

Approved \_\_\_\_\_  
Date

MINUTES OF THE House COMMITTEE ON Labor and Industry

The meeting was called to order by Representative Anthony Hensley  
Chairperson

9:08 a.m. on March 25, 1992 in room 526-S of the Capitol

All members were present except:

Committee staff present:

Jim Wilson, Revisor of Statutes  
Jerry Donaldson, Principal Analyst  
Barbara Dudney, Committee Secretary

Conferees appearing before the committee:

W.M. "Mike" Lackey, Kansas Department of Transportation  
Senator Audrey Langworthy  
Teri Lee Buek, state liaison, Kansas Capital Area Chapter, American Red Cross  
Gigi Felix,, Exec. Dir., Kansas chapter of National Association of Social Workers  
Tim Pinnick, Legislative Representative, Heart of America Chapter of the International Association of Building Officials

The meeting was called to order at 9:08 a.m., by the chairman, Rep. Anthony Hensley.

Chairman Hensley re-opened the hearing on House Bill No. 3178. He introduced W.M. "Mike" Lackey, representing the Kansas Department of Transportation (KDOT). Mr. Lackey described the program KDOT has established concerning minority "set aside" contracts. He stated that KDOT would be willing to work with the committee to implement a "disparity study" looking into the problems minority-owned businesses have in the purchasing procedures of state government. He answered questions from several members of the committee.

The chairman referred committee members to copies of a series of newspaper articles written by Harris News Service reporter Mike Shields detailing problems in the KDOT bidding process on highway construction projects (attachment #1).

The chairman stated that he has talked with Rep. Sherman Jones and Tony Augusto, Director, Office of Minority Business, Kansas Department of Commerce, about drafting a resolution which would direct an outside agency to conduct a "disparity study" on minority-owned businesses doing business with the state of Kansas. He said he would contact a revisor to have the resolution drafted and brought back to the committee.

The next order of business was a public hearing on Senate Bill No. 636, an act authorizing state employees to take disaster relief volunteer leave. Chairman Hensley introduced the chief sponsor of the bill, Senator Audrey Langworthy.

Senator Langworthy distributed and read written testimony in support of the bill (attachment #2). She explained that this legislation was intended to allow state employees up to 20 days of paid leave each year to volunteer for disaster relief provided by the American Red Cross. She said the bill contains the requirement that such leave can be granted only by the approval of an employee's supervisor. She then introduced Teri Lee Buek, state liaison, Kansas Capital Area chapter, American Red Cross.

Ms. Buek distributed materials in support of the bill (attachments #3, #4 and #5), and answered questions.

The next proponent was Gigi Felix, Executive Director, Kansas chapter of National Association of Social Workers, who provided and read written testimony in favor of Senate Bill No. 636 (attachment #6).

Chairman Hensley closed the public hearing on Senate Bill No. 636, and then opened the hearing on Senate Bill No. 544, an act updating the date of the examination for construction tradespeople licenses from 1989 to 1992. He introduced Tim Pinnick, Legislative Representative, Heart of America Chapter of the International Association of Building Officials, who distributed and read written testimony in support of the bill (attachment #7).

With no other conferees appearing on Senate Bill No. 544, the chairman entertained a motion to report the bill favorable for passage. Rep. Jan Pauls moved that Senate Bill No. 544 be reported favorable for passage and placed on the House Consent Calendar. The motion was seconded by Rep. Dick Edlund. Motion carried.

The meeting was adjourned at 9:50 a.m.

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.



# Program filled with potholes

## Politics, money tarnish intent of road-building program

First of six reports

By Mike Shields  
Harris News Service

TOPEKA — A program to help struggling women and minority business owners enter the costly, competitive world of government road building is being used to line the pockets of the rich and politically well-connected.

As a result, many small Kansas contractors, black and white, say they are finding it tougher than ever to keep afloat — at a time when the pace of government highway spending is increasing.

Another result is diminished respect for affirmative-action laws. That is occurring during a political season spiced by the anti-affirmative-action messages of

Vic Amino, a founder of the company, left the state's highway advisory commission, to which he was appointed by Mrs. Finney, during the course of the Harris News Service investigation.

■ The ranks of those certified by the state as "economically or socially disadvantaged" include Pa-

tricia O'Rourke, an Overland Park millionaire who owns a company in business since 1928.

■ The program also includes Marynell Reece of Scandia, a former Republican national committeeman honored as a "Kansan of the Year" at the GOP's Kansas Day celebration Jan. 24. Reece Construction has been in business since 1958 and is a prime contractor.

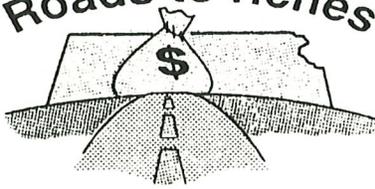
Mrs. Reece's husband, H.W., a founder of the company and former majority stockholder, continues as the company's board chairman.

The company is closely tied to an equipment company whose principal owner is H.W. Reece.

■ Another DBE participant is Rick Beachner, son and nephew of the owners of Beachner Brothers Construction, St. Paul.

Beachner Brothers averages more than \$750,000 a month in federally financed Kansas highway

### Roads to riches



right-wing Republicans Pat Buchanan and David Duke.

Those are among the issues that emerged in a seven-week Harris News Service review of the Disadvantaged Business Enterprise program. DBE is an "equal opportunity" program created in Washington, D.C., and managed in Kansas by the state Department of Transportation.

Last year Kansas DBE com-

contracts and is a perennial contributor to Democratic candidates; the company provided an airplane for Mrs. Finney during her 1990 campaign for governor.

Latest disclosure reports show Beachners among Mrs. Finney's top contributors. Last Sept. 5, Beachner Brothers Construction contributed \$1,000 more than legally allowed to the governor during the last disclosure cycle.

Mrs. Finney's campaign treasurer, state bank commissioner Frank Dunnick, said the excess sum was refunded.

Rick Beachner's claim to being "socially and economically disadvantaged" because his mother is Hispanic was doubted by DBE program enforcers.

Beachner went to Neosho County District Court, where a judge ruled his birth certificate be changed to show he is half Hispanic. That pro-

vided Beachner required documentation of minority status.

Beachner's only construction experience before the DBE program was summer employment with his father's company.

His "disadvantaged" company started with the help of a bank of which Beachners are directors and stockholders. Dunnick is the bank's chairman.

panies were awarded almost \$17. million in road contracts.

The Harris News Service study included scores of interviews with executives, lobbyists and government officials, and review of hundreds of pages of government and private documents.

Other findings:

■ State investigators and a federal auditor tried to keep Amino Brothers Co. Inc., a company friendly to Gov. Joan Finney, out of the program but were overridden by higher-ups.

That happened after Mrs. Finney's daughter, Mary Holladay, called transportation secretary Michael Johnston, a Gov. Finney appointee, on the company's behalf.

■ According to state records, the top minority contractor in the state is a company owned 49 percent by Janice Clarkson.

She is the wife of one the state's leading highway contractors, a white man. The company's majority owner is a black man who worked for Clarkson Construction as a safety officer before he started his own company with \$2,500.

Harris News Service also found that criticism of the program transcends race and sex:

■ A black man who once managed the program in Kansas calls it "a supreme travesty."

■ A state law-enforcement officer said keeping the program clean was nearly impossible because of the difficulty distinguishing legitimate companies from bogus ones.

■ A white contractor vividly described conspiracy to beat the law by a major Kansas company and said abuse of the program was widespread because the system encouraged it.

■ A white woman, denied access to the program, said she wondered whether it was fairly and consistently administered. State records show it is not.

Next: The disadvantaged millionaire.

Labor & Industry  
3-25-92  
attachment #1

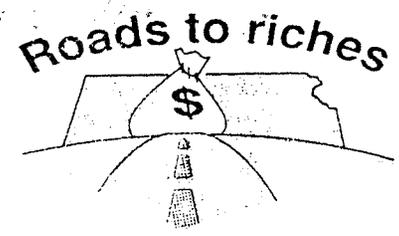
# 'Disadvantaged' has its advantages

2-17-92

Second of six reports  
By Mike Shields  
Harris News Service

## KDOT rules create unusual contracts

TOPEKA — The Kansas Department of Transportation says Patricia O'Rourke is "economic-



ally and socially disadvantaged." But papers on file with the department show that O'Rourke has a personal net worth of \$1.3 million.

construction company owned by O'Rourke, a 68-year-old white woman, is one of 90 certified by the department as being owned and managed by a "socially or economically disadvantaged" person.

The minimum requirement to be certified for the Disadvantaged Business Enterprise federal affirmative action program is that one be a minority — or a woman. And to be certified is an important distinction for contractors. Ten percent of the federal money spent by the highway department for construction and maintenance is earmarked for

DBE firms such as O'Rourke's J.A. Tobin Construction Co.; last year that percentage amounted to about \$17 million.

But it's not just the sums that make DBE status desirable. Any prime contractor on a federal highway project must show KDOT they are using a disadvantaged subcontractor for work amounting to 10 percent of the prime contract award. If a prime contractor is given a \$15 million award, for example, at least \$1.5 million must go to a DBE.

In short, the government invented a demand for DBEs. And because not every construction

company can qualify as a DBE, the supply of companies to meet the demand is limited.

There is another twist to the way the program works in Kansas.

Unlike prime contracts, which are awarded to the lowest bidder in KDOT supervised bid-letting, DBE subcontracts are based on deals struck between the disadvantaged firm and a prime contractor. Those who know the program say the deals are arranged before the monthly bid lettings; final details often are incomplete until the night before. Once the terms of a subcontract

are negotiated, the DBE piggybacks on the prime contractor's bid.

Ideally, program officials say, prime contractors choose among equally qualified DBE firms by how cheaply they promise to perform. In effect, this would duplicate the low-bid competition found in the state-run bid letting.

But it rarely works that way, according to those in the industry.

Critics — generally minority males — say deals often are struck because the prime contractor has a financial stake in the DBE company, or for other reasons that have little to do with free-market forces.

Non-DBE subcontractors —

generally white males — complain that their low bids often are ignored by prime contractors anxious to meet the 10 percent DBE participation goal required by the state.

Still others — generally white prime contractors — complain that some DBE firms submit unreasonably high bids, safe in the knowledge they must be used if federal goals are to be met.

These government-spawned dynamics skew the free market, according to the Kansas Contractors Association.

The diverse groups touched by the program agree that things changed dramatically when the Surface Transportation and Uniform Relocation Assistance Act of 1987 included women among those presumed disadvantaged by federal law.

Traditional minority groups complain that allowing women in the program makes the recurrent problem of "front" companies more likely, and more difficult to detect. The act also presumes that white women are as disadvantaged in the marketplace as other historically slighted groups.

"Women were moved into the presumed group," says the state's assistant secretary of transportation, Mike Lackey, "which means a woman is automatically presumed to be disadvantaged if she meets the other program criteria."

"The thing people have to remember is that (women) are presumed disadvantaged. The only way to keep them out is to prove they're not disadvantaged. That's extremely difficult to do and I'm not sure I'd know how to go about doing it," Lackey said.

Does that mean Ivana Trump or the Queen of England could qualify for the DBE program? No, it doesn't, according to Federal Highway Administration regional civil rights director Glenn Smith.

"There is a right of challenge," Smith says. "If a state comes across information that clearly shows the person is not socially or economically disadvantaged, the state could do that. Say it was a female who owned two out of the five major banks in Topeka. We're talking about a situation where it is so obvious that the person is not disadvantaged."

"The guidance we receive from Washington — and this is a pretty sensitive issue — is if the state highway department has sufficient information to cause a reasonable person to believe that this firm does not qualify, then the state is to still give the firm due process and go over with them why they shouldn't be certified."

# Friends in high places prove profitable for two contractors

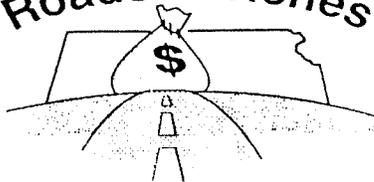
Third of six reports  
 By Mike Shields  
 Harris News Service

TOPEKA -- Mary Sullivan and Denise Janes wanted the advantage of being disadvantaged. State highway officials wouldn't give it to them.

For nearly two years, officials insisted that the women weren't eligible for the Disadvantaged Business Enterprise federal affirmative-action program. Laws governing the DBE program define a "disadvantaged" enterprise as "a small business independently owned and controlled by socially and economically disadvantaged persons."

Ensuring that such people actually control DBE firms is critical for DBE enforcers. According to the federal DBE manual, "fronts, frauds, and shams" distort the program's achievements, erode its credibility, steal contract opportunities from bona fide DBEs, and create embarrassment through media exposure. For those reasons, certification for

## Roads to riches



the program is meant to be rigorous.

Sullivan and Janes met the program's minimal requirement of being female or a minority. They failed to prove they controlled the Kansas City construction company founded in 1944 and given to them by their uncles -- Vic, George and Albert Amino.

As a result, Amino Brothers Co., Inc., couldn't get to the millions of highway dollars set aside yearly in Kansas for certified DBEs.

That changed.

In October -- as best anyone can remember -- a friend of the women called Kansas Transportation Secretary Mike Johnston on their behalf. By November,

Amino Brothers Co. Inc. was a certified DBE. By December, the company had a \$147,000 DBE subcontract.

"That's part of the service of government," says Mary Holladay, daughter of Gov. Joan Finney and friend to Sullivan and Janes, explaining her phone call to Johnston. "My conversation was not to give direction. We don't run government that way."

Holladay's job in her mother's administration is to review all political appointments. She was key in Mrs. Finney's 1990 campaign and usually accompanies her mother's travels, including vacations.

"The girls run that company," Holladay said.

How does she know?

"I've been over there, and Vic told me," she said.

Vic Amino is a close friend of Mrs. Finney and a financial contributor. She appointed him to her Highway Advisory Commission Oct. 1, 1991. He left the

*Cont'd on p. 1*

# A new linkup from Wichita to Missouri

Proposed highway will quicken travel to southeast Kansas

the south will link it with I-44. At the Parsons meeting, several residents asked whether the project would include a bypass north of their town.

Associated Press

PARSONS -- The discussion over specifics of a highway linking Wichita with Joplin, Mo., can proceed now that transportation officials have announced the proposed route. The two-lane, \$237 million Southeast Kansas Highway will stretch about 150 miles along a four-lane right-of-way for possible expansion. Construction would begin in mid-1994.

Kansas Department of Transportation officials and engineering consultants announced the proposed route at a public meeting Tuesday night attended by about 170 area residents.

The proposed route runs west along K-96 from Augusta to about three miles east of the Greenwood-Wilson county line, then begins a southeast diagonal to just northeast of Fredonia and a few miles west of Neodesha.

It continues south for a few more miles, hooking up with U.S. 75 and curving just north of Sycamore before becoming parallel to U.S. 160. The highway goes east of Parsons toward U.S. 69 alternate, south of Pittsburg. South from Crestline, the highway continues to Riverton, where new highway construction to

Dee Kimbell, the transportation agency's district engineer in Chanute, said the department wants the bypass but doesn't have the money.

"As of today, if you ask me, I have to tell you it's not going to be built. But if and when the funds are found, then the process will begin," Kimbell said.

The project would cost \$253 million with the bypass, officials said. Construction on the Parsons highway section is expected to begin in 1996, with completion scheduled for 1998 or 1999.

Several citizens complained that the lack of a bypass around Parsons would defeat the project's purpose, which is to reduce travel time.

Not everyone was enthusiastic about the project. Aleta Jackson of rural Cheryvale said her family moved from California to southeast Kansas more than a year ago for the rural environment.

"From our experience in California, if you increase traffic you increase pollution, you increase removal of the rural atmosphere, plus you displace wildlife," she said. "This highway is not going to be the blessing many think it is."

The Transportation Department will conduct two more public hearings on the proposed route.

*Cont*  
commission Feb. 1, during Harris News Service's seven-week review of the DBE program.

"He was appointed to fill an unexpired term," said Holladay's assistant, Avery Carter, in a separate interview. "The term expired, and then he indicated he didn't want to be reappointed. I think he said he was going back into the business and wouldn't have time."

Vic Amino and his brothers are owners of Amino Brothers Enterprises, Inc., a KDOT-qualified prime contracting firm that shares facilities and equipment with Amino Brothers Co. Inc. — the company the brothers gave to their nieces and nephews. Offices for both companies are owned by a third company controlled by Vic and Albert Amino.

Holladay said she called Johnston after she was contacted by "the girls" about the matter.

But Denise Janes said she didn't call Holladay. She said her sister Mary Sullivan might have, but didn't tell her about it.

"We are a minority-owned company," Janes said. "And we feel we should be offered the opportunities of other minority companies. To be honest with you, before I go any further with you, I want to talk to our attorney. And you probably should talk to Mary (Sullivan), she's our CEO."

She said Sullivan was out of town on business for a couple of days and unavailable for comment.

regardless who or what prompted Holladay's interest in the issue, department records and unusually frank discussions with KDOT subordinates paint a clear picture of what happened with Amino's case after Holladay telephoned Johnston.

Johnston turned the matter over to Mike Rees, the department's top lawyer. Rees, Johnston — everyone at KDOT involved with the DBE program — were aware of the Amino relationship with Mrs. Finney.

"Mike (Johnston) never directed the outcome of this. He doesn't work that way," Rees said when asked if the phone call from Holladay influenced Amino's certification. "But I have to work in this environment. I'm not a fool."

"I have no direct authority in the DBE administration," Rees said earlier, explaining his role in the case. "For the most part DBE operates outside of me and without my knowledge."

"My first contact (with the Amino case) was when I talked to secretary Johnston one day and he had a letter. I think it was a letter denying (Aminos') certification. He was new at that point and that was probably his first contact with the program. He asked what (the letter) was about. I said I would be happy to look into what happened. He authorized me to look into it."

Rees says he had a series of conversations with the Aminos and their lawyer, explaining the deficiencies in the application and how they could be corrected. Rees says he was so helpful to Amino's attorney, "I ought to be getting a part of his bill."

At the same time, DBE program enforcers, independent of Rees and still adamant the company shouldn't be certified, were gathering additional information on the company at the request of the Federal Highway Administration, which was considering Amino's appeal.

Rees had a subsequent conversation with Johnston: "He called me and asked what to do about the appeal."

On Oct. 28, Johnston met with Rees, assistant secretary Mike Lackey, and DBE supervisors. Rees argued Amino should be certified. DBE supervisors argued they shouldn't be.

"That meeting was kind of to resolve those issues," Rees recalls. "Since we couldn't agree, someone had to decide."

But nothing was resolved. Rees decided to put the matter to rest by visiting the Amino offices himself.

Between Nov. 5 and 7 — Rees' calendar makes the exact date unclear — he and another KDOT attorney made a pre-announced visit to Amino offices.

"You can always say this was a scheduled meeting, that they (Aminos) sandbagged me," Rees said. "But I didn't get that feeling."

Nov. 7, Rees wrote a memo to Johnston recommending the company be certified. The same day, he called Amino's attorney to let him know. Amino's attorney wrote a Nov. 7 letter to the Federal Highway Administration withdrawing the company's appeal.

(Next: Turning \$2,500 into \$3.6 million.)

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# Minority subcontractor finds state program to be lucrative

Fourth of six reports <sup>2-19-92</sup>  
By Mike Shields  
Harris News Service

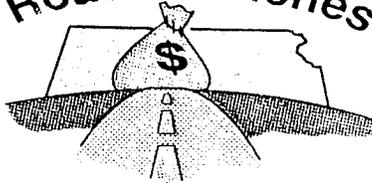
TOPEKA — There are strings attached to the millions of federal dollars funneled each year to the Kansas Department of Transportation.

To get the money, KDOT must channel 10 percent of money for road construction and maintenance to contracting firms owned predominantly by women or minorities. This is done under the auspices of the Disadvantaged Business Enterprise program.

During the DBE fiscal year ending last October, that 10 percent amounted to almost \$17 million. Of that, \$2.6 million — more than 15 percent — went to one Kansas City subcontractor, Joe Mabin Construction.

Mabin Construction is the state's largest DBE subcontractor. And last year wasn't the company's best for Kansas DBE receipts. The year before, the company was awarded \$3.6 million in DBE subcontracts — 18 percent of the \$20 million ear-

## Roads to riches



marked by the federal government for disadvantaged Kansas firms.

Not bad for a firm started in 1980 with \$2,500 by a black man who had no equipment, no employees and sparse knowledge of the business, according to KDOT records.

"Mr. Mabin does not know anything about road construction," Keyton Barker, a black KDOT investigator, wrote in 1980 in recommending that the company not be certified for the DBE program.

But there was another factor that critics say contributed to the Mabin company's eventual success. The firm is owned 49 percent by Janice Clarkson, the wife of Mabin's former employer, W.E.

Clarkson of Clarkson Construction — perhaps the state's largest road contractor.

Of the \$6.2 million in DBE subcontracts awarded the Mabin company during the past two fiscal years, \$5.6 million — more than 90 percent — was in subcontracts from Clarkson Construction.

"I was directed to certify," said Barker, who initially recommended in 1980 that the Mabin company be excluded from the DBE program. "My office was directed to issue a letter of certification."

Barker was unable to recall — 12 years later — who at KDOT directed him to certify Mabin. The few documents in Mabin's KDOT file for 1980 don't explain why Barker's recommendation was overruled or who ordered the certification.

"It really wasn't common (to be overruled), but it would happen," Barker recalls. "When we were talking about big firms, these things would happen. Lots of

times the little guys wouldn't raise a stink. But with big contractors like Clarkson ... these appeal cases didn't always go beyond KDOT. It would be settled."

Questions to W.E. (Bill) Clarkson about his company's role in the Kansas DBE program were referred to Darrel Brack, an engineer and estimator for Clarkson Construction.

Asked if Janice Clarkson's 49 percent ownership of Mabin Construction helps explain why Clarkson subcontracts most of its Kansas DBE work to Mabin, Brack said:

"I think that's just coincidence. They do a lot of work for us, that's true. The fact they're willing to go out from Kansas City and do these jobs in Shawnee or Miami counties or wherever is a factor. They have

to be low bidders in order to get the work, and sometimes it comes down to the typical case where we have to subcontract more of the project than we want in order to meet the (DBE) goal."

Between October 1989 and October 1991, Clarkson Construction was awarded \$66 million in contracts from KDOT that required DBE subcontractor participation. Of that total, \$5.6 million went to Mabin and \$2.3 million was divided among seven other DBE firms.

"It just happens that it is a coincidence. As I understand it, it's just

an investment she's undertaken, and she doesn't participate in the business in any way whatsoever," Brack said. "We aren't told by our people, owners or head of the company, to do anything special with Mabin."

In September, according to KDOT records, Janice Clarkson resigned as secretary and treasurer of Mabin Construction.

Asked how the Clarkson company would like to see the DBE program changed, Brack said, "We like the way it is set up right now."

(Next: "We cheat a little bit.")

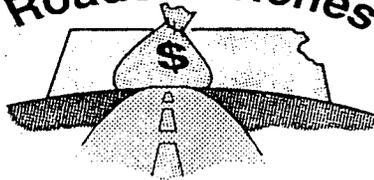
# Official: 'We kind of cheat a little bit'

KDOT sometimes fudges facts to meet federal goal

2-20-92 Fifth of six reports  
By Mike Shields  
Harris News Service

TOPEKA — There are federal highway projects in Kansas with \$15 million price tags. So the \$311,000 project

Roads to riches



awarded to Reece Construction of Scandia last July seems small potatoes next to some. But the Reece contract had

special importance — for Reece and others.

There are 90 companies, including Reece, certified by the Kansas Department of Transportation for the Disadvantaged Business Enterprise program.

Contracts awarded to DBE companies count toward a federal affirmative-action goal that promises firms and companies owned by women or minorities 10 percent of the money spent on

federal road projects in Kansas.

Meeting that 10 percent goal is one of the strings the federal government ties to the money it sends each year to KDOT. Last year KDOT exceeded the goal. Almost \$17 million went to women or minority companies, according to department reports.

Or did it?

"We kind of cheat a little bit," said Kansas DBE supervisor

Sandra Greenwell.

She explained how contracts to companies outside the program are included in KDOT's annual DBE report to the Federal Highway Administration.

Greenwell used Reece Construction's \$311,000 contract to illustrate her point:

Most Kansas DBEs are small subcontractors that work at such construction specialties as trucking, grass seeding, pavement marking, sign or guardrail installation. Most have not met the standards KDOT requires before it will

"prequalify" a company to bid on prime contracts, which are competitively let by the department.

DBEs typically find their work through direct negotiations with the "prequalified" prime contractors, who are aware they must include them as subcontractors in their federally financed projects.

Reece, in business since 1958, is among the several DBEs also approved as a lead or prime contractor.

The \$311,000 award to Reece last summer was a federal prime contract subject to the 10 percent DBE participation goal. But because Reece was both a DBE and the prime contractor, 100 percent of the contract value was counted by KDOT toward last year's cumulative

10 percent DBE goal.

No matter that Reece subcontracted some of the work to non-DBE companies, Greenwell said.

"We show all the amount toward the federal goal," Greenwell said, "even though they will subcontract some of that to non-DBEs."

The "economically or socially disadvantaged" owners of Reece Construction are Marynell Reece of Scandia, a former Republican national committeeman and ex officio member of the state GOP advisory committee, and her daughters Mary Lou Reece of Prosper, Texas, and Saralyn Hardy of Salina. They became 51 percent owners of the company in 1990, when for the first time the three held slightly more stock than the husband and father, H.W. (Bill) Reece, one of the company's incorporators and long-time president.

According to the Texas highway department, Mary Lou Reece, current company president, owns 8.66 percent of the stock. Marynell and Saralyn play no role in the company's day-to-day affairs, but they own percentages of 40.21 and 2.16 respectively.

Marynell, long a minority shareholder in the company thanks to gifts and stock splits, gained a stronger ownership role when the company issued her 836 new shares in 1989. Mary Lou Reece acquired new shares, in part, with a \$21,000 bank loan guaranteed by her father, KDOT records show.

That Marynell — honored as a "Kansan of the Year" at the state GOP's recent Kansas Day celebration — is counted among those

*Chris [unclear]*

st... certified as "socially or economically disadvantaged," rankles critics of the Kansas DBE program.

They suspect that ownership changes at the company were made to meet DBE certification demands and that Bill Reece still runs the company.

"I have no idea how Bill Reece up in Scandia, Kan., got certified as a disadvantaged business. That's just ludicrous," said Keyton Barker, a retired KDOT DBE supervisor and outspoken critic of the program. "I disapprove of this system. One overwhelming reason is that women-owned businesses are in it."

But it looks different from the woman's point of view.

"I am Bill's daughter," said Mary Lou Reece, 36. "I have worked in the construction industry 12 years, eight of those years with Reece Construction. Through those eight years, I've been in the process of taking over the company. If anyone believes there isn't discrimination against women in this industry, they have not opened their eyes.

"Now my mother is prominent in the state, but the day-to-day operations of this company are run by me. Year by year, I've been increasing my involvement. We're an established company and yet when you suddenly put a woman at the head of an established company, there's discrimination. I'm still called 'girl.' There are many ways in which I'm not treated with the same seriousness that a man gets. I presume and hope that will change. We must be hopeful, mustn't we?"

Bill Reece is chairman of the board of Reece Construction and,

according to KDOT records, remains active in company sales.

Mary Lou Reece said her father's salesmanship was used to market a specialty concrete not used by road contractors, therefore it falls outside the company's primary focus.

"By sales, what we're talking about is that we have an interest in a company that is part of our company," she said. "We have some

interest in a chemical-proof, corrosion-resistant concrete used in oil refineries and that type of thing. That's his baby."

Bill Reece also remains majority owner of Construction Rental Inc., a company hard to distinguish from Reece Construction.

(NEXT: "Big contractors are taking everything.")

## Lights needed

How many more teen-agers have to be killed before action is taken!

Anyone who has teen-agers can feel the devastating loss and sorrow of parents who have lost teen-agers because of poorly marked railroad crossings.

I know lights are not required, but let's put them up if they will save the lives of our teen-agers. Johnson states, "The way to prevent accidents is for drivers to obey the law." You must stop and yield to a train. That is true because teen-agers are teen-agers: They love music and the radio, and sometimes they play radios louder than they should. Teens don't always pay attention as they should, but neither do adults. If we all did, we would have a lot fewer traffic accidents.

So let's get these red crossing lights up on K-61 so our teen-agers will pay attention and stop. The state always finds money for things it considers important. Our teen-agers are important! They are the future.

CAROL THIESSEN  
Inman

# Solution to train problem is overdue

Learning of the tragic car-train accident near the intersection of K-61 and East 56th Avenue has resurrected some questions my mind has struggled with for about a month.

As deputy coroner for Rice County, I was called to the scene of the pickup-train collision west of Bushton in January in which Kevin Wohler, a teacher and coach at Chase High School, died instantly.

Driving to and from the scene, I was struck by the ease with which something as mammoth as a freight train could become invisible in the darkness. The only lights emanating from the train were the forward headlight and a rotating yellow beacon.

Indeed, standing next to the engine and peering rearward, box cars simply disappeared into the night after about the third car. Isolated farmstead lights could easily be confused with the train's front

headlight from as close as a quarter-mile. Had the train been westbound, it would have been silhouetted by the background glow of the Enron refinery three-fourths of a mile to the north and thus been more easily seen. Being eastbound, the train's headlight was just one more farm light seeming to move in relation to the travel of the pickup.

How many times have we been driving at night and abruptly become aware of something moving alongside our vehicles, only to be surprised to find a train paralleling our travel as the track paralleled the highway? It is impossible to have lighted markers at every railroad crossing, and, as has been shown in the above-described tragedies, cross-arms aren't enough.

Of semi-trailers, we require side-marker lights, even if they are flatbeds. Why are there no similar markings on trains?

There is a car-to-car connection already for the airbrakes. It would seem eminently feasible to retrofit wiring for such a lighting system. Of course it would cost the railroad company money; so do lighted crossings.

Presently there aren't even reflective tape or light reflectors on the cars, but, anyway, reflectors help only if there is a light shined on them.

How much more visible a mile-long lighted train would be, snaking through even the darkest of nights. The darker the night, the more visible the train would be. As a parent of two driving teen-agers, my heart goes out to the families of those girls.

As a physician, I see a need for a preventive solution.

Why not? It's not time; it's overdue.

ROGER R. TOBIAS, M.D.

Lyons

# Road program leaves many disillusioned

2-21-92

Last of six reports

By Mike Shields

Harris News Service

**TOPEKA** — Will America see the day when race and sex are traits no more important than shoe size, eye color or jut of the jaw?

Will the American Pie ever be cut to suit minorities, women and middle-class white males?

When will affirmative-action programs and the backlash they spawn be important to historians but meaningless to politicians?

"The woman in the workplace is not going to be totally accepted until we get a national group that's lived with it as common (reality) from the time they were children. That's not going to happen for a good 15 to 20 years," said Betty Seuser, a 55-year-old female business owner, who said

her company could not exist without the federally mandated, state-managed Disadvantaged Business Enterprise program.

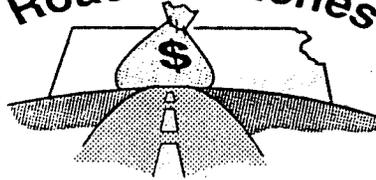
Last year DBE funneled \$17 million to women- or minority-owned highway contracting companies in Kansas.

In Seuser's view, the heavy construction industry in Kansas is still dominated by older white men who have resisted the changes in attitudes apparent in other segments of society.

"We still haven't progressed to the point where everybody, regardless of race or sex, is treated equally," Seuser said. "If I could do business in our field without bothering with (the DBE program), I sure would try."

Seuser's remarks about industry attitudes echo those voiced by blacks and other mi-

## Roads to riches



norities familiar with the Kansas DBE program.

In a series of interviews conducted by Harris News Service during a seven-week review of the DBE program, blacks and other minorities were harsh in their assessment of the industry and equally damning in their comments about the role of the Kansas Department of Transportation.

"It's a supreme travesty what's going on with this program,

Blacks are not the only ones disillusioned with the program.

"It's like the family dog," says a white contractor who doesn't want his name printed, for fear he will be labeled racist for criticizing the

program. "Everybody knows it's sick. Everybody knows it won't get better. But nobody wants to take it out back and cut its head off.

"The system rewards rather than punishes people running on the edge (of the law). There are some big general contractors. A federal regulation isn't going to make them give up business."

Despite the complaints about program laxity, top administration officials say a "liberal" DBE certification process is best.

starting with the attitudes of the people who have to administer it. There are a number of people who aren't in favor of this program having to administer it," says Keyton Barker, a former KDOT supervisor who took early retirement in 1988, disgusted by what he saw happening to the DBE program.

"The attitude of KDOT has been one of looking down their noses at minorities," a KDOT employee said. "It's good old boys, been there 30 years."

"It is very difficult for a new DBE to break into the magic circle of contractors in order to get work," wrote a former program officer in a confidential letter to Harris News Service. "KDOT does nothing to help a DBE other than tell the DBE that he must be aggressive in putting

in his bids to the contractors."

Black businessmen agree.

"Big contractors are taking everything, and the big contractors subcontract to the other big ones," said E.S. Randolph, a black Wichita subcontractor who dropped out of the program. "If Ritchie (Construction of Wichita) don't give me anything then those other ones don't give a damn. You can't depend on any of it anymore because ... this set-aside isn't set aside anymore. I can give you great grievances on that."

Alvin Holloway, another black Wichita DBE subcontractor, said, "What we try to do is stay out of the politics of it because we have such a hard time making a go of it anyway. Sherwood Construction and Utility Contractors are about the best ones that we've worked

for. They pay you on time and give you ample opportunity to bid with them and that type of thing. Instead of being treated like a DBE, you're treated just like any other subcontractor. That's the difference. I think that is an exception in the industry as a whole."

Henry Boaten, a black Topeka subcontractor and attorney, said, "The program stinks."

Black contractors complain of prime contractors developing near-exclusive working relationships with a single DBE company. In many documented cases, the relationship between the prime contractor and the DBE is marked by the prime contractor's financial or familial interest in the DBE.

"I wouldn't say that all the DBEs are competent," Boaten said, "but the ones that try to be independent

and work their way through the problems are the ones that get shafted all the time."

Another common complaint among black DBEs is that long-established contracting companies are being certified as disadvantaged, thanks to new roles given wives, daughters or other female relatives.

The significance of that trend for other DBEs?

"Small contractors are being squeezed out by certified companies that probably shouldn't be" certified, Barker said. "One of the biggest detriments was when the federal government said women could be declared disadvantaged business people. That was the construction of the coffin in which the program was laid."

Cont

applying at KDOT has been too rigid. "We have kept people from being involved."

"The initial question of whether they should be DBE-certified should be construed liberally," said KDOT chief counsel Mike Rees.

Assistant Transportation Secretary Mike Lackey said, "I've been involved with (the DBE program) a hell of a lot longer than anyone else in the unit right now. I have a pretty good feel about legitimate and illegitimate companies, and I don't have any qualms about the firms we've got certified now. Once you've determined whether they've met criteria, then you get down to pretty subjective opinion. Give them a chance to show they're legitimate. If they're not, then kick them out on recertification."

There is no required DBE participation in state-financed road contracts, so KDOT keeps no record of the percentage of state contracts awarded to minority- or women-owned companies.

The contractors insist their share of state projects is less than 0.5 percent.

As much as they complain about the federal DBE program, without it their plight would be worse, many say.

"Where there are no guidelines, there are no overtures to minority business," said Alonzo Harrison, a black Topeka subcontractor.

"You wouldn't find any minority businesses at all if (the program) wasn't there," Boaten said.

Few match the stark pessimism of Barker, who spent six years administering the DBE program for KDOT and left the department a bitter man.

"Racism is deep-rooted in this society," Barker said. "Blacks are never going to make it. Maybe in 400 years, when you can't tell who's black anymore."

"You're going to be the last person I talk to about this. It's an exercise in futility."

## Strange tint to law enforcement

On Sunday, I was pulled over by a Kansas Highway Patrol Officer. He said that my windows were too dark. Putting a meter on my window, he stated that it said that my tint was 11 percent. Thirty-five percent is legal and anything lower is illegal, he said. I was presented with a ticket for having illegal tint and for having someone put this on. I was informed that this so-called crime carries a fine of up to \$500.

Yes, the amount of the fine angers me. However, even more is the fact that this and other police officers and highway patrolmen have nothing better to do than bust people for having tint on their windows. The thing the police do not understand is that these people have a right to their privacy. This tint keeps wandering eyes from seeing personal belongings and stereo systems, which are high on thieves' lists. It also helps lower interior fade and reduce summer heat build-up. We are just trying to personalize our vehicles.

I took the tint off my windows Sunday afternoon and removed my stereo and amplifier along with it. I have to protect my own possessions, since all the police are out there busting window-tint offenders and allowing all the thieves and gangs in this town to run free. Sounds to me like someone has their priorities mixed up. — MICHAEL LARGE, Topeka.

# Offended by letter on railroad issue

I read with disgust the letter to the Western Front titled "Railroad issue has gotten out of hand."

Railroads have more regulations, safety rules and speed limits imposed on them than most other businesses. Each train is equipped with event recorders not unlike the black box recorders on airplanes. These record everything that happens during a trip.

Speed restrictions are imposed based on the train's weight, conditions of the track and locale. Each accident is thoroughly investigated.

All railroad employees are required to know and apply all safety rules and regulations and are tested on their knowledge frequently. Anyone failing such tests is removed from service.

These crews safely transport dangerous chemicals, hazardous and explosive materials over thousands of miles daily. Thank God we have experienced safe train crews.

Apparently Mr. Fleet has never even driven a car and attempted to stop it. (Let's hope not, anyway.) Those of us who have can apply common sense to realize that stopping a train weighing several thousand tons will require some distance before it comes to a complete stop. Once the engineer has set the emergency-brake application, it is out of his hands.

He can do nothing more except frantically blow the warning whistle, which the engineer did.

I find Mr. Fleet's term "railkill" particularly offensive. This was a tragic accident, and the grief and loss is felt by all. No one has mentioned yet the other innocent victims in this accident: the train crew. Their lives, too, have been tragically changed.

A train is run by people. They, too, suffer the fears, regrets and loss, compounded by the fact that they have to get back on that train. Let's all say a prayer for the train crew.

I wish all railroad crossings had lights and crossing gates. Many accidents could be avoided. However, not all accidents would be prevented, because each day people continue to try to outrun trains. They drive through crossings when the gates are down and the lights are flashing.

These are the people Channel 12 was trying to reach — the ones with no knowledge of trains or respect for their limitations.

Railroads volunteer time and money to educate the public and prevent accidents. Operation Lifesaver is a promotion aimed at these goals. Perhaps Mr. Fleet should visit the Kansas State Fair booth and get an education.

Stop, look, and listen. Awareness saves lives.

DEBBIE WHITE  
an engineer's daughter, a brakeman's wife  
1306 Landon

STATE OF KANSAS

AUDREY LANGWORTHY

SENATOR, 7TH DISTRICT  
JOHNSON COUNTY

6324 ASH

PRAIRIE VILLAGE, KANSAS 66208-1369

(913) 362-4067

STATE CAPITOL BUILDING, ROOM 143-N

TOPEKA, KS 66612

(913) 296-7369



TOPEKA

SENATE CHAMBER

March 25, 1992

COMMITTEE ASSIGNMENTS

CHAIRMAN: LOCAL GOVERNMENT  
VICE-CHAIRMAN: ASSESSMENT AND TAXATION  
VICE-CHAIRMAN: PUBLIC HEALTH AND WELFARE  
MEMBER: CONFIRMATIONS  
EDUCATION  
ENERGY AND NATURAL RESOURCES  
JOINT COMMITTEE ON  
ARTS AND CULTURAL RESOURCES  
LEGISLATIVE EDUCATIONAL PLANNING  
MEMBER: CHILDREN AND YOUTH ADVISORY COUNCIL

Mr. Chairman, members of the committee, my interest in this bill comes from being a long-time Red Cross volunteer, and I am currently a member of the National Board of Governors, American Red Cross, headquartered in Washington, D.C. One of my major responsibilities has been to work in the area of government relations, an area of increasing importance in the not-for-profit arena.

This bill is very similar to a bill passed in Illinois several years ago. Two other states, Ohio and Connecticut also have legislation. California, Alaska, Delaware, Florida, Kentucky, Maryland, Nebraska, Pennsylvania, South Carolina and Texas currently have bills before their respective legislatures.

Under KSA 48-925 (c) (2), during a state of disaster emergency, the Governor may utilize all available resources of the state government and each political subdivision as reasonably necessary to cope with the disaster. Kansas has an extensive emergency management system; however, the state does not have statutory authority to establish a policy or personnel regulation to allow paid leave for state employees to perform Red Cross volunteer disaster work.

Currently the Division of Personnel Services have allowed disaster volunteers to use accumulated vacation leave or compensatory credits in accordance with Kansas Administrative Regulation 1-9-4.

Last fall I spoke to the Governor's office about this proposal and have received their full support and cooperation on this proposal.

I would like to introduce to you, Terri Buek, the Executive Director for the Topeka Red Cross and the state-wide governmental relations coordinator.

*Labor & Industry  
3-25-92  
Attachment #2*



Kansas Capital  
Area Chapter  
1221 SW 17th  
Topeka, Ks. 66604-2899  
(913) 234-0568

March 23, 1992

Representative Anthony Hensley  
Kansas State Capitol  
Topeka, Ks. 66612-1565

Dear Representative Hensley and Members of the Labor and Industry Committee:

We wish to express support of **SENATE BILL NO. 636**, an act concerning volunteer work by certain state employees; authorizing disaster service volunteer leave.

The Red Cross takes great pride in its federal mandate to be the voluntary organization responsible for relief activities in the time of disaster. It also is proud of its statement of understanding with the State of Kansas to provide for cooperation and coordination in carrying out our assigned responsibilities in the event of natural or man-made disasters. Such coordination and cooperation carries to our involvement and leadership role with the Kansas VOAD (Voluntary Organizations Active in Disaster).

As the known leader in disaster response, our prime resource for providing relief to those suffering in times of disaster, is through trained volunteers. This bill would allow Red Cross trained state employees a release from their work in order to assist disaster victims. The state maintains the control of who they release for such a volunteer assignment - thus not jeopardizing the states employment needs. The Red Cross benefits by having a dedicated group of trained volunteers available.

Senate Bill 636 is modeled after the unanimously passed Illinois bill. That state is very enthusiastic about the law and is working diligently to assess interest and train state employees. Other states with similar laws are Connecticut and Ohio.

Our bill suggests releasing state employees to serve on disaster operations in Kansas and the neighboring states. Many of our larger communities such as Kansas City, Topeka and Wichita are near enough to state borders, that a major disaster operation may encompass more than one state. A study of larger (Level II) disaster operations for the state of Kansas between 1980-1991,



A United Way Agency

*Labor & Industry*  
*3-25-92*  
*attachment #3*

showed 22 operations. This is an average of about two per year.

Again, we encourage your strong consideration of this bill which would allow for Kansans to help Kansans in time of need.

Sincerely,

Teri Lee Buek  
State Liaison

Representative Anthony Hensley, Chairman,  
Kansas House Committee on Labor and Industry  
Kansas State Capitol Building  
Topeka, KS

re: SB-636

Dear Representative Hensley,

I was hoping to be able to speak to you and your committee in person concerning this measure, but circumstances prevent me from doing so.

My interest in this bill is based upon my personal experience in Guam a little over a year ago. I was assigned by the American Red Cross (ARC) to be Training Officer for the Disaster Operation caused by Typhoon Russ.

My responsibilities as Training Officer required me to train Local Volunteers and 60 Government Employees who had been released to work specifically with The American Red Cross.

These 60 management-level workers were most valuable in our disaster relief efforts. The Governor did not release the least effective employees, he released his best and most valuable employees.

I was so favorably impressed with their professionalism and their dedication to genuinely assist the disaster victims that, when I returned home, I immediately spoke with Teri Buek, Chapter Executive of the Kansas Capital Area Chapter of The American Red Cross, about doing the same here in Kansas.

Representative Hensley, I am very proud to be a Native-Born Kansan and for the Kansas Legislature to seriously consider establishing this procedure by which State Employees can be released to assist disaster victims in Kansas makes me very happy.

*Labor + Industry  
3-25-92  
attachment #4*

I whole-heartedly support this bill for the following reasons:

1. State employees are strategically placed in most counties in SRS offices, Transportation offices, K-State Extension offices and Job Service offices.
2. These employees already possess interviewing, transportation and management skills that can be utilized to the benefit of disaster victims, with adequate ARC training.
3. By providing these State Employees the opportunity to assist disaster victims away from their regular jobs, this can give them a different perspective on people in need and the causes of those needs. This may seem judgmental, but I know that when I have dealt with 100-200 disaster victims over a two-three week period, it is easy for me to forget why I am there doing that work. When I catch myself thinking that way, a trip to the disaster site soon brings me back to my proper focus. In any bureaucratic setting, the same is possible. The Director of Administration for Guam told me that the people he released came back to work better equipped and with a better attitude for the work of serving the People of Guam. So might our State Employees. The people who suffer from disasters are more appreciative of help than any other general group of people I have ever met. This gratitude is so edifying that I consider it life-giving to me. So many of our State Employees hear very

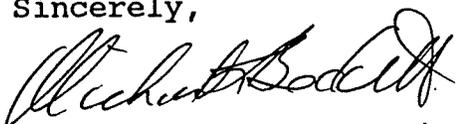
little gratitude for their hard work. In disaster relief, that will be different.

4. We need the help. The American Red Cross is a volunteer-based organization. But, when disaster strikes, we see enthusiasm wane within a few days. It takes a special person, with special circumstances to have the time and energy required to properly assist disaster victims. The State Employees I know seem to have an innate desire to help people--that's why they are State Employees. We need that special kind of love. The people we serve need that special kind of love.

Thank you for letting me "testify" this way. I hope I have adequately shared with you my support for this bill. If you have any questions, I will be most happy to talk with you further.

My phone number is with my signature.

Sincerely,



Michael L. Beckett, Disaster Reserve  
American Red Cross  
Home Address: 919 SW Kent Place  
Topeka, KS 66606  
Telephone: (913) 273-6710

Statement of Understanding

Between

The State of Kansas

and the

American National Red Cross

PURPOSE

The purpose of this statement of understanding is to provide for cooperation and coordination between the State of Kansas (hereinafter known as the State), its agencies, counties and municipalities, and the American National Red Cross (Hereinafter known as the American Red Cross), in carrying out their assigned responsibilities in the event of natural or man-made disasters or enemy attack.

DEFINITION OF DISASTER

A disaster is an occurrence such as hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, blizzard, pestilence, famine, fire, explosion, volcanic eruption, building collapse, transportation wreck, or other situation that causes human suffering or creates human needs that the victims cannot alleviate without assistance.

AUTHORITY

In cooperation with the federal government, the State of Kansas is responsible for the development and execution of civil preparedness programs and for providing assistance to local governments in their development of disaster preparedness plans and capabilities. In conducting these operations, the State will encourage all town, city and county agencies of government to cooperate with agencies established by laws of the United States. The Adjutant General's Department has been designated by the Governor as the coordinating agency for disaster operations. The Adjutant General enters into this agreement under the authority of and only to the extent permitted by the Kansas Emergency Preparedness Act., K.S.A. 48-904 et seq.

THE AMERICAN RED CROSS

The American Red Cross is an instrumentality of the United States Government, with a Congressional Charter, codified at 36 U.S.C., Section 1 et. seq., under which it is charged to "... carry on a system of relief in time of peace and apply the same in mitigating the suffering caused by pestilence, famine, fire, floods, and other great national calamities..." This role has been restated in the Disaster Relief Act of 1974 (P.L. 93-288), which says "... nothing contained in this Act shall limit, or in any way affect the responsibilities of the American National Red Cross under the Act of January 5, 1905."

*Labor + Industry  
3-25-92  
attachment #5*

## SCOPE OF AMERICAN RED CROSS ACTIVITIES

### NATURAL DISASTERS

The magnitude of a disaster may be such that it simultaneously affects tens of thousands of people in several states or it may bring suffering and anguish to just a few persons in one apartment building or group of houses. Regardless of the extent of the disaster, it is the responsibility of the American Red Cross to help meet the human needs that the disaster has caused. These needs may include food, clothing, shelter, first aid, and other basic elements for comfort and survival.

The American Red Cross also helps disaster victims needing long-term recovery assistance by advising and counseling them on the availability of resources, so that they can resume living in keeping with acceptable standards of health, safety and human dignity. Such resources include those of their own family, as well as federal, state and local agencies, both public and private. If there are no other resources available, the American Red Cross may provide direct additional assistance to enable them victims to reestablish themselves.

Red Cross assistance to disaster victims is not dependent upon a Presidential, state or other federal disaster declaration and is provided regardless of the size of the disaster.

In carrying out its responsibilities to provide for mass care in peacetime disaster, including precautionary evacuations and peacetime technological emergencies/nuclear accidents, the American Red Cross will operate appropriate shelter facilities and arrange for mass feeding and other appropriate support.

American Red Cross disaster responsibilities are nationwide. Therefore, when the local chapters in the affected areas are unable to meet the needs of disaster victims, the resources of the total organization are made available.

The American Red Cross provides blood and blood products and handles welfare inquiries from anxious relatives outside the disaster area.

### OWNER LIABILITY

In disasters with company or owner liability implications, the customary emergency services are extended on either a mass care basis or to individuals and families if such help is not or cannot be provided immediately by the owner of the property involved, after such unpredictable catastrophes as commercial transportation accidents, collapse of private dams, fire in hotels, theaters, night clubs, and on pleasure boats. Individual assistance, including temporary maintenance, transportation, clothing, and payment of private duty nurses, shall be provided only after a determination with responsible representatives of the company or owner as to whether they are prepared to meet the continuing needs of persons affected by the disaster.

### PEACETIME RADIOLOGICAL EMERGENCIES/NUCLEAR ACCIDENTS

In the case of peacetime radiological emergencies/nuclear accidents, which have company or owner liability implications and necessitate mass evacuations, the American Red Cross will conduct shelter and feeding operations in facilities designated in advance by the The Adjutant General's Department, under arrangements worked out between The Adjutant General's Department, the American Red Cross and officials or owners of the facilities.

#### EMERGENCY REPATRIATION SITUATIONS

In an emergency repatriation situation, the American Red Cross may assist government at all levels in providing emergency welfare services. Based on requests from the State and to the extent resources are available, the American Red Cross may provide congregate shelter management, mobile and fixed feeding, and first aid. Other services and training may be provided, subject to available resources of the American Red Cross and approval of Midwestern Operations Headquarters.

#### TECHNOLOGICAL/INDUSTRIAL ACCIDENTS

In the case of technological disasters such as chemical spills or emissions which have company or owner liability implications and necessitate mass evacuations, the American Red Cross will conduct shelter and feeding operations in facilities designated in advance by The Adjutant General's Department, under arrangements worked out between The Adjutant General's Department, the American Red Cross, and officials or owners of the facilities.

#### CIVIL DISORDERS

Where there is suffering and want resulting from civil disorders, and fundamental human needs are not met, the American Red Cross will participate in community action to supplement the efforts of the responsible civil authorities in extending emergency services and relief to the victims of such disturbances.

#### WAR-CAUSED SITUATIONS

In war-caused situations, the American Red Cross will use its facilities and personnel to support and assist emergency operations of The Adjutant General's Department, to the extent the American Red Cross considers possible, while carrying out its other essential responsibilities and assignments.

The American Red Cross will support national emergency blood collections and supply efforts as provided for under special Federal Emergency Management Agency procedures and regulations related to the National Emergency Blood Program.

#### OTHER EMERGENCY SITUATIONS

Situations caused by economic, political and ethical maladjustments, including the usual hazards of industry and agriculture, are not ordinarily considered to be within the American Red Cross responsibility for disaster preparedness and relief. However, when there is suffering and want from any cause, and basic human needs are not being met, the American Red Cross may participate in extending relief.

#### COORDINATION AND COOPERATION

In the discharge of its responsibilities, the American Red Cross recognizes the responsibility of the State in disasters and will coordinate its activities with the responsible state agencies and local governments as required.

The American Red Cross will keep the Governor or his designee advised of actions taken and will keep a continuing liaison with the offices of the State to ensure effective assistance to all disaster victims.

Responsibility for coordinating the services of other voluntary agencies or groups during and after a major disaster will be undertaken by the American Red Cross with the consent of such agencies or groups.

The American Red Cross agrees that, in an emergency, at the request of the State, Red Cross liaison personnel will be provided at the State's Emergency Operations Center and to other district or regional Emergency Operations Centers, as appropriate.

Parties to this Agreement hereby acknowledge and agree to be bound by the findings and directives issued by the Governor of Kansas pursuant to the authority of K.S.A. 48-904 et seq.

**PLANNING AND IMPLEMENTATION**

Cooperative arrangements for planning, exchange of information and continuing liaison regarding preparedness and disaster operations will be developed and maintained by the State and the American Red Cross. Local counterparts of the two organizations will be encouraged to make similar arrangements.

In Witness Whereof, the parties hereto have executed this Statement of Understanding on the date indicated.

STATE OF KANSAS

AMERICAN NATIONAL RED CROSS

*Philip B. Sealey*  
-----  
The Adjutant General

*Don Darden*  
-----

Vice-President/General Manager  
Midwestern Operations Headquarters

*6 Sept. 1988*  
-----  
Date

*September 15, 1988*  
-----  
Date

# KANSAS NASW

National Association of Social Workers, Inc.  
Chapter Office  
817 Southwest Sixth Avenue  
Topeka, Kansas 66603-3130

Telephone: 913-354-4804  
Gigi Felix, LMSW  
Executive Director

## TESTIMONY IN SUPPORT OF SB636

Good morning! It is my pleasure to appear before you today in SUPPORT of SB636. The National Association of Social Workers has joined at the national level in a signed cooperative agreement with the American Red Cross to recruit volunteers for disaster services (please see attached agreement). The Kansas Chapter has led the state chapter effort to mobilize the recruitment of social workers through our unit structure. We currently have active volunteer networks in Topeka, Lawrence, and Wichita. There has been an exciting turnout of more than 50 social workers for this volunteer work with the Red Cross Chapters in these areas. These volunteers include social workers from every field, including the KanWork program.

We actively support this legislation in its current form. The bill is very specific in the type of disaster which employees may be released for - level II, so the numbers of times state employees would be requested to volunteer is limited. Level II disasters include tornadoes, floods, etc - I am sure the Red Cross representative will elaborate on this point. In addition, the legislation requires the approval of the state agency employing the personnel for release from work - not only that they may be released, but the length of time allowed. The legislation goes on to specify how many calendar days the worker is entitled to in any given calendar year.

This legislation allows Kansans to help fellow Kansans. During the aftermath of the Andover tornado, many social workers in the Wichita area told me that they were able to assist in very meaningful ways with the victims of the disaster with case management, crisis intervention counseling services, etc. When a neighbor is in trouble, Kansans respond. This legislation allows state employees to do so without penalty of benefits.

One question we have is on line 34: I understand the intent of this language is that employees may be released for disaster work within our state, OR within the contiguous states. We would suggest substituting the "and" with the word "or."

In summary, the 1650+ members of the Kansas Chapter of NASW strongly urge you to concur with the Senate, and pass this bill out favorably from your committee.

Thank you for your consideration of this important issue, and the time to address you on it.

*Labor & Industry*  
*3-25-92*  
*Attachment #6*

JUL 17 1950

**Statement of Understanding  
between the  
National Association of Social Workers  
and the  
American National Red Cross**

**I. Purpose**

This Statement of Understanding establishes a mutually beneficial basis of cooperation between the American National Red Cross and the National Association of Social Workers, joining together in areas of common interest to better serve the American people.

**II. Organization of the American Red Cross**

By an act of Congress on January 5, 1905, the American Red Cross was granted a charter under which it is designated the nationwide agency through which the American people voluntarily extend assistance to individuals and families in need. It is a multipurpose, voluntary health and social welfare organization providing human services through chapters and Blood Services regions, and worldwide through field stations on U.S. military installations.

The national headquarters of the American Red Cross is located in Washington, D.C. National headquarters is responsible for implementing policies and procedures that govern Red Cross activities, for giving administrative and technical supervision, and guidance to chapters and other national sector units in specified geographical jurisdictions.

The chapter, the local unit of the Red Cross, is responsible for all Red Cross activities within its territory, subject to the policies and procedures of the corporation. There are approximately 2800 chapters across the United States.

**III. Organization of the National Association of Social Workers**

The National Association of Social Workers (NASW) was established in 1955 when seven social work professional organizations joined to form one national association to represent the profession. Since that time, NASW has grown to be the world's largest organization of professional social workers with a membership of over 135,000 social workers in 55 chapters in 50 states. NASW members are professional social workers who work in a variety of settings — military bases, child welfare agencies, hospitals, schools, community health and mental health centers, nursing, job training centers, international development agencies, and others.

NASW's purpose, broadly stated, is to strengthen the social fabric through the pursuit of sound social policies and high quality human services. NASW has a special concern about ensuring the provision of appropriate, quality services to individuals and families and improving the quality of life in the broader community.

NASW is governed by a National Board of Directors which meets quarterly, and a Delegate Assembly, which is convened every three years to determine the Association's broad goals and priorities. However, many of the association's important initiatives occur at the chapter level. Members of NASW reside not only in the United States and its North American neighbor, Canada, but also around the globe.

Organization-wide activities such as the nation-wide Public Service Campaign are designed to raise public consciousness about pressing social issues. The current two-year (1989-1991) campaign is "Family Ties," focusing on strengthening families.

#### **IV. Means of Cooperation**

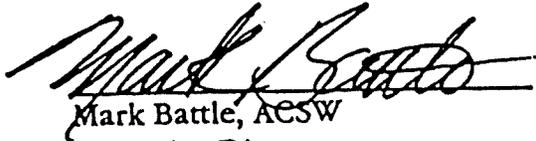
1. Mark Battle, Executive Director of NASW, and James Hladecek, Acting Senior Vice President, Operations Management, ANRC, will co-sign a letter to be published in the *NASW News*, the monthly newspaper of NASW and *Red Cross News*. This letter will announce the signing of this agreement and will encourage social workers to contact their local Red Cross for information on volunteering to lead support groups for military families in their areas.
2. Newsletters of both organizations will provide highlights of current activities to increase awareness and opportunities for continued partnerships at both the national and local levels.
3. Both organizations understand that each organization is an independent entity and is not related to or considered the agent for the other organization. In the spirit of cooperation, each organization agrees to obtain the approval of the other for any and all written material developed for marketing, educational, or other purposes which includes the name, emblem, or logo of the other organization.

#### **V. Recommended Opportunities for Involvement**

American Red Cross chapters and NASW chapters are encouraged to work collaboratively at national and local levels and to share their expertise, especially in the areas of service to military families and veterans, disaster preparedness, education, response, international social work, and other community and social services. Specifically:

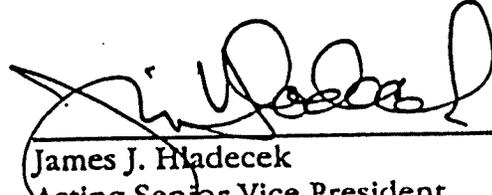
1. Establish procedures for encouraging NASW members to volunteer to lead support groups for military families.
2. Make available to each social worker volunteering with Red Cross, the book entitled *Guide to Developing and Conducting Reunion Programs*, developed by the U.S. Army Community and Family Support Center.
3. Assist in international social work services, acculturation and resettlement for newly arrived immigrants and refugees.
4. Encourage increased involvement in American Red Cross disaster relief especially in the area of mental health preparedness.
5. Arrange for periodic meetings for the purpose of considering other ways of working together, such as sharing information to enhance problem solving, coping, and developmental capacities of people.

Not exclusive to the above, the American National Red Cross and the National Association of Social Workers will continue to pursue ways in which we can advance our common interests in addressing local community needs.



Mark Battle, ACSW  
Executive Director  
National Association of Social  
Workers

Date:



James J. Hladecek  
Acting Senior Vice President  
Operations Management  
American Red Cross

Date:

TESTIMONY

Heard before: House Committee on Labor and Industry  
Presented by: Tim Pinnick, Legislative Representative  
Date: March 25, 1992  
Subject: Senate Bill No. 544

I represent the Heart of America Chapter of the International Association of Building Officials, and I appear before you today in support of Senate Bill No. 544. On July 1, 1986 a law came into effect that established the certification of persons in the building, electrical, mechanical and plumbing trades and occupations. Certification is based upon appropriate standardized examinations and is recognized by county and city enforcing jurisdictions in Kansas.

This bill ensures the continued use of current standards for examinations for the building, mechanical, and plumbing trades. Questions concerning model codes comprise most of the examinations' content. The codes are revised every three years, and the exam preparer, Block and Associates, revises its examinations accordingly. The cycle of new standards for examinations is effective July 1, 1992, and this bill ensures a smooth transition.

I wish to point out that some participating parties are considering drafting new legislation that would offer another exam preparer for the purpose of creating competition to maintain quality service at an acceptable fee. My discussions with the proponents of such legislation support Senate Bill No. 544 for the continuation of certification and standard examinations.

*Labor & Industry*  
*3-25-92*  
*Attachment #7*