental to the effectiveness of the Kansas Commission on Civil Rights (KCCR) and that the present powers of the KCCR are adequate to include all the stated objectives of the proposed legislation.

Conclusion and Recommendations

While the Committee understands that NAACP's concern lest the effectiveness of the Kansas Commission on Civil Rights be diluted, it does not agree with its conclusion. The Kansas Commission on Civil Rights exists to investigate and pass upon complaints alleging discrimination in employment, public accommodations, and housing. On the other hand, the proposed Mexican American Affairs Commission is designed to promote in a positive way the economic and social status of the state's Mexican American community.

In testimony before the Committee, representatives of the various Mexican American groups stressed the need to have some agency at the state level assisting their people in overcoming problems which are aggravated because of language differences. The Committee agrees that the commission which would be created by SB 4 would be a very useful device in achieving this end. Therefore the Committee recommends that 1973 SB 4, amended pursuant to this Committee's suggestions, be acted on favorably by the 1974 Legislature.

The Committee's recommendations for amending 1973 SB 4 are as follows:

- (1) Remove the hyphen from between the words "Mexican" and "American" wherever they appear. Some of the conferees felt that the hyphen denotes second class status and asked for its removal.
- (2) Provide that the commission's executive director be able to converse and write fluently in both Spanish and English.
- (3) Delete the language placing the commission in the Department of Economic Development for administrative purposes.

(4) Delete Section 10 and insert several new subsections. Section 4 relative to the commission's powers and duties. The substantive change recommended here would be to drop the language allowing the solicitation of gifts from private sources.

Language accomplishing these recommendations as well as several other minor changes is on file in the Revisor of Statutes' Office.

Respectfully Submitted,

Rep. Kermit W. Oakes, *Chairman*
Special Committee on Federal and
State Affairs (General)

Sen. Edward F. Reilly, Jr., *Vice-chairman*
Sen. James L. Francisco
Sen. J. C. Tillotson
Sen. John F. Vermillion
Rep. Sandy Duncan

Rep. Paul Feliciano, Jr.
Rep. Michael G. Glover
Rep. Clarence C. Love
Rep. Bill Morris
Rep. G. T. VanBebber

S.G.O.
3-2-89
ATTACH 7

1 (a) Gather and disseminate information and conduct hearings,
2 conferences and special studies on problems and programs con-
3 cerning ~~Mexican-Americans~~ Mexican Americans;

4 (b) Coordinate, assist and cooperate with the efforts of state
5 departments and agencies to serve the needs of the ~~Mexican-~~
6 ~~American~~ Mexican American especially in the ~~fields~~ area of
7 culture, education, employment, health, housing, welfare and
8 recreation;

9 (c) Develop, coordinate and assist other public and private or-
10 ganizations with understanding the problems of ~~Mexican Amer-~~
11 ~~icans~~ Mexican Americans;

12 (d) Develop, coordinate and assist other public and private or-
13 ganizations to provide services to ~~Mexican-Americans~~ Mexican
14 Americans;

15 (e) Propose new programs concerning ~~Mexican-Americans~~
16 Mexican Americans;

17 (f) Evaluate existing programs and proposed legislation con-
18 cerning ~~Mexican-Americans~~ Mexican Americans;

19 (g) Stimulate public awareness of the problems of ~~Mexican-~~
20 ~~Americans~~ Mexican Americans by conducting a program of
21 public education and encourage the governor and the legislature
22 to develop programs to deal with these problems; and

23 (h) Conduct training programs for community leadership and
24 service project staff.

25 (i) To accept contributions from any person to assist in the
26 effectuation of this section and to seek and enlist the cooperation
27 of private, charitable, religious, labor, civic and benevolent organi-
28 zations for the purposes of this section;

29 (j) To solicit, receive and expend federal funds to effectuate
30 the purposes of this act and to enter into contracts and agreements
31 with any federal agency for such purposes; and

(As Amended by House Committee)

(As Amended by Senate Committee)

Session of 1973

SENATE BILL No. 4

By Senators West and Janssen

12-20

AN ACT creating a commission on ~~Mexican-American~~ Mexican
American affairs, to provide for an executive director and setting
out the purpose and function of the commission.

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

1 Section 1. There is hereby created the commission on ~~Mexican-~~
2 ~~American~~ Mexican American affairs hereinafter referred to as the
3 "commission."

4 Sec. 2. The commission shall consist of ~~nine (9)~~ *seven (7)*
5 members no more than ~~five~~ *four* of whom shall be members of
6 the same political party and each congressional district in the state
7 of Kansas shall be represented on said commission by at least one
8 member who shall be a resident thereof at the time of his appoint-
9 ment. Commission members shall be appointed by the governor
10 subject to approval by the senate. Of the initial appointees, ~~three~~
11 ~~(3)~~ *two (2)* shall be appointed to one-year terms, ~~three (3)~~
12 *two (2)* to two-year terms, and three (3) to three-year terms. Ap-
13 pointees to any vacancy which may occur shall be appointed only
14 for the unexpired term of the member such appointee replaces.
15 After the initial appointees have served their initial terms, all ap-
16 pointees shall be appointed for a three-year term.

17 Sec. 3. The commission shall elect one of its members as chair-
18 man and one as secretary to serve a one-year term.

19 Sec. 4. ~~The functions of the commission shall be to:~~ The
20 commission shall have the following functions, powers and duties:

1 ~~subjects, to solicit and accept gifts and grants, to contract~~
 2 ~~with public and private groups to conduct its business.~~
 3 Sec. 4 10. This act shall take effect and be in force from and
 4 after its publication in the statute book.
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1 (k) To establish advisory committees on special subjects.
 2 Sec. 5. The commission shall meet at least four times a year.
 3 The chairman may call additional meetings. A majority of mem-
 4 bers shall constitute a quorum.
 5 Sec. 6. Members of the commission shall receive reimbursement
 6 for their actual and necessary expenses.
 7 Sec. 7. The commission shall employ a director who shall serve
 8 at the pleasure of the commission. He shall be qualified by edu-
 9 cation and experience to assume the responsibilities of such office
 10 and; be able to converse and write fluently in both the English
 11 and Spanish languages; his salary shall be established by the state
 12 finance council.
 13 Sec. 8. The director shall be the administrative officer of the
 14 commission and shall serve the commission by gathering informa-
 15 tion, disseminating findings of fact and other information, for-
 16 warding proposals and evaluations to the governor, the legislature
 17 and various state agencies, carrying out public education programs,
 18 conducting hearings and conferences and performing other duties
 19 necessary for the proper operation of the commission. ~~For pur-~~
 20 ~~poses of administration, the commission is placed within~~
 21 ~~the department of economic development.~~
 22 Sec. 9. The commission may employ any subordinate personnel
 23 necessary to assist the director in the performance of his duties,
 24 including clerical staff and technical advisors. The commission
 25 may employ assistant directors if necessary to develop, assist and
 26 cooperate with local commissions on ~~Mexican-Americans~~ Mex-
 27 ican Americans.
 28 ~~Sec. 10. The commission shall have all powers necessary~~
 29 ~~to carry out the functions and duties specified in this act,~~
 30 ~~including power to establish advisory committees on special~~
 31

TESTIMONY ON SENATE BILL 232.
TO THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
PRESENTED BY LAURIE A. ROSENWASSER
EXECUTIVE DIRECTOR, HARVEST AMERICA CORPORATION

I wish to thank the Committee for the opportunity to present my support for a free-standing Commission on Hispanic Affairs.

I am the Director of Harvest America Corporation, a community-based organization serving migrant and seasonal farmworkers and low income families statewide. Harvest America maintains four area offices in Kansas City, Garden City, Leoti, and Goodland. Through those offices, our agency provides services to approximately 10,000 low-income Kansans each year. More than 60% of those served by Harvest America each year are Hispanic; 80% of the migrant and seasonal farmworkers are Hispanic. The needs of those we serve reflect those of a poverty population and are compounded by illiteracy, limited English proficiency, the transience of a migrant lifestyle, and limited access to resources in the community.

Harvest America has worked closely with the Kansas Advisory Committee on Mexican-American Affairs and its successor, the Kansas Advisory Committee on Hispanic Affairs (KACHA), for many years. KACHA has provided technical assistance and support in our efforts to grow and provide the most effective services to low income families. KACHA has assisted Harvest America in identifying and accessing resources, in linking us with others with similar concerns, and in developing our internal structures.

Harvest America strongly supports the creation of a Commission on Hispanic Affairs to ensure that accountability and the ability to act in the manner most responsive to the needs of the Hispanic community rest in that community. The Hispanic community is striving toward self-sufficiency for all its members; self-sufficiency requires self-determination.

The structure of a Commission, with the responsibility for oversight and the establishment of goals, objectives and priorities resting with the Commissioners, provides the Hispanic community direct responsibility for the achievement of its many goals. The Commissioners, representative of the Hispanic community and responsible for the work of the Commission's staff, will be able to direct staff to research issues, analyze the affect of issues, situations, and policies on the Hispanic community, mobilize resources needed to respond, and ensure adequate and effective action is taken. Under the present Committee structure within the Department of Human Resources, the staff reports to the Secretary of Human Resources. The role of the Committee members is confused; they have responsibility but lack authority; they set priorities but lack the ability to mandate the staff to enact those policies. Only with a Commission structure, in which the responsibility for hiring, firing, and supervising staff rests with the same individuals who set policy, can the representatives of the Hispanic community ensure that the staff will carry out its directives.

S.E.O.
3-2-5
ATTACH 8

The relationship between a board and its staff is vital to the success of any organization, especially one in which advocacy is such a key part. Personnel issues are directly related to those of policy; there can be no distinction drawn. An effectively-functioning Commission on Hispanic Affairs directing staff to implement policy and holding them accountable for the success of their work will lead to the solution of problems and the improvement of life throughout the state.

Therefore, Harvest America strongly supports the enactment of Senate Bill 232. The whole state stands only to benefit from the creation of the Kansas Commission on Hispanic Affairs, which, working independently, fosters growth, development, and the solution to long-term problems within the Hispanic community.

Thank you again for your consideration.

MARCH 2, 1989

HONORABLE COMMITTEE MEMBERS

MY NAME IS RICHARD E. LOPEZ, CHIEF EXECUTIVE OFFICER OF THE SER CORPORATION OF KANSAS. I HAVE BEEN ASK TO SUBMIT TESTIMONY BEFORE YOU AS IT PERTAINS TO SENATE BILL NO. 232.

After reviewing Senate Bill 232 many questions have surfaced which this committee must address before advancing the bill out of committee.

Question 1. Language on page 1 of the bill, lines 24 through 36 - specifically lines 28 through 30 - recommend budgeting, purchasing and related management functions of the commission shall be administered under the direction and supervision on the commission.

If the commission is removed from under the Department of Human Resources I assume that the department will no longer be required to provide the budget for the commission, then who will fund the commission?

Question 2. Language on page 2 of the bill, lines 40 through 43 state that persons who are members of the Kansas advisory committee shall continue to hold such offices.

If a new commission is to be established then why not start it off clean with new officers? I do not believe that you as committee members are interested in maintaining members of council that are interested in furthering their own vested interests?

Question 3. Language on page 2 of the bill, lines 58 through 66 seem to be a contradiction in terms. If as stated in lines 58 through 60 your abolish the office of executive director at stated by K.S.A. 74-6507 then I fail to see how you can transfer powers, duties and functions that you have eliminated in line 58 (a)?

To me, an assumption has been drawn that you can transfer something that no longer exists?

Would it not seem logical, that if you request a new commission to be established, and is recommended, then the next step would be to request the establishment of funded positions to administer the duties and responsibilities of the commission?

Question 4. Language on page 5 of the bill, Sec. 8., lines 179 through 181 is acceptable when the commission has been provided an unrestricted budget by some source other than state government. If any branch of government is going to fund any source, I'm sure they would like to maintain budget authority. That authority, I cannot help but believe, would extend to funded staff positions?

S.G.O.
3-2-89
ATTACH 9

Question 5. Language on page 5 of the bill, Sec. 8., lines 186 and 187. Wouldn't a annual salary be recommended, not fixed, and subject to the approval of the governor?

Question 6. Language on page 6 of the bill, Sec. 10., line 213. "the executive director shall appoint such-----". If this commission is going to be funded by public funds then I find it hard to accept language that circumvents current hiring practices of the state. Is this not, in effect, requesting to do what the state has been charged with doing. Eliminating and/or discriminating against other people?

Question 7. Are the changes that are requested consistent with other policies and procedures of other state commissions?

Question 8. Who would fund the commission if established as recommended?

I believe and recommend, to this body, that the council should remain with the Department of Human Resources until all the detail of this type of request have been ironed out. The charge of the Advisory committee can be better carried out by instituting change within the Advisory committee itself without jeopardizing its effectiveness towards the Hispanic community of the State.

I feel comfortable in stating to you that these recommendations are self-serving and are made so that only those individuals impacted by the proposed recommendations will benefit.

Testimony
Submitted By
Ediberto Gonzalez
Program Coordinator
Justicia Inc.
Opposing S.B. 232
March 2, 1989

S.E.C.
3-2-89
ATTACH 10

Ediberto Gonzalez
Justicia, Inc.
432 S. E. Norwood
Topeka, Kansas 66607

March 2, 1989

Senator Lana Oleen, Chairperson
Governmental Organization Committee
State Capital, Rm. 143-North
Topeka, Kansas 66612

Honorable Senator Oleen and committee members, I want to thank you for your time in allowing me to give testimony before you on an urgent matter, Senate Bill 232.

My name is Ediberto Gonzalez, program coordinator, representing Justicia Inc. Consideration of Senate Bill 232 which changes the status of the present Kansas Advisory Committee on Hispanic Affairs (KACHA) to a free standing commission provides an event in KACHA's history of not informing the community for achievement in passage of such an important bill. The Hispanics of Kansas have since 1974 argued for such a commission and to date full realization has not been possible due to bugetary constraints, administative constraints and KACHA management priorities. By not fully involving and only specifically informing select groups and individuals, concerns are raised that constitutes possible ineffective transition of KACHA from a committee to a viable commission.

With Senate Bill 232, the change to a free standing commission will not functionally change the committtee except for removing it from under the auspices of the Department of Human Resources. With this change, the new commission must continue its activities, and allowance for budgetary adjustments have not been addressed that will allow the new commission to become a viable entity of Kansas government.

Inconsistancy due to administrative, managment or legislative action can be attributed to budgetary alignments, however to form a free standing commission without due consideration to:

The need for a free standing Hispanic Commission is not the issue however, the need to table action on the Senate Bill 232 until such a commission can function adequately and with true Hispanic representation is. ?

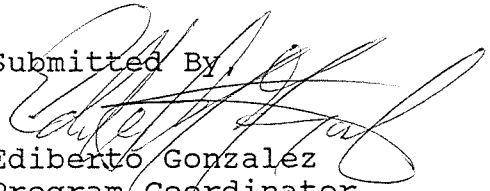
With the present committee concept, the change to a free standing commission will grant certain powers that give authorization to people to perform duties or functions without changing functionally nothing other than removing it from the auspices of the Department of Human Resources.

Considerations should be made prior to passing Senate Bill 232 that;

1. Provides Hispanic representation from the congressional regions that reflect representation from not only the Mexican American communities, but representatives from Cuban, Puerto Ricans and other Hispanics now residing in Kansas.
2. To consider the transition of KACHA materials, information and present staff as transitional with appointment of a new Executive Director being provided by the new board of Directors for policy and procedures. whom have not previously served in such capacity to the state agency.
3. That a budget be granted that will allow for staff and administrative actions to research and do legal reviews that address the issues and needs of the Hispanics of Kansas.
4. That budget increase considerations reflect the lost sustained by loss sustained by becoming free standing. (private office space).
5. That a state Hispanic caucus be implemented to review present community concerns the Kansas Commission of Hispanic Affairs should consider and networking that provides for community growth, understanding and education.

Senate Bill 232 has positive and negative ramifications. Without due consideration of the budget and board representation, such a commission will not be able to address the mandate it must undertake. The need for a free standing commission is not the issue, however the need to take action on Senate Bill 232 cannot be initiated until such a commission can function adequately, and with true Hispanic representation.

Submitted By,


Ediberto Gonzalez
Program Coordinator
Justicia Inc.

TESTIMONY PRESENTED TO THE COMMITTEE ON GOVERNMENTAL AFFAIRS
BY NATALIE CAMACHO, PRESIDENT
HISPANIC AMERICAN LAW STUDENT ASSOCIATION
CONCERNING SENATE BILL 232

My name is Natalie Camacho. I am a third year law student at Washburn University School of Law. I came to speak to you today as a concerned citizen and as the President of the Hispanic American Law Student Association (HALSA). Our organization's top priorities include recruitment, retention, and admission of Hispanics into the legal profession. I am also a member of the Hispanic National Bar Association. Recently I participated in the creation of the law student division. This organization also focuses on the educational issues facing the Hispanic population. As such, we are also concerned with the high drop out rates among Hispanic youth. We have tried to address these issues by doing outreach to Hispanic youth and providing role models encouraging them to continue their education, to go on to college, and to Law School!

We feel that raising the status of the Advisory Committee to a free standing Commission will increase the effectiveness of the Hispanic community to better address our particular educational concerns. We also believe that a Commission could more effectively address the other issues confronting the Hispanic community and the state.

My experience since I have been in Kansas and active in the community helps me conclude that a free standing Commission would benefit the most people. It would allow the Hispanic people to play a major role, through their commissioners, in identifying the issues and determining the policy that affects our lives. After all, the purpose of the statute was to focus on the special issues confronting the Hispanic community. For the statute to be beneficial, we must ensure, as much as possible, that the needs and concerns of the Hispanic community dictate policy, and that the source of the policy decision be based on accurate research, thus enabling the decision makers to make informed decisions about policy. In this way, the voice of the Hispanic Community will be heard, recognized, considered, and effectively implemented into positive policy.

S.G.O.
3-2-89
ATTACH II

Testimony on SB 232
submitted to
Committee on Governmental Organization
by Lynn Chavez-Martinez
Representing concerned Hispanic Youth
March 2, 1989

I'd like to thank the committee for this chance to express my support for Senate Bill 232. My name is Lynn Chavez-Martinez and I am here today representing concerned Hispanic youth across Kansas.

I'm a second year undergraduate student at the University of Kansas. My credentials include: Who's Who Among American High School Students, for the 1986-1987 school year, recipient of the honorary award to appear in the prestigious publication of The National Dean's List for both my freshman and sophomore years in college, and nominated for membership in the Outstanding College Students of America, 1989.

In light of the above information I would like to tell you a personal story. In 7th grade, during a group counseling session, I confided my goals and aspirations. At that time I had planned to be the Governor of Kansas. Later, my vice-principal stopped me at school and told me that I have nice goals, but if I ever wanted to achieve them, I'd better change my last name. That was only one of several incidents I experienced.

So today, I speak on behalf of Hispanic youth statewide. I consider myself lucky; I had a great support system and was exposed early to the need for education and the need to believe in myself if I planned to compete in today's highly technological society. However, that is not the case for many Hispanic youth.

As the Hispanic youth population continues to increase, a greater need for role models increases. KACHA has provided a tremendous opportunity through the Hispanic Youth Symposium, but that is just the beginning.

Many of the problems that exist as inherent barriers in the education system require a free-standing policy-making body, if the problems are, in fact, to be adequately addressed. For these reasons, we support SB 232.

S.G.O.
3-2-89
ATTACH-12

Testimony on SB 232
submitted to
Committee on Governmental Organization
by Jesse Campos
Representing American G.I. Forum
March 2, 1989

My thanks to the Chair and members of the committee. My name is Jesse Campos. I was one of the original participants in the formation of the "Commission on Mexican American Affairs", today known as the Kansas Advisory Committee on Hispanic Affairs.

The original SB 4 created a free-standing Commission. As stated in the interim study by the House in 1974; most of the conferees testified in support of a free-standing Commission. The idea is not new and still the most viable method to address the issues facing us today.

Madam Chair and members of the Committee, constant effort over the past decade and a half has brought some alleviation of the economic degradation to which the Hispanic and particularly to the Mexican American in this state, since the state is approximately 95% plus Mexican, has been subjected. However, institutionalized deprivations in vital areas, such as job opportunities, education, health, housing and economic development still remain a fact of life.

This life situation is reenforced, we believe, by the political disenfranchisement of the community due to a lack of access and a lack of representation in elected and appointed public offices.

For these reasons the community continues to experience a sense of powerlessness, frustration and anger.

I believe that a Commission can accomplish the goals mandated by statute much more successfully than a powerless "advisory" committee.

We want to be an active, participating part of the decision making process, not passive recipients.

Let me close by saying that, the elevation of the Committee to free-standing Commission will not only be good for the Mexican American and other Hispanics, but will be good for the whole State of Kansas.

Thank you.

S.G.O
3-2-89
ATTACH 13

COMMUNITY REPORT: From Martha (Aguilar) Bruce, Boardmember, Dist 4
Kansas Advisory Committee on Hispanic Affairs

The Kansas Advisory Committee on Hispanic Affairs quarterly meeting was held in Topeka at 9:00 a.m., on Saturday, February 18, 1988. Unfortunately, it was a very sad day for the Hispanic Community as a whole. Several bills presently before the Kansas Legislature were quickly mentioned; however, no action to support or oppose these bills was taken by the board. These bills include HB 2083 and HB 2084 to amend housing discrimination; HSB 12 to provide scholarships for minority students; and, SB 159 declaring the English language to be the official state language, to name a few. However, it became obvious that the actual purpose of this meeting was to drum up support for SB 232. After numerous testimonials from interested parties in the audience, the board voted 4-3 to support passage of this bill. I would like to state my personal observation on the methods by which the board arrived at this vote and my reasons for voting no.

SB 232 was presented by the chairperson supposedly for gathering the viewpoint of the Hispanic community at large. In reality, it was nothing more than a "dog and pony show" for the viewpoints of the chairperson. In fact, it became obvious that everyone knew why they were there, were fully aware of this bill, and stated almost the same speech. Further, the two new members of the board (Ramon Gonzales of Topeka and myself) seemed to be the only persons in the room which had not been contacted and given prior information regarding this bill and planned presentation to the board.

SB 232 would amend the Kansas Committee on Hispanic Affairs to a full commission, detaching the office from the Department of Human Resources. All budgeting, purchasing and related management functions of the office would be administered under the direction and supervision of the commission (the board). All vouchers for expenditures and payrolls would be approved by the executive director. The commission would appoint the executive director, approve the hiring of office employee's and recommend the names of members to be appointed by the Governor.

While SB 232 sounds great and creates emotionalism, in effect the main purpose it would serve would be to create a power base for the members of the board. The board never offered any examples as to how the Hispanic community as a whole would benefit from this change. Also, it was never brought up how a part-time board, meeting four times a year, would supervise the office. In addition, by bringing statewide focus, the danger lies that in "fairness" to all minorities, the Hispanic community could actually lose its advisory committee and have it replaced with a minority committee composed of hispanics, blacks and Asians.

I have accepted my appointment to this committee in the hope that Hispanics could unite and work towards improving employment, education, health, housing, etc. We have so many problems that need addressing. However, it is only by working together that we can accomplish something for all Hispanics. I believe that when one Hispanic succeeds, we all succeed, and we open the door a little wider for those that will follow us.

NEXT BOARD MEETING WILL BE HELD IN GARDEN CITY - APRIL 15, 1989

S.G.O
3-2-89
ATTACH 14

March 1, 1989

Senator Lana Oleen, Chairperson
Governmental Organization Committee
State Capitol, Room 143-North
Topeka, Kansas 66612

Honorable Senator Oleen and Members of the Committee:

I am writing to you because I am concerned about the proposed changes in SB 232, and those initiating the changes to the Kansas Advisory Committee of Hispanic Affairs (KACHA).

I am Ray Lopez a concerned private citizen from Kansas City, Kansas. My main concern is that information concerning Hispanics is not being disseminated through out the Kansas City area and to various organizations. Only a selected few are being kept abreast of vital information. This is not the way to initiate a campaign to push for a concept that is important to the lives of many.

I have several concerns related to SB 232 these are;

1. What are the benefits of a commission vs a committee.

Webster's New Riverside Dictionary defines autonomy as independent, self-governing. Does this mean that the Hispanic Commission would not fall under the authority of the Governor but would infact be an independent community based organization with no ties to the legislature?

2. The bill sites no new additional program functions to be implemented by SB 232. Would it not be cost effective to have competent staff members working for the committee rather than creating a new commission.

3. What is the fiscal impact of SB 232 and what are the possibilities of the legislature funding a supplementary budget for an agency already in existance.

4. What are the prescribed goals and objectives to be achieved by this new commission?

In my testimony I must confess that I do find one statement in the bill that is of substance, and ask for an amendment to the existing statute. This is in regard to the Governors' right to remove any board member with good cause. (Line 135).

Thank you for your time and consideration,

Ray Lopez
1420 S. 25th
Kansas City, Kansas 66106

S.G.D
3-2-89
Attach 15

March 1, 1989

Senator Lana Oleen, Chairperson
Governmental Organization Committee
State Capitol, Room 143-North
Topeka, Kansas 66612

Honorable Senator Oleen and Members of the Committee:

I am writing to you because I am extremely concerned about the proposed changes in SB 232, and those initiating the changes to the Kansas Advisory Committee of Hispanic Affairs (KACHA).

My name is J.Q. Rodriguez, a veteran, past officer of many Hispanic organizations, and one of the original authors of the enabling statute that gave birth to KACHA.

I support the statements of Martha Bruce in her written testimony as being true and correct. The 4th district was not informed about the contents of this bill and its ramifications for the future. I believe not enough time has been given for thorough consideration by Kansas Hispanic communities to make an informed decision about such an important matter. I would recommend that a state caucus of concerned Hispanics (widely publicized) be convened to determine the future goals and objectives as they apply to the Kansas Advisory Committee on Hispanic Affairs.

Further, I support the current committee and professional staff, minus those who have been involved in and/or initiated the changes in the statute changing the committee to a commission.

Thank you for your valuable time in reading my testimony in opposition of Senate Bill 232.

Sincerely,


J. Q. RODRIGUEZ

7177 West Harry
Wichita, Kansas 67276-9431
(316-946-4670)

L.G.O
3-2-89
ATTACH 16

Mary Espinoza
1531 N. Stony Point
Wichita, KS 67212
316-721-1211

February 28, 1989

Senator Lana O'Lean
Governmental Organization Committee
State Capitol, Rm. 143-North
Topeka, KS 66612

Honorable Senator O'Lean:

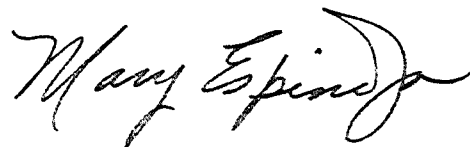
I'm writing to you because I'm tremendously concerned about the proposed changes and those initiating the changes to the Kansas advisory committee on Hispanic Affairs.

I'm opposed to Senate Bill No. 232. I don't feel the bill is needed at this time and that it doesn't fairly represent the well being of the Hispanic community across our state.

The concept of a freestanding committee is a good one but its too premature at this time. The department has just begun a much needed reorganization. We must allow a new energetic board with fresh, healthy, unbiased attitudes to form and concern itself with needs of the Hispanic community. Wichita just recently had a new representative appointed to this board, Martha Bruce. Although I was pleased to see Jim Garcia replaced, I did not know Martha Bruce at that time. In just a few months Martha has been quite visible here in Wichita and is keeping the Hispanic community informed. That is a first in the 4½ years that I've been relocated here in Wichita.

We know that change is good and can be productive if we allow it to be. I feel this committee is just beginning to get out from under some unproductive leadership. Just as a caterpillar evolves into a beautiful butterfly, I believe this committee is beginning to evolve into a productive, representative committee that will fulfill its charge.

Sincerely,



S.G.O.
3-2-89
ATTACH 17



HISPANIC AWARENESS COUNCIL

P.O. Box 4811
Wichita, KS 67204

March 1, 1989

Senator Lana Oleen
Governmental Organization Committee
State Capitol, Room 143-North
Topeka, Kansas 66612

Honorable Senator Oleen:

I am writing on behalf of the Hispanic Awareness Council. I am president of this organization. It has been in existence for three and a half (3 1/2) years. This organization's major goal is to help the community develop an informed perspective on Hispanic concerns and to encourage involvement towards resolving these concerns.

At this time our concern deals with Senate Bill 232. We strongly feel that at this time the Hispanic Community would not benefit from it. It seems that if we change the Kansas Advisory Committee on Hispanic Affairs to a freestanding commission, the office could lose its identity and focus. Our concern pertains to monies, programs, etc, for the productivity of the Hispanic community.

Again, we strongly feel that this bill will not benefit the Hispanic community.

Margarita LaFarelle Hunt
President,
Hispanic Awareness Council

We are recognized by the City of Wichita as the Hispanic liaison organization for city government.

3-2-89
ATTACH 18

R

RUBBER MATERIAL & SUPPLY CO.

M

4700 SO. TOPEKA BLVD.

TOPEKA, KS 66609 913-862-3020

S

INDUSTRIAL & CONTRACTOR SUPPLIES

2/28/89

Dear Senator Olsen

I would ^{like} to express
my opinion that I am
against Senate Bill

232. I further believe
that the present Kansas
Hispanic ~~COMMISSION~~ ^{committee} should
be given the opportunity
to work for the people

from Mate Morales
235-5925 224. N. Branner
Topeka Kan