

Approved Gary Blumenthal

Date

FEB 17 1992

MINUTES OF THE House COMMITTEE ON Governmental Organization

The meeting was called to order by Rep. Gary Blumenthal at  
Chairperson

9:05 a.m./~~p.m.~~ on February 11, 1992 in room 522-S of the Capitol.

All members were present except:

All present

Committee staff present:

Carolyn Rampey, Legislative Research  
Avis Swartzman, Revisor of Statutes  
Nita Shively, Committee Secretary

Conferees appearing before the committee:

Julee Stephens, Intern--Kansas Legislature  
Wayne Probasco, Attorney  
Larry Buening, KS Board of Healing Arts  
Martha Gabehart, Executive Director, KS Commission on Disability Concerns  
Rich McKee, Executive Director, KS Livestock Association  
Dr. Harold Sauder, Independence  
Dr. James Reeves, Lawrence  
Gina McDonald, KS Association Centers for Independent Living  
Betty McBride, Director, Division of Vehicles  
Paul Shelby, Assistant Judicial Administrator

Chairman Blumenthal called the meeting to order when quorum was present.

Action on HB 2800

No discussion. Motion by Representative Watson to report HB 2800 favorably, seconded by Representative Hamilton, motion carried.

Hearing on HB 2670 - An act concerning state government; abolishing certain boards, commissions and committees.

Chair announced that some of the boards and commissions have indicated a willingness to be abolished; however, the Governor expressed some concerns regarding parts of the bill. Consequently, Chair and intern Julee Stephens met with the Governor's staff in order to get their input on which boards should be abolished.

Chair recognized Julee Stephens who reported on the above-mentioned meetings, (Attachment 1). The report lists each board, its size, expenses, number of meetings and recommendations. The Governor's office recommended the following boards not be abolished:

Medical Advisory Board  
Advisory Committee on Podiatry  
Natural and Scientific Areas Advisory Board  
Committee on Disability Concerns  
Kansas Coal Commission  
Governor's Residence Advisory Commission  
Advisory Corrections Boards

Boards that can be abolished:

Agricultural Labor Relations Board  
Midwest Nuclear Board  
Milk Advisory Committee

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Governmental Organization,  
room 522-S Statehouse, at 9:05 a.m./~~p.m.~~ on February 11, 1992

Hazardous Waste Disposal Facility Approval Board  
Information Systems Policy Board  
Advisory Corrections Boards

Wayne Probasco spoke briefly as an opponent of HB 2670. He stated that, as attorney for the Kansas Podiatry Medical Association, he agrees with the recommendations from the Governor's office not to abolish the Advisory Committee on Podiatry.

Dr. Harold Sauder testified and furnished written testimony as an opponent of HB 2670, (Attachment 2). He agreed with the Governor's recommendation and urged the committee to concur. Dr. Sauder explained that the committee serves as an advisory committee to the Board of Healing Arts. He cited several situations they have dealt with in recent years involving disciplinary, investigative and licensing problems.

Chair recognized Dr. James Reeves who appeared as an opponent of HB 2670 furnishing written testimony, (Attachment 3). Dr. Reeves agreed with his colleague Dr. Sauder that the committee should not be abolished. However, in the event it is not retained, he would like to see an additional member on the State Board of Healing Arts. All the other associations have more than one member on the Board, enabling input from more than just one person.

Mr. Lawrence T. Buening, Jr. spoke in opposition to new section 1a-(7) of HB 2670, furnishing written testimony, (Attachment 4). Mr. Buening advised that the 3 branches of Healing Arts (medical, osteopathic and chiropractic) have review committees. There is no corresponding review committee for podiatry. Therefore, the Advisory Committee on Podiatry was established by the Legislature to serve that purpose. This enables the Board of Healing Arts to obtain expert opinion at minimal cost.

Chair recognized Martha Gabehart who appeared as an opponent to HB 2670, furnishing written testimony, (Attachment 5). Ms. Gabehart objected to the inclusion of certain advisory commissions and councils, particularly the Kansas Commission on Disability Concerns.

Representative Ramirez announced that it was highly unlikely that the Chairman would permit this commission to be abolished. Therefore, in the interest of saving time, it would not be necessary for the conferee to go through her entire testimony. Ms. Gabehart spoke very briefly on the number and variety of people that the commission assists.

Glen Yancey spoke in opposition to HB 2670, furnishing written testimony, (Attachment 6). He urged the committee, on behalf of the Secretary of SRS, not to abolish the Kansas Commission on Disability Concerns. Mr. Yancey noted that the KCDC serves as the institutional conscience for government in dealing with people with disabilities; he stressed the need for collaboration with customers and consumers.

Chair recognized Gina McDonald who spoke and furnished written testimony in opposition to HB 2670, (Attachment 7). She reiterated earlier testimony regarding the importance of retaining the KCDC. This is a necessary resource for the state. In addition, with the Americans with Disabilities Act and the Kansas Act Against Discrimination coming into focus, they need as many experts, especially in government, as possible.

Betty McBride appeared as an opponent of HB 2670 furnishing written testimony (Attachment 8). She stated that she utilized the Board on a regular basis when dealing with cases involving medical conditions that could prevent an individual from obtaining a license to drive. Whenever Ms. McBride does not feel competent to make a ruling, she relies on the recommendations of the Advisory Board.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Governmental Organization,  
room 522-S, Statehouse, at 9:05 a.m./~~p.m.~~<sup>XX</sup> on February 11, 1992

Rich McKee appeared as an opponent of HB 2670 furnishing written testimony, (Attachment 9). He advised that the Kansas Livestock Association is opposed to this bill because it eliminates the Agriculture Labor Relations Act. Although acknowledging that the Board has only met twice, Mr. McKee feels it is important that it continue.

Chair recognized Paul Shelby, who spoke on behalf of Howard Schwarts, Judicial Administrator, who was unable to appear today. Mr. Schwarts' written testimony was furnished, (Attachment 10). As a member of the Information Policy Board since 1984, Mr. Schwarts, while maintaining that he is neutral on most of the bill, urged the committee not to recommend abolishing the Board. Due to administrative changes, the Board has not met on a regular basis for over 2 years. This unfortunate circumstance resulted in the creation of a Task Force to study automation. However, the Task Force is not an adequate replacement for the Board. By retaining the Board, all 3 branches of government have access and representation in information technology policy making.

Questions and answers followed conferees' testimony.

Hearing closed on HB 2670.

Meeting adjourned at 10:15 a.m. Next meeting will be Monday, February 17, 1992 in Room 522-S.

Date: Feb. 11, 1992

GUEST REGISTER  
HOUSE  
COMMITTEE ON 'GOVERNMENTAL ORGANIZATION

NAME	ORGANIZATION	ADDRESS	
Paul Shelley	OJA	Topeka	
Jerry Sloan	OJA	"	
Arlan Holmes	DOB	Topeka	
Glen Yancy	SRS	Topeka	
Glen McDonald	KAC/L	Topeka	
Marta Schubert	KCDC	Topeka	
Alan Schlobohm	"	5	
Sharon Huffman	"	"	
Don Buener	KDHR	Topeka	
Larry Buring	Bd of Teaching Arts	Topeka	
Pam Ward	" "	" "	
LARRY D. WOODSON	Ks Bd of Ag	Topeka	
Melvin Brose	"	"	
Bruce GRAHAM	KEPCO	Topeka	
Dan Haas	KCDL	Overtland Park	
Ang C. Peterson	KDNR	Topeka	
D. Jim Reus	KPMA	Lawrence	
Elaine Tomeray	citizen	Topeka	
Wendy Yoder	Kansas Industry	Wichita	
Vicki Lewis Tyler	H.O.P.E	MANHATTAN	
Rick Scherbe	Topeka KDOR	Topeka	

February 11, 1992

Mr. Chairman and members of the committee, I am Julie Stephens, Representative Blumenthal's intern. With the help of Carolyn Rampey of Legislative Research, I have compiled information on each of the boards and commissions listed in House Bill 2670.

1. **Medical Advisory Board:** The purpose of this five member board is to give medical opinions to the Director of Vehicles on any person whose driver's license has been suspended or revoked for existing or suspected mental or physical disability. This board meets monthly and has an average annual expense of \$1,530. The Governor's office recommends that this board not be abolished.

2. **Agricultural Labor Relations Board:** This three member board is responsible for holding hearings and making inquiries relating to agricultural employer / employee relations. The Board has not met since December, 1980 because it only meets when a complaint is filed. Expenses only exist when the board meets and the members are required to receive compensation and travel expenses. I spoke with Joe Dick of the Department of Human Resources and he said this is not a necessary board. It can be abolished.

3. **Midwest Nuclear Board:** This board was created in 1972 when Kansas enacted the Midwest Nuclear Compact. The Board is inactive. The last member to have been on the Board was an appointee of Gov. Robert Docking. The Board became inactive during his tenure because the required number of states were not members of the Compact. This board can be abolished.

4. **Milk Advisory Committee:** The purpose of this six member board is to advise and assist the State Board of Agriculture in the establishment and administration of a statewide system of milk inspection and regulatory services. The Board is required to meet annually and does so. For the six meetings held from 1988 to the present, the total cost is estimated at \$785. I spoke with Melvin Brose of the Division of Inspection within the State Board of Agriculture and he said if the Committee is abolished that inspection would be handled without governor appointees within the Division of Inspection. This committee can be abolished.

*g. O. 2-11-92  
attachment 1*

5. **Hazardous Waste Disposal Facility Approval Board:** This five member board only meets when an application to site a hazardous waste disposal facility has been received. The Board has not met since 1982 because no such applications were received. I spoke with the Director of Environment, Charles Jones. He said this board can be abolished because the complaints would be directly handled and hearings would be held by the Agency.

6. **Advisory Board on Low-level Radioactive Waste:** I also spoke to the Director of Environment about this board. The Board has not met since 1986 and he feels that it is not necessary and it can be abolished.

7. **Advisory Committee on Podiatry:** This committee has three members and is responsible for the administration of examinations to applicants for podiatry licensure. It also reviews complaints against podiatrists received by the State Board of Healing Arts. The Committee meets twice a year and its yearly expenses have not exceeded \$400 in the past 3 years. The Governor's office recommends that this committee not be abolished.

8. **Natural and Scientific Areas Advisory Board:** The eleven member Board's purpose is to consult with and advise the State Biological Survey on matters relating to the Administration of the Natural and Scientific Areas Preservation Act. The State Biological Survey's function is to identify and report on the location and supply of native plants and animals that have educational and economic importance. Also, it is authorized to enter into agreements with the federal government concerning federal land and to accept federal grants. The Board is required to meet annually and its expenses are approximately \$500 per year. The Governor's office recommends that this board not be abolished.

9. **Committee on Disability Concerns:** This thirty member Commission gives advice to the Secretary of Human Resources on matters relating to the disabled. These matters include housing, employment, rehabilitation, and education. At least eight of the members are required to be Kansans with disabilities. The expenditures for FY 1992 are estimated to be \$151,605. The Committee receives strong support from the Governor and the Chairman of the House Governmental Organization Committee and should not be abolished.

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attachment 1-2

10. **Kansas Coal Commission:** This thirteen member commission's purpose is to study ways to expand existing markets and create new markets for Kansas coal. In 1991 the Commission's expenses did not exceed \$600. Representative Robert Grant is a member of the Commission and feels its existence is necessary. If the Commission is abolished future usage of Kansas coal will be decreased.

11. **Governor's Residence Advisory Commission:** The eight member Commission is required to submit an annual report to the Legislature on the state of repair of the Governor's residence and its grounds and equipment. No expenses are authorized for this commission and none are claimed. The Commission meets annually. The Governor's office recommends that this commission not be abolished.

12. **Information Systems Policy Board:** The three member Board is responsible for approving a comprehensive plan prepared by the Division of Information Systems and Communications relating to central data processing for state agencies. This board has met twice in the past five years and has had no recent expenditures. The Governor's office suggests that this board can be abolished.

13. **Advisory Corrections Boards:** There are currently 25 community corrections boards with each board having twelve or more members. The purpose of these boards is to formulate comprehensive plans for the development, implementation, and operation of community correction programs such as restitution programs, victim services programs, and preventive or diversionary correctional programs. No reimbursement is specifically authorized. The State Department of Corrections says any other associated costs are minimal. Various representatives have received letters from constituents who are upset at the possibility of losing these local boards. They should not be abolished.

14. **Advisory Commission for Children with Special Needs:** This five member commission is responsible for advising the Secretary of Health on matters relating to children with special health care needs. This commission meets four times a year and costs are estimated at \$300 per meeting. This commission receives strong support from the Governor and should not be abolished.

15. **Advisory Commission on Health and Environment:** This commission can be abolished due to the breakup of the Department of Health and Environment. I spoke with Charles Jones Director of Environment and he does not feel that it is necessary to introduce a bill that would create separate advisory committees.

16. **Technical Advisory Committee on the Assessment-Sales Ratio Study:** This three member committee advises and consults with the Director of Property Valuation on procedures used to complete assessment-sales ratio studies. The Committee has met twice in the last five years. The Committee only meets when there is a need to change procedures or statistical methodology connected with the study. The Department of Revenue feels that this committee should not be abolished because proposed changes in school finance funding could cause a greater reliance on the assessment-sales ratio study and thus increase the Committee's activity. No figures for expenses are available because the Secretary of the Department of Revenue said the records were destroyed in a paper drive.

g o 2.11.92  
attachment 1-4





DR. HAROLD J. SAUDER

PODIATRIST

P. O. BOX 372 209 N. 6th, INDEPENDENCE, KANSAS 67301

Telephone 316 - 331-1840

February 10, 1992

Committee on Governmental Organization  
Representative Gary H. Blumenthal, Chairman

RE: Abolishment of Advisory Committee  
House Bill #2670 (K.S.A. 74-2807)

Dear Committee Members:

I am Harold J. Sauder, a practicing podiatrist from Independence, Kansas. I am on the Podiatry Staff of Mercy Hospital in Independence, Kansas, the Wilson County Hospital staff in Neodesha, Kansas, and the Podiatry Consultant at the Parsons State Training Center in Parsons, Kansas. I have been either a director or officer of the Kansas Podiatric Medical Association for nearly thirty years.

I was the first podiatric member of the Board of Healing Arts from 1976 to 1988 and also appointed to the Podiatry Advisory Committee during those same years. I have had quit a lot of experience in disciplinary, investigative, and licensing problems that came before the Board of Healing Arts during those twelve years.

I am here today to furnish information so that new legislation would allow the continued necessary function of the Podiatry Advisory Committee.

The Board of Healing Arts is composed of five medical doctors, three osteopathic doctors, three chiropractors, one podiatrist, and three consumer representatives. Podiatry is the only professional licensee that has but one member on the board. In most matters brought before the board for action, the detailed investigation, before action is taken by the board, is customarily done with the involvement of at least two and usually three of the physicians with the same professional degree as the physician being investigated. The reason for this routine is so that the greatest amount of knowledge and understanding of the investigative problem can be obtained from the review of the information that is available.

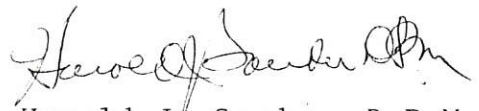
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attachment 2

The prime obligation of the Board of Healing Arts is to assure the people of Kansas that they receive safe, honest, and high quality health care. In doing this the professional licenses of providers of health care in Kansas are rather frequently limited, stipulated, restricted, or re-voke. This is a very sensitive and difficult responsibility.

The point I'd like to make is that if a podiatrist were involved in a disciplinary action, the expertise and investigative opinion given to the board for their action would primarily be the opinion of one podiatrist. A further problem that I see, for example, would be that of a possible Wichita Podiatric Board member giving his opinion and recommendation to the board for action against a Wichita practicing colleague. This could very easily be biased.

I strongly recommend that the Podiatry Advisory Committee be allowed to continue to function. The cost of this committee is very modest. The committee routinely meets only twice a year at a date when the licensing exam is given. This is a one or two day meeting. The only additional meetings for opinions, review of investigations or for hearings are only by the direct request of the Board of Healing Arts. Most of the expense of the Board of Healing Arts is generated from the licensees themselves in yearly license renewal fees, new license fees and examination fees. The cost to the state is very minimal.

Thank you for giving me this time to present my opinion.



Harold J. Sauder, D.P.M.

g. O. 2-11-92  
attachment 2-2



**JAMES E. REEVES, D.P.M., P.A.**

HILLCREST PROFESSIONAL BUILDING 930 IOWA STREET SUITE 2  
LAWRENCE, KANSAS 66044 (913) 841-4225

Date: 2-11-92

Special Committee on Organization

In RE: House Bill No. 2670 and No. 2677  
Proposal No. 11 and 24 to abolish the  
Advisory committee on Podiatry, created  
by K.S.A. 74-2807.

Good Morning;

I am James E. Reeves DPM, a practicing Podiatrist  
in Lawrence, Kansas. I have been a member of the Advisory  
committee on Podiatry for one year.

I am representing the Kansas Podiatric Medical  
Association. We are apposed to the bill regards to proposal  
No. 11 (page 1, Line 40-41) and proposal No. 24 (page 2,  
Line 3-4). The provisions abolish the Podiatry Advisory  
committee. We feel that this committee is necessary for  
the policing of our association.

K.S.A. 74-2807, establishes the Podiatry Advisory  
committee. This committee is to advise and consult with the  
State Board of Healing Arts in the administration of Laws  
regarding the qualifications and examination of Podiatrists.  
This committee advises the board on all matters concerning the  
board's actions on Podiatry. We assist the Podiatry Board member  
(we have only one) and that individual apporaches the State Board  
members. We preform the testing and interviews on all Podiatry  
applications for state licensures, with minimal assistance from  
the State Board. We constantly review investigative cases  
pertaining to licensed Podiatrists.

All advisory input by this committee is protected by Law  
under the State Board of Healing Arts. Our association feels  
that this is vital, since disciplinary matters arise on Podiatry  
in this state. Abolishing this committee, takes away that  
protection which is needed. Our association wants to continue to  
provide excellent care of the foot, by policing our own.

The information that your committee recieved from the State  
Board of Healing Arts, dated 11-8-91, explains the need for this

*g.o 2-11-92  
attachment 3.*



**JAMES E. REEVES, D.P.M., P.A.**

HILLCREST PROFESSIONAL BUILDING 930 IOWA STREET SUITE 2  
LAWRENCE, KANSAS 66044 (913) 841-4225

Advisory committee. Its duties are self explanatory and its activity level is high.

With the change in our Licensing test, through our recommendation, dating back to December 1989, the St. Board of Healing Arts adopted the national examination. This test now allows for more freedom in Kansas to receive a Kansas License by reciprocity. Our Advisory committee, uses a personal interview to study the past medical history and any legal history on each individual and recommends to the St. Board our position on licensing for each applicant.

This committee must be protected by the State Board of Healing Arts. As stricter reinforcement occurs, our association needs to be able to fulfill the need.

This committee under K.S.A. 74-2807 has no compensation for services. We are only reimbursed for mileage and one of the members from Great Bend also receives lodging for one night. This occurs twice a year for the State Licensing Testing. All other actions performed by the committee is done without any compensation.

This committee acts not only in an advisory status, as it would imply, but we are also a review committee on all Podiatry investigative cases. We in addition act as the proctoring committee for state testing and interviews for licensing Podiatrists.

Our association and the State Board of Healing Arts are recommending that the Advisory committee abolishment under House Bill K.S.A. 74-2670 and 74-2677 be excluded. The non-exclusion of this committee will greatly reduce our association from governing it's members and create higher costs to the Kansas State Board of Healing Arts.

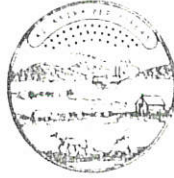
Thank You!

Respectfully submitted,

  
James E Reeves DPM

J.O. 2-11-92  
attachment 3-2

# State of Kansas



235 S TOPEKA BLVD  
TOPEKA, KS 66603

913 296 7413  
FAX 913 296 0852

## Board of Healing Arts

### MEMORANDUM

TO: House Committee on Governmental Organization

FROM: Lawrence T. Buening, Jr.  
Executive Director  
Kansas State Board of Healing Arts

RE: House Bill 2670

DATE: February 11, 1992

Chairman Blumenthal and members of the Committee, I wish to thank you for allowing me the opportunity to appear before you and provide testimony on House Bill 2670. The State Board of Healing Arts has taken the position that it opposes New Section 1(a)(7) of this bill which would abolish the Advisory Committee on Podiatry.

By way of background, pursuant to an Executive Reorganization Order issued February 10, 1975, the State Podiatry Board of Examiners was abolished and the powers, duties and functions thereof transferred to the State Board of Healing Arts. However, also in 1975, the Legislature established the Advisory Committee on Podiatry to be advisory to and consult with the State Board of Healing Arts in the administration of laws regarding the qualifications and examination of podiatrists. The Advisory Committee is comprised of three members who receive no compensation

#### MEMBERS OF BOARD

JOHN P. WHITE, D.O., PRESIDENT  
PITTSBURG  
REX WRIGHT, D.C., VICE PRESIDENT  
TOPEKA

FRANKLIN G. BICHLMEIER, M.D., OVERLAND PARK  
DONALD B. BLETZ, M.D., OVERLAND PARK  
JIMMY V. BULLER, D.O., PARSONS  
HOWARD ELLIS, M.D., LEAWOOD  
EDWARD J. FITZGERALD, M.D., WICHITA  
HAROLD GULDNER, SYRACUSE  
MARK HATESOHL, D.C., MANHATTAN

GRACIELA MARION, EUDORA  
JOHN PETERSEN, OVERLAND PARK  
RICHARD UHLIG, D.O., HERINGTON  
IRWIN WAXMAN, D.P.M., PRAIRIE VILLAGE  
KENNETH D. WEDEL, M.D., MINNEAPOLIS  
RON ZOELLER, D.C., TOPEKA

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Attachment 4

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for services as such members but are allowed subsistence allowances and other expenses incurred when attending meetings of the Advisory Committee.

In FY90, the total subsistence allowances and expenses paid to Advisory Committee members was \$101.55. In FY91, this amount was \$363.22 and as of December 31, 1991, the expenses paid in FY92 have been \$216.90.

Until 1990, the Advisory Committee on Podiatry prepared and administered the licensing examination for podiatrists. In 1990, the Board approved an examination prepared by a national testing service which is called PMLexis and is administered twice a year and is proctored by the Advisory Committee members. The Advisory Committee still conducts oral interviews of each applicant for licensure to ensure that the statutory qualifications have been met and that there exists no grounds for denial of an application.

In 1984, the Legislature created Review Committees for each of the three branches of the healing arts (medical doctors, osteopathic doctors and chiropractic doctors). The function of the Review Committees has been to review investigative cases and make recommendations as to whether there appear to be grounds for which disciplinary action can be taken based upon the conduct of the individual under review. However, no Review Committees were created for the podiatric profession. Therefore, since 1984, the Board has utilized the Advisory Committee on Podiatry on numerous

*g.o. 2-11-92  
attachment 4-2*

House Committee on Governmental Organization  
February 11, 1992  
Page Three

occasions to review investigative cases and to make recommendations as to what, if any, violations of the Podiatry Act (K.S.A. 65-2001 et seq.) may have been committed. In addition, the Advisory Committee has been utilized on several occasions to provide recommendations and advice as to what constitutes the "proper practice of podiatry." The abolition of the Advisory Committee on Podiatry would result in the Board being required to hire podiatrists to serve as experts or consultants to provide the same services which are now being rendered by the Committee. It is the firm belief of the Board that this would result in greater expense than what has normally been paid to Advisory Committee members for reimbursement of expenses.

While the Board recognizes and acknowledges the Legislature's desire to streamline state government and reduce expenditures, it is the position of the State Board of Healing Arts that abolition of the Advisory Committee on Podiatry would serve neither purpose. Therefore, the Board respectfully requests that paragraph (a)(7) of New Section 1 of House Bill 2670 be deleted.

Thank you again for allowing the opportunity to appear before you. I would be willing to answer any questions you might have.

J. O. 2-11-92  
Attachment 4-3



# Kansas Department of Human Resources

Joan Finney, Governor  
Joe Dick, Secretary

## Commission on Disability Concerns

1430 S.W. Topeka Boulevard, Topeka, Kansas 66612-1877  
913-296-1722 (Voice) -- 913-296-5044 (TDD)  
913-296-4065 (Fax)

## TESTIMONY ON HB 2670 HOUSE GOVERNMENTAL ORGANIZATION by Martha K. Gabehart, Executive Director

Thank you for the opportunity to testify in opposition of the inclusion of the Kansas Commission on Disability Concerns in HB 2670. HB 2670 would abolish certain advisory committees, commissions and councils including the Kansas Commission on Disability Concerns (KCDC).

KCDC is aware there are advisory committees, commissions and councils which are not functioning as they were intended to when they were created. We understand the need for removal of those entities both from a fiscal standpoint and from a housekeeping standpoint. However, KCDC is not one of those nonfunctioning entities and should be removed from the bill.

The statutory mission of KCDC is to carry on a continuing program to promote a higher quality of life for ALL people with disabilities, not just people with certain disabilities. No other entity has this mission. One way of doing this is to provide information to individuals with disabilities and other interested parties concerning civil rights of people with disabilities, laws and legislation, locations of services and direct assistance, both state and national legislative issues and how to access the legislative process. KCDC provided information to approximately 700 individuals, organizations, businesses, the media and government agencies. A large

*g. O. 2-11-92  
attachment 5*



number of these were requesting information the Americans with Disabilities Act (ADA). Another significant portion were from individuals with disabilities who had experienced discrimination and needed to know their rights and how to get enforcement of those rights. Other inquiries included questions on Workers Compensation, employment, housing, insurance and transportation. Also, at least half of these inquiries came from entities not presently receiving information from KCDC through regular mailings. Inquiries come from government officials, businesses, community-based organizations, state agencies, local governments, families and individuals with disabilities.

KCDC has a database of 630 individuals, community-based organizations and state agencies which receive regular information on a regular basis. Of these, 391 receive the legislative track produced during the legislative session every week.

The statutory responsibilities of KCDC include cooperating with all public and private agencies interested in independent living by people with disabilities and all agencies responsible for or interested in the rehabilitation and employment of people with disabilities. In an effort to cooperate with other agencies and organizations during the legislative session, KCDC distributes its legislative track to interested individuals and organizations and coordinates a weekly meeting Friday afternoons during the session to coordinate testimony and discuss bills of interest. These meetings have proven to be extremely helpful. This cooperative effort enhances communication between organizations which have similar interests but would not ordinarily request assistance for support on legislative issues from other organizations. This

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Attachment 5-2*

Testimony on HB 2670  
by Kansas Commission on Disability Concerns

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occurs when organizations focus only on their needs and do not draw in other organizations with similar needs. This is not unusual with disability organizations.

Cooperation also occurs in assisting with putting on conferences, mailing out conference announcements and providing speakers for meetings. KCDC made over 40 presentations on the Americans with Disabilities Act and architectural accessibility during Fiscal Year 1991. Most of the entities requesting presentations were businesses and local governments, but several local support groups for people with disabilities also asked for presentations. KCDC also assisted with the Kansas Conference on People with Developmental Disabilities this last Spring. This conference was sponsored by Speaker Marvin Barkis and President Bud Burke as well as many other organizations with interests in people with developmental disabilities.

Along with the requests for information on the ADA, KCDC has been performing architectural accessibility surveys for local governments, businesses, educational institutions and community-based organizations. Until the ADA was passed, KCDC was the only entity known to provide this service. After the passage of the ADA, private entities began to develop this service with the focus on private businesses and local governments. KCDC still provides this service for non-profit organizations, churches, state agencies and educational institutions.

KCDC's commissioners are appointed individuals representing industry, labor, community-based independent living programs, rehabilitation programs, education programs, disability or rehabilitation research programs, private nonprofit

*g.O. 2-11-92  
attachment 5-3*

Testimony on HB 2670  
by Kansas Commission on Disability Concerns

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organizations serving Kansans with disabilities and ex officio individuals. A majority of the appointed individuals are and must be disabled. The information these individuals bring concerning the needs of their respective interests directs KCDC and is passed on to the legislature and governor's office. The ex-officio members to KCDC represent areas of state government which provide services to people with disabilities throughout the state and their information and points of view are essential to coordination and communication.

The fiscal note concerning the affect on KCDC of HB 2670 indicates the money for the commissioners' travel would be eliminated, but KCDC staff and direction would continue with the Kansas Department of Human Resources (DHR). Without the commissioners, KCDC would have to form a voluntary commission which is not appointed by DHR and try to get participation from the state agencies and appointed interest areas to participate. Without the statutes creating KCDC, there is nothing official to give the Commission authority.

People with disabilities traditionally are under represented. Most are not aware enough of the workings of the legislature or assertive enough to advocate for themselves. Without KCDC there is no other entity which has the responsibilities KCDC has through its statutes; there would be no single point of contact concerning information on issues of concern to people with disabilities; there would be no government entity to advocate for all people with disabilities; be no governmental entity to cooperate with other state agencies and private entities in promoting a higher quality of life for people with disabilities. We have found there is no other point of contact for businesses to receive information on the ADA.

*J.O. 2-11-92  
attachment 5-4*

Testimony on HB 2670  
by Kansas Commission on Disability Concerns

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In conclusion, KCDC has been receiving guidance from its commissioners it would not have gotten had it not been mandatory the commissioners be a part of the organization and direction of the commission. The commissioners and the authority from the statutes are essential. Because there is no other government or private entity which provides this information and services, it would be a detriment to the government, private entities, families, community-based organizations and individuals with disabilities to abolish KCDC. There are still people in Kansas who need our assistance.

We request your support for deleting the Kansas Commission on Disability Concerns out of HB 2670.

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*g. O. 2-11-92  
attachment 5-5*

Kansas Department of Social and Rehabilitation Services  
Donna Whiteman, Secretary

**Presenter's name:** Glen Yancey  
Acting Commissioner  
Rehabilitation Services  
(913) 296-3911

**Topic:** Testimony in opposition to HB 2670

**Date:** February 11, 1992

**Committee:** Governmental Organization

Mr. Chairman and Members of the Committee: On behalf of the Secretary of Social and Rehabilitation Services, I thank you for the opportunity to present this testimony in opposition to HB 2670.

The Kansas Commission on Disability Concerns (KCDC) is a valuable resource for the State of Kansas. In our experience with KCDC, we have learned that:

- \* KCDC provides reliable information on federal and state legislation affecting people with disabilities. For example, KCDC has provided technical assistance and community education about the Americans with Disabilities Act and the Kansas Act Against Discrimination to civic groups, business leaders and disability organizations throughout the state.
- \* KCDC is an excellent referral resource for people with disabilities who are trying to learn about services that will empower them to achieve greater independence.
- \* KCDC is a strong advocate for civil rights and services for people with disabilities. Through KCDC, citizens with disabilities have a voice in state government and an avenue for informing the legislative and executive branches about their concerns.

One of the major reasons that KCDC is such a valuable resource is that citizens with disabilities have direct input into the KCDC programs, priorities and policies. I urge you to continue the functions of KCDC and to maintain its current organizational structure which appropriately emphasizes participation by citizens with disabilities.

Thank you.

*G.O. 2.11.92  
attachment 6*

# KANSAS ASSOCIATION

## CENTERS FOR INDEPENDENT LIVING

3258 South Topeka Blvd. ~ Topeka, Kansas 66611 ~ (913) 267-7100 (Voice/TDD)

### TESTIMONY TO

Gina McDonald  
Executive Director

HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATIONS

REPRESENTATIVE GARY BLUMENTHAL, CHAIRPERSON

02-11-92

#### Member agencies:

ILC of Southcentral Kansas  
Wichita, Kansas  
(316) 942-8079

Thank you for the opportunity to testify today.  
My name is Gina McDonald and I represent the Kansas Association of Centers for Independent Living (KACIL).

Independence, Inc.  
Lawrence, Kansas  
(913) 841-0333

I am here today in opposition to H.B. 2670 and to offer KACIL's support of the Kansas Commission on Disability Concerns (KCDC) Through the years the Kansas Commission has been the one voice within state

Independent Connection  
Salina, Kansas  
(913) 827-9383

government to speak to the needs of people with disabilities. It would be a great disservice to the states disability community as well as to the state itself to abolish the Commission on Disability Concerns. As I am sure you are aware, the passage of the Americans with Disabilities Act and the amendments to the Kansas Act Against Discrimination brought civil rights for people who experience disabilities to the forefront. Implementation of these laws by state and local governments as well as private businesses will take a great deal of support and technical assistance. KCDC can, and has in the past, served as an important resource to the state in meeting those requirements.

LINK, Inc.  
Hays, Kansas  
(913) 625-2521

Resource Center for  
Independent Living  
Osage City, Kansas  
(913) 528-3105

Resource Network  
for the Disabled  
Atchison, Kansas  
(913) 367-6367

At a time when there is so much work yet to be completed before people with disabilities can realize equality, please do not remove or sunset any of the resources available. KCDC is a valuable resource in implementation of laws to the state government and to the disability community. Thank you.

The WHOLE PERSON, Inc.  
Kansas City, Missouri  
(816) 361-0304

Three Rivers Independent  
Living Resource Center  
Wamego, Kansas  
(913) 456-9915

Topeka Independent  
Living Resource Center  
Topeka, Kansas  
(913) 267-7100

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STATE OF KANSAS

Betty McBride, Director  
Robert B. Docking State Office Building  
915 S.W. Harrison St.  
Topeka, Kansas 66626-0001



(913) 296-3601  
FAX (913) 296-3852

Department of Revenue  
*Division of Vehicles*

To: House Committee on Governmental Organization  
From: Betty McBride, Director Division of Vehicles  
Kansas Department of Revenue  
Date: February 10, 1992  
Subject: House Bill 2670

Mr. Chairman, Members of the Committee,

I appear before you on behalf of the Kansas Department of Revenue concerning New Section 1 (1) of House Bill 2670, which would abolish the Medical Advisory Board.

The driver review section of my office reviews over 200 medical cases each month. Many of which are routine medical disabilities requiring either an annual vision or annual medical examination. Nearly 15 percent of our medicals, however, are medical conditions which are not clearly defined by the letter of the law.

Among the more difficult medical conditions to evaluate are those classified as seizure disorders. Loosely defined as a loss of consciousness in the waking state, this disorder may include many medical conditions not related to seizures such as diabetes and heart attacks. Senate Bill 522 and House Bill 2772 will provide the Division with the flexibility to issue licenses based on the recommendation of a personal physician, and not based strictly on a loss of consciousness.

The Medical Advisory Board provides the Division of Vehicles with professional consultation on medical conditions which would be impossible for a lay person, such as myself, to properly evaluate. Also, because physicians are often reluctant to certify a persons ability to drive or even offer a statement on whether a condition has been controlled, abolishing the Board would not be in the best interest of all the citizens of Kansas. If the

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Board were abolished. The responsibility for evaluating complicated medical conditions would rest squarely with the Director of Vehicles

I strongly suggest that, in the interest of all citizens of Kansas, you strike from this bill the provision abolishing the Medical Advisory Board.

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attachment 8-2





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Owens and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

STATEMENT  
OF THE  
KANSAS LIVESTOCK ASSOCIATION'S  
OPPOSITION  
HOUSE BILL 2670  
BEFORE THE HOUSE GOVERNMENTAL ORGANIZATION  
REPRESENTATIVE GARY BLUMENTHAL, CHAIRMAN  
REPRESENTATIVE ROBERT WATSON, VICE CHAIRMAN

Presented By

Rich McKee

Executive Secretary, Feedlot Division

February 11, 1992

The Kansas Livestock Association is a trade organization made up of over 9,000 members located in all 105 Kansas counties. KLA, founded in 1894, has members who are actively involved in numerous aspects of livestock production which include cow-calf/stocker producers, feeders, feedlots, sheep producers, swine operators, and general farming and ranching enterprises.

Good morning! The Kansas Livestock Association opposes House Bill 2670 because it eliminates the Agriculture Labor Relations Act.

During the early 1970's, the legislature approved a package of ag labor laws. KLA and other ag groups worked hard to gain support for this package of ag labor legislation. Included in this package was legislation establishing the Agricultural Labor Relations Board.

The Agricultural Labor Relations Board has been used twice since its inception. Once in the mid-seventies and again in 1980. The lack of activity speaks well for both ag employees and employers. In both cases the board preformed well. Both cases were resolved without major conflict.

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House Bill 2670  
February 11, 1992  
Page 2

In 1989, the legislature discussed the viability of the Agricultural Labor Relations Board. The legislature decided to keep the board in place, but amend the law to make the appointment process on a as needed basis only. This change was contained in Senate Bill 256 and passed the Senate 38-0, and 114-11 in the House!

Kansas Livestock Association members would like to keep the ag labor laws, including the ag labor board, in place. Because of agriculture's uniqueness, such a board is beneficial to both parties. Administrative expense is minimal as the board is called upon only on a as needed basis.

For these reasons, the Kansas Livestock Association asks for your consideration in opposing House Bill 2670. Thank you!

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House Bill No. 2670  
House Governmental Organization  
February 11, 1992

Testimony of Howard Schwartz  
Judicial Administrator  
Office of Judicial Administration

Mr. Chairman and members of the committee:

I thank you for the opportunity to discuss with you House Bill No. 2670 which proposes the abolition of a number of boards, commissions, and committees, including the Information Systems Policy Board established by K.S.A. 75-4708. (New Section 1., page two, lines 7-8, number 12).

I am speaking today as an appointed member of the Information Systems Policy Board.

The board consists of the Secretary of Administration, the Chief Justice of the Supreme Court, or his appointed designee, and the Chairperson of the Legislative Coordinating Council, or designee. The Director of the Division of Information Systems and Communications serves as a non-voting secretary for the board. The board's purpose is to review and approve the statewide comprehensive plan for central processing of data prepared by the Division of Information Systems and Communications.

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Since I was appointed to this board in 1984, I believe that the board has done a good job of fulfilling its statutory responsibilities. Further, the board has provided a forum for sharing information and experience regarding technology issues and policies. It also serves as a sounding board to help resolve inter-jurisdictional disputes.

Due to several changes in the office of Secretary of Administration, this board has not met on a regular basis for over two years but I believe that the void created by the lack of these meetings has been felt. For example, in July of last year the Legislative Coordinating Council created a Task Force, composed of members from each branch of government to study automation. Perhaps, if the Information Systems Policy Board had been meeting regularly this task force would not have been required.

Some may argue that this new task force could serve as a replacement for the Information Systems Policy Board. Unfortunately, since the task force is not a statutory enactment it could be disbanded at any time. Further, the task force is still struggling to identify its mission and objectives. By contrast, the objectives of the Information Systems Policy board are clear, succinct, and well conceived.

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attachment 10-2

In summary, I recommend that the Information Systems Policy board be preserved. By preserving this board you will ensure that all three branches of government have an avenue available for input and representation in information technology policy-making.

Finally, the only change that I would recommend with this policy board is a recommendation allowing any member of the board to call a meeting. This would make the board even more effective and responsive.

I urge the committee to favorably consider my recommendation and strike number 12, on page two of this proposal and not abolish this board.

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**75-4708.** Information systems policy board; composition; compensation and expense allowances; officers; comprehensive plan for central processing of data by division. (a) There is hereby established the information systems policy board, to be composed of the secretary of administration, the chief justice of the supreme court, or a person designated by the chief justice, and the chairperson of the legislative coordinating council, or a person designated by such chairperson. Members of the information systems policy board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

(b) The secretary of administration shall be chairperson of the information systems policy board and the director of information systems and communications shall serve as secretary of the board but the director shall not be a member thereof. The board shall meet on call of the chairperson at least quarterly and at such other times as the chairperson deems necessary. Only those persons appointed to the board or serving as a member thereof by virtue of their office shall have the right to vote at meetings of the board and at least two of such persons shall be present to constitute a quorum to do business.

(c) Subject to approval by the secretary of administration, the division of information systems and communications shall prepare a comprehensive plan to implement the provisions of statutes requiring central processing of data

by the division of information systems and communications. Such plan shall be submitted for approval of the information systems policy board. A copy of such plan as approved by the board shall be furnished upon request to any division, department or agency of the state affected thereby.

**History:** L. 1972, ch. 332, § 20; L. 1974, ch. 348, § 96; L. 1974, ch. 399, § 12; L. 1975, ch. 427, § 246; L. 1980, ch. 284, § 30; L. 1984, ch. 323, § 13; July 1.

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A/c  
9-14-11

LCC Nine Member Task Force  
To Study  
Computerization in State Agencies

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Attachment 10-5

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