





# MEMORANDUM

## Kansas Legislative Research Department

Room 545-N -- Statehouse  
Topeka, Kansas 66612-1586  
(913) 296-3181

January 30, 1990

To: Senate Committee on Governmental Organization  
From: Scott Rothe, Fiscal Analyst  
Re: Kansas Commission on Civil Rights -- Sunset Review

### The Statutes

The Kansas Commission on Civil Rights, created by K.S.A. 44-1003, consists of seven members appointed by the Governor, two of whom shall be representative of industry, two representative of labor, one authorized to practice law in Kansas, one representative of the real estate industry, and one to be appointed at large. Subject to the Kansas Sunset Law, K.S.A. 74-7250 requires the abolishment of the Kansas Commission on Civil Rights on July 1, 1990.

The Kansas Acts Against Discrimination (K.S.A. 44-1001, first passed in 1953) states that

"The practice or policy of discrimination against individuals in employment relations, in relation to free and public accommodations or in housing by reason of race, religion, color, sex, physical handicap, national origin or ancestry is a matter of concern to the state, since such discrimination threatens not only the rights and privileges of the inhabitants of the state of Kansas but menaces the institutions and foundations of a free democratic state. It is hereby declared to be the policy of the state of Kansas to eliminate and prevent discrimination in all employment relations, to eliminate and prevent discrimination, segregation, or separation in all places of public accommodations covered by this act, and to eliminate and prevent discrimination, segregation or separation in housing.

"It is also declared to be the policy of this state to assure equal opportunities and encouragement to every citizen regardless of race, religion, color, sex, physical handicap, national origin or ancestry, in securing and holding, without discrimination, employment in any field of work or labor for which he is properly qualified, to assure equal opportunities to all persons within this state to full and equal public accommodations, and to assure equal opportunities in housing without distinction on account of race, religion, color, sex, physical handicap, national origin or ancestry. It is further declared that the opportunity to secure and to hold employment, the opportunity for full and equal public accommodations as covered by this act and the opportunity for full and equal housing are civil rights of every citizen.

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"To protect these rights, it is hereby declared to be the purpose of this act to establish and to provide a state commission having power to eliminate and prevent segregation and discrimination, or separation in employment, in all places of public accommodations covered by this act, and in housing because of race, religion, color, sex, physical handicap, national origin or ancestry, either by employers, labor organizations, employment agencies, realtors, financial institutions or other persons as hereinafter provided.

In addition, K.S.A. 1989 Supp. 44-1113 prohibits Kansas employers from refusing to hire or continue a person in employment; to discriminate against the person in compensation, or in condition or privileges of employment; or to limit, segregate, separate, classify or make any distinction in regard to employees because of age without a valid business motive. The law permits any person aggrieved by any alleged unlawful employment practice based on age to file a complaint with the Kansas Commission on Civil Rights.

K.S.A. 44-1004 provides the Kansas Commission on Civil Rights power to:

1. establish and maintain its principal office in the City of Topeka;
2. adopt rules and regulations;
3. receive, initiate, investigate, and pass upon complaints alleging discrimination in employment, public accommodations and housing because of race, religion, color, sex, physical handicap, national origin or ancestry;
4. subpoena witnesses, compel their appearance, require the production of records, documents and other evidence and to examine, record and copy such materials or statements of such persons;
5. enter into and seek enforcement of conciliation agreements;
6. issue final orders after public hearings to remedy an existing situation found to violate the Act and to prevent its recurrence;
7. cooperate with the State Department of Education to prepare a comprehensive educational program for all Kansas residents emphasizing the origin of prejudice against such groups, its harmful effects, and its incompatibility with American principles of equality and fair play;
8. create advisory agencies and conciliation councils to aid in effectuating the purposes of the Act, to study the problem of discrimination, to foster good will, cooperation and conciliation among groups, and to make recommendations to the Commission for the development of policies and procedures, and for educational programs; and
9. receive and accept federal funds, and to enter into agreements with any federal agency to carry out the purposes of the Act.

### Financing

The Commission contracts annually with the federal Equal Employment Opportunity Commission (EEOC) and with the Department of Housing and Urban Development (HUD) to investigate certain cases that are filed with those federal agencies. The contract with EEOC provides that EEOC pays the Commission a specific amount for each case which the Commission investigates. The exact amount per case and the number of cases varies each year. In FY 1989, the Commission contracted with EEOC to investigate 827 cases, for a total of \$297,700 (\$400 per case). Contracts for FY 1990 and FY 1991 are expected to produce \$390,080 and \$351,200, respectively, in revenues for the Commission.

The contractual relationship between the Commission and HUD began in 1981, and is administered under the provisions of the Federal Fair Housing Assistance Program. The FY 1989 contract provided \$30,250 (including \$4,000 for training) for the investigation of 35 cases at approximately \$750 each. Estimated FY 1990 and FY 1991 contract payments would provide \$35,500 (including \$3,000 for training) for the investigation of 50 cases at \$650 each.

The following data presents expenditures from the State General Fund and from federal funds utilized to finance the Commission since FY 1982 as well as the percent of the total that each source represents. Also included are the number of full-time equivalent (FTE) positions approved for the Commission.

Fiscal Year	State General Funds		Federal Funds		Total	FTE Positions
1982	\$ 966,851	(86)%	\$157,974	(14)%	\$ 1,124,825	46.2
1983	963,560	(86)	151,574	(14)	1,115,134	45.7
1984	949,953	(81)	221,798	(19)	1,171,751	42.7
1985	999,257	(81)	239,611	(19)	1,238,868	41.7
1986	934,560	(76)	289,599	(24)	1,224,159	42.7
1987	691,315	(54)	593,915	(46)	1,285,230	41.0
1988	868,035	(67)	419,569	(33)	1,287,604	41.0 <sup>a</sup>
1989	944,241	(68)	436,536	(32)	1,380,777	40.0
1990 <sup>b</sup>	1,031,928	(72)	396,304	(28)	1,428,232	40.0
1991 <sup>c</sup>	1,234,507	(77)	367,200	(23)	1,601,707	42.0
1991 <sup>b</sup>	1,090,533	(72)	433,413	(28)	1,523,946	40.0

- a) 39.5 FTE positions were funded in FY 1988.
- b) As recommended by the Governor.
- c) As requested by the Commission.

The Kansas Commission on Civil Rights divides its budget into two components -- the Compliance and Education Program, and the Hearing Examiner Program. The purpose of the Compliance and Education Program, which currently employs 38.0 FTE positions, is to prevent and eliminate acts of discrimination in Kansas through investigation, enforcement, and compliance. Program employees educate Kansas residents on what constitutes acts of discrimination in employment, housing, and public accommodations and how such acts can be prevented from occurring.

Once the Commission notifies the Hearing Examiner that a nonconciliated, probable cause case has been approved for public hearing, it becomes the responsibility

of the Hearing Examiner to schedule and preside over such hearings and to submit to the Commission proposed findings of fact, conclusions of law, and orders for the Commission's consideration. The Hearing Examiner Program currently employs 2.0 FTE positions.

7 Commissioners

1 Executive Director

Kansas Commission on Civil Rights

Organizational Chart

1 Hearing Examiner

1 Secretary III

1 Office Super. Clerk V

1 Chief Legal Counsel

1 Assistant Director

1 Supervisor (Topeka)

1 Supervisor (Topeka)

1 Supervisor (Wichita)

1 Education Specialist

1 Office Specialist

1 Secy. II

1 Sr. Legal Counsel  
1 Staff Atty

2 Invs. I's

4 Invs. I's

4 Invs. I's

5 Invs. I's

1 Secy. II

1 Secy. I

1 Invs. II

1 Compliance Auditor  
Invs. II

1 Secy. I

1 Office Assist. III

1 Invs. I  
2 Intake Workers

1 Office Assistant II

1 Office Assist. II