

Approved March 31, 1992  
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

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

1:10 ~~xxx~~/p.m. on March 24, 1992 in room 531-N of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Oleen, Doyen, Francisco, Gaines, Kanan, Strick, and Vidricksen.

Members Absent- Excused: Senators Bogina and Moran.

Committee staff present:

Julian Efirod, Kansas Legislative Research Department  
Fred Carman, Revisor of Statutes  
Mary Allen, Committee Secretary

Conferees appearing before the committee:

Charles Dodson, Kansas Association of Public Employees  
Dave Charay, Kansas State Employees Health Care Commission  
Jeff Buescher, Department of Administration  
Max Eulert, American Civil Liberties Union  
Representative Jo Ann Pottorff, State Representative  
Patricia Baker, Kansas Association of School Boards  
Peg Dunlap, Kansas National Education Association  
Billie Vining, Concerned Women for America of Kansas  
Martha Gabehart, Kansas Department of Human Resources  
Tom Day, State Corporation Commission

The meeting of the Senate Committee on Governmental Organization was called to order at 1:10 p.m. by the Chairman, Senator Lana Oleen, who opened the hearing on HB 3103.

House Bill 3103 - State employees health care commission, composition.

Charles Dodson, Kansas Association of Public Employees, addressed the Committee in support of HB 3103. Mr. Dodson noted that the State Employees Health Care Commission does not have a rank and file employee as a member. He stated that HB 3103 provides for the addition of two members to the Commission, one an active classified state employee and the other a retired classified state employee. He pointed out that state employees pay millions from their salaries for family, dependent and spousal insurance coverage so if HB 3103 passes they will have a voice and vote on the Commission which truly represents state employees. Mr. Dodson reported that he has attended meetings of the Commission several years ago with the intention of speaking on some of the issues important to state employees but was refused the opportunity to speak or appear on the agenda, even though insurance carriers were allowed to address the Commission almost at will. (See Attachment I for copy of Mr. Dodson's testimony.)

Dave Charay, Health Benefits Administrator for the Kansas State Employees Health Care Commission, spoke in opposition to HB 3103 and noted that it appears that the intent of the bill is to increase the voice of State employees and retired employees into the actions of the Commission; however, he said, instead of increasing employees' input it would greatly lessen the input. He further pointed out that the needs and desires of State employees in regard to the health plan varies greatly so it would be nearly impossible to have this great diversity of interests well represented by one individual. Mr. Charay discussed the Employees Advisory Committee of the Kansas State Employees Health Care Commission and observed that through it employees can have representation in matters before the Commission. (See Attachment II for copy of Mr. Charay's testimony.)

The hearing on HB 3103 was left open in order that others requesting time to testify before the Committee could appear at a later time.

The Chairman opened the hearing on HB 2781.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

room 531-N, Statehouse, at 1:10 ~~xxx~~/p.m. on March 24, 1992

House Bill 2781 - State drug screening program.

Jeff Buescher, Division of Personnel Services of the Department of Administration, appeared in support of HB 2781 which, he said, is necessary to clarify that applicants for positions located within the Department of Social and Rehabilitation Services' mental health and retardation facilities are subject to the provisions of the drug screening program at the SRS institutions consistent with the procedures of the current drug testing program established under K.S.A. 75-4362. He stated that the current program provides for pre-employment testing of applicants and testing current employees when based upon reasonable suspicion of the use of illegal drugs. Mr. Buescher said that HB 2781 also proposes to amend K.S.A. 75-4363 by including a statement that implementation, continuation or expansion of the program for SRS positions would be contingent upon the appropriation of necessary funding. In conclusion, he discussed concerns associated with the possibility of implementing alcohol testing within the confines of the current drug testing program and stated that based on the logistic and legal problems which he outlined it is proposed that the reference to alcohol testing be removed from K.S.A. 75-4363. (See Attachment III for copy of Mr. Buescher's testimony.)

Max Eulert, representing the American Civil Liberties Union, addressed the Committee in opposition to HB 2781 and stated that instead of expanding the state's drug testing program, the Legislature should consider replacing it with performance testing, which would assess the employee's ability to do a job. He said that the ACLU supports performance testing because of its respect for privacy rights and it accords well with due process rights which the State is required to protect. (See Attachment IV for copy of Mr. Eulert's testimony.)

The Chairman closed the hearing on HB 2781.

The hearing on HCR 5047 was opened.

House Concurrent Resolution 5047 - Encouraging the use of paid leave for parents to attend parent teacher conferences.

Representative Jo Ann Pottorff, State Representative, spoke in support of HCR 5047 and noted that the National Governors Association's first report card on education in the United States stated the need for greater parent involvement in children's education. She stated that parental involvement continues to be a key predictor in academic outcomes but since most parents work employers now have unprecedented control over parental involvement in children's schooling. She observed that companies need to clarify their policies to allow employees to use paid leave to attend parent-teacher conferences and this resolution urges employers to give this kind of paid leave to their workers so that they can meet with teachers. (See Attachment V for copy of Representative Pottorff's testimony.) Representative Pottorff gave the Committee copies of letters in support of HCR 5047 from Connie Hubbel, Legislative Coordinator for the State Board of Education, (Attachment VI), and from John Anderson, Director of Governmental Programs for IBM in Washington, D.C., (Attachment VII).

Patricia Baker, Kansas Association of School Boards, spoke in support of HCR 5047 and noted that one of the best indicators of student success in school is parent involvement and support; however, when parents are forced to choose between attending parent-teacher conferences and employment demands, too often the school involvement suffers. (See Attachment VIII for copy of Ms. Baker's testimony.)

Peg Dunlap, Kansas National Education Association, also presented testimony in support of HCR 5047. She stated that this resolution addresses a concern that is of great interest to her Association's members, that of increasing the involvement of parents in their students' education, an important facet of which is participation in parent-teacher conferences. She noted that frequently parents are not able to attend such conferences because they cannot get time off from work. She encouraged support of HCR 5047 and the policy direction it suggests. (See Attachment IX for copy of Ms. Dunlap's testimony.)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION,  
room 531-N, Statehouse, at 1:10 ~~xx~~ a.m./p.m. on March 24, 1992

Testimony in support of HCR 5047 was presented by Billie Vining, Concerned Women for America of Kansas. Ms. Vining said that her organization feels that everyone will benefit if an employer chooses to comply with HCR 5047. She stated that she hopes to see much more legislation that approaches the problems in education from the standpoint of parental involvement. (See Attachment X for copy of Ms. Vining's testimony.)

There being no further conferees, Chairman Oleen closed the hearing on HCR 5047.

Senator Kanan moved that HCR 5047 be reported favorably for passage. Senator Kanan withdrew his motion.

Senator Gaines moved that HCR 5047 be amended to provide that school districts also be encouraged to schedule parent-teacher conferences in the evenings and/or weekends to facilitate and accomodate parents' schedules for such meetings. Senator Kanan seconded the motion. The motion carried.

Senator Gaines moved that HCR 5047 be further amended by inserting a provision that the Secretary of State shall transmit copies of this resolution to the State Board of Education, the Kansas Association of School Boards, and the Kansas National Education Association for distribution to all 305 school districts in Kansas and the Secretary of State shall also transmit a copy of this resolution to the Kansas Chamber of Commerce and Industry and to the National Federation of Independent Business. Senator Strick seconded the motion. The motion carried.

Senator Kanan moved that HCR 5047 as amended be reported favorably for passage. Senator Gaines seconded the motion. The motion carried.

The Committee turned its attention to HB 2670 for the purpose of receiving additional testimony.

House Bill 2670 - State government, abolishing certain boards, commissions and committees.

Martha Gabehart, Executive Director of the Commission on Disability Concerns, spoke in support of the House amendment which removes the Kansas Commission on Disability Concerns (KCDC) from HB 2670. Ms. Gabehart pointed out that KDCD is not a nonfunctioning entity and should, therefore, be allowed to continue in existence. She discussed the mission, responsibilities and structure of the Commission and pointed out that so long as there is discrimination against the segregation of people with disabilities, the KDCD will be needed. (See Attachment XI for copy of Ms. Gabehart's testimony.)

The Committee discussed the technical amendment to HB 2670 which had been requested by the Kansas Livestock Commission concerning the Agricultural Labor Relations Board.

Senator Doyen moved that HB 2670 be amended by striking the words "K.S.A. 75-5712" from the title and from the repealer of the bill. Senator Gaines seconded the motion. The motion carried.

Senator Gaines moved that HB 2670 as amended be reported favorably for passage. Senator Doyen seconded the motion. The motion carried.

The Committee considered HB 2807

House Bill 2807 - Creating the Kansas pecan commission.

Senator Gaines moved that HB 2807 be amended on page 3, line 33, by inserting after the period the words "The assessment established by this section shall be collected in accordance with the provisions of the pecan promotion and research act of 1990, 7 U.S.C.A. Sec. 6001 et seq., and any rules and regulations or marketing orders promulgated or issued thereunder." Senator Vidricksen seconded the motion. The motion carried.

Senator Vidricksen moved that HB 2807 be amended to provide that the pecan

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION,  
room 531-N, Statehouse, at 1:10 ~~xxx~~/p.m. on March 24, 1992

commission meetings should be held no more than quarterly but at least annually.  
Senator Gaines seconded the motion. The motion carried.

Senator Gaines moved that HB 2807 as amended be reported favorably for passage.  
Senator Vidricksen seconded the motion. The motion carried.

The Committee turned its attention to matters concerning legislation before it regarding the State Corporation Commission. Chairman Oleen called on Tom Day, Director of Administrative Services for the State Corporation Commission, to present suggested legislation regarding the head of the agency. He said that this proposed legislation (Attachment XII) would add a new section to K.S.A. 74-601 which states "The chairperson of the Commission, or their designee, shall be the head of the agency for administrative or operations purposes.". He pointed out that the question of who is the head of the agency is already covered by the Kansas Administrative Procedures Act.

The meeting was adjourned at 2:25 p.m. by Chairman Oleen.

GUEST LIST

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<u>NAME</u>	<u>REPRESENTING</u>
Dave Charney	HCC
Max Eulert	ACLU
Belle Vining	CWA
Kathy McCall	Doj A / DPS
Marta Gabeher	KCDC
Sharon Huffman	KCDC
B. Mariani	Doj A
Jill Brescher	Doj A



1300 South Topeka Avenue Topeka, Kansas 66612 913-235-0262 Fax 913-235-8788

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March 24, 1992

Presentation to  
Senate Committee on Governmental Organization  
by  
Charles Dodson  
Kansas Association of Public Employees

We urge you to support HB3103.

Every year state employees pay millions of dollars from their salaries for family health insurance. Yet, they do not have a vote as to form, costs, or coverage of that insurance.

The State Employee Health Care Commission does not have a rank and file state employee as a member. The members are the Secretary of Administration, the Commissioner of Insurance and a member appointed by the Governor. For many years that appointee was another cabinet officer.

HB 3103 adds two members to the Commission. One of the new members would be an active classified state employee, and the other a retired classified state employee. These two would not be able to control the commission, they would only be able to insure that a voice and a vote was available that truly represented "state employees" on the own Health Care Commission, on what is after all, the State Employee Health Care Commission.

There is argument that there is a health care advisory group that is made up of representatives from every agency. This is an unofficial group. They have no vote as to the form or substance of insurance programs for state employees. At one time, I attended some of these meetings. The attendance was poor and they were told what was going to happen.

I have attended meetings of the State Employee Health Care Commission with the intention of speaking on some of the issues important to state employees. I was refused the opportunity to speak although insurance carriers were allowed to address the commission almost at will.

*Senate Committee on Governmental Organization  
3-24-92*

*Attachment I*

Affiliated with the Federation of Public Employees / AFT / AFL-CIO



State employees pay millions from their salaries for family, dependent and spousal insurance coverage. The addition of an active state employee and a retired state employee will not interfere with the operation of the commission nor will they be able to control the commission. But at least they will have a voice and a vote.

We would appreciate your support of HB3103.



## KANSAS STATE EMPLOYEES HEALTH CARE COMMISSION

COMMISSIONERS:  
 James R. Cobler, Chairman  
 Ron Todd  
 Robert C. Harder  
 Dave Charay,  
 Benefits Administrator

### M E M O R A N D U M

TO: Senator Lana Oleen, Chairperson  
 Senate Government Organization Committee

FROM: Dave Charay *DC*  
 Health Benefits Administrator

DATE: March 23, 1992

SUBJECT: House Bill 3103

House Bill 3103 calls for the addition of two new members to the Kansas State Employees Health Care Commission. One new member would be selected by the Governor from the State's classified work force. The second additional member would be selected by the Governor from retired State classified employees. It appears that the intent of this bill is to increase the voice of State employees and retired employees into the actions of the Health Care Commission. I have been asked to express the Health Care Commission's concern to this bill. Instead of increasing employee's input into the actions of the Commission, this bill will greatly lessen the input.

There are 37,595 State employees covered by the health plan. Although I do not have a breakdown between classified and non-classified employees, I am sure the majority of these employees are in the classified service. The needs and desires of these employees in regard to the health plan varies greatly. It would be nearly impossible to have this great diversity of interests well represented by one individual. Under the current arrangement, these employees have input in several ways.

Their primary representation is through the Employees Advisory Committee. I have attached a copy of the Bylaws of this organization. I call your attention to Article III, Section 1(a), which describes the selection of the Employee Advisory Committee members. It is intended that this Committee represent a good cross section of the employee population. By this selection method the voice of all types of State employees should be heard. The selection of new members of this Committee is left to the Committee itself. The Commission must approve members, but to date, no proposed member has been rejected by the Commission. Employee



Senator Lana Oleen  
March 23, 1992  
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input is also gathered indirectly through contacts with personnel officers. Several times a year, I ask personnel officers for ideas regarding possible changes to the health plan. Of course, these personnel officers are free to contact me at anytime regarding any ideas or complaints. These personnel officers, for the most part, do a good job of representing their agency's employees. Another important way in which employees have input into the Commission's actions is through direct contact with my office or with any of the Commissioners. I can personally attest to the fact that many State of Kansas employees are not reluctant to telephone or write my office with questions, ideas or complaints. My staff and I take these remarks into consideration in making any plan design changes. Health Care Commission meetings are public meetings open to any employee. At most Commission meetings the Employee Advisory Committee is represented by several members. They will normally address the Commission one or more times during the meeting. Also enclosed is a listing of the current members of the Employees Advisory Committee.

There are 7,869 direct bill participants in the State health plan. All but a few of these individuals are retired State employees. As with active employees, there is a great diversity of needs and desires among the retirees. There is especially a distinction between those retirees who are not yet covered by Medicare and those who are. That is why in Article III, Section 1(b) of the Employee Advisory Committee Bylaws calls for the selection of one Committee member from among those retired employees who are not yet on Medicare and one from those who are. Many retirees also contact Health Benefits, or the individual in Accounts and Reports who handles their premiums, directly regarding concerns about the plan. In the last two years, the Commission has surveyed retired employees twice regarding possible changes to the plan.

To appoint an active classified employee and a retired classified employee to the Commission would greatly damage the effectiveness of the Employees Advisory Committee. It will be unclear as to who really knows the desires of employees. The Commission believes that the current arrangement of getting input from a good cross section of employees is a much better method than getting input from one employee and one retired employee.

The Health Care Commission members keep in mind that the full name of the Commission is the Kansas State Employees Health Care Commission. They try to act in the best interest of employees and retired employees. A good example of this is the addition of the PostScript option under the drug plan. This change is expected to

Senator Lana Oleen  
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be revenue neutral for the health plan, but it is expected to save employees and especially retired employees a great deal in having to make fewer copayments. The Commission realized that there would be considerable criticism from local pharmacies regarding this action, but they felt that their duty was to take the best action for employees. Many employees and retired employees had complained to Health Benefits about the high cost of prescription drugs. In addition, at its meeting on March 17, 1992, the Commission voted to establish a grievance committee to hear complaints of employees. In establishing this committee, the Commission directed that a member of the Employee Advisory Committee should serve on the Committee.

If you have any questions, please call me at 296-7483.

DC:bcl  
Encl.

cc: Senator August Bogina  
Senator Ross Doyen  
Senator Ken Francisco  
Senator Frank Gaines  
Senator B. D. Kanan  
Senator Jerry Moran  
Senator John Strick  
Senator Ben Vidricksen  
Robert C. Harder  
Ron Todd  
Susan M. Seltsam



KANSAS STATE EMPLOYEES  
HEALTH CARE COMMISSION

Robert E. Molloy, Benefits Manager

M E M O R A N D U M

TO: Members of the Employee Advisory Committee  
FROM: Health Care Commission  
DATE: August 4, 1989  
SUBJECT: Bylaws

Enclosed you will find the bylaws for the Kansas State Health Care Commission Employee Advisory Committee. The concepts reflected in the bylaws were discussed and resolutions passed to approve the bylaws at a previous Employee Advisory Committee meeting. The Health Care Commission approved the bylaws at their July 19, 1989 meeting.

The bylaws will be discussed at the next Employee Advisory Committee meeting on Thursday, August 10. Additionally, Advisory Committee officers (President, Vice-President and Secretary) will be elected at that meeting. We hope you will be able to attend this meeting.

MTV:jea

Enc.

KANSAS STATE EMPLOYEE HEALTH CARE COMMISSION  
EMPLOYEE ADVISORY COMMITTEE  
BYLAWS

ARTICLE I--NAME

The name of the organization is the Employees Advisory Committee of the Kansas State Employees Health Care Commission (hereinafter referred to as the "Committee").

ARTICLE II--OBJECTIVES

The Committee is organized to:

(1) Advise the Kansas State Employees Health Care Commission regarding the effect of possible alternative actions on employees,

(2) Study health plan related issues and provide recommendations to the Health Care Commission, and

(3) Provide an opportunity for employees to have their opinions considered in the decision making process of the Health Care Commission.

ARTICLE III--MEMBERSHIP

Section 1. Number of Members-- (a) The Committee shall consist of twenty-one (21) individuals. Nineteen of those individuals will be actively employed by the State of Kansas. Together these individuals shall represent a cross section of all state employees covered by the health plan in terms of age, sex, earnings and type of health coverage. No Committee members will receive any type of compensation for serving on the Committee except for subsistence and travel addressed in III(1)(c).

(b) In addition, two individuals who are covered by the health plan through the direct billing system due to their prior employment with the State shall serve on the Committee. One of these individuals shall be an individual who is not yet eligible for Medicare and the other shall be an individual eligible for Medicare. Any individual serving on the Committee in such a capacity would also be eligible to serve on any type of retiree advisory committee if such group is established. No Committee members will receive any type of compensation for serving on the Committee except for subsistence and travel addressed in III(1)(c).

(c) Subsistence and travel reimbursements shall be calculated based on the current subsistence and travel reimbursement levels utilized by the Division of Accounts and Reports. Individuals eligible for subsistence and travel reimbursement shall submit vouchers to the President of the Committee within five working days after the last called meeting which they attend.

Section 2--Term of Appointment--The normal term of individuals who are active employees of the State of Kansas who are members of the Committee shall be two calendar years. To assure that all members of the Committee want to serve the full term, members of the Committee will be asked to confirm in writing that they wish to serve the remainder of their term. To help insure continuity, the terms of ten members of the Committee shall expire at the end of each odd numbered year and eleven members' terms shall expire at the end of each even numbered year.

Special procedures will be followed in 1989 to start the staggered terms. All members of the Committee as of January 1, 1989 will be asked to confirm in writing that they wish to continue to serve on the Committee for calendar year 1989. In September, 1989, the members of the Committee will be asked to confirm that they would like to continue to serve on the Committee during 1990. From those members of the Committee who indicate that they would like to continue through 1990, eleven members will be selected through some form of drawing of lots to continue to serve through calendar year 1990.

All individuals who serve on the Committee and are covered through the direct billing system will serve a term of two years. The terms of these members will not be staggered. The first term will be for calendar years 1989 and 1990.

As set out in Section Four of this Article, an individual's membership on the Committee may be terminated due to failure to meet attendance standards. Additionally, an individual's membership on the Committee may be terminated for additional reasons such as neglect, incompetency, improper or unprofessional conduct, and/or termination or resignation from state service.

Any individual who joins the Committee as a replacement shall serve out the remainder of the term of the individual replaced.

All members of the Committee will serve at the pleasure of the Kansas State Employees Health Care Commission. By a majority vote of the Commission, an individual can be removed from the Committee.

### Section 3--Selection of Members

(a) Annual Selection--The officers of the Committee shall serve as a Nominating Committee. In performing this function, the officers shall consider individuals who, in their opinion, would help the Committee meet its objectives. Suggestions may be sought from other members of the Committee or members of the Kansas State Employee Health Care Commission. The Nominating Committee shall take into consideration the age, sex, level of earnings and type

of coverage of the individuals being considered and attempt to keep the demographics of the Committee similar to those of the entire group of employees covered by the plan. The Nominating Committee shall present its list of nominees at a meeting of the Committee by October 15 of each year. Any member of the Committee may nominate an employee other than those nominated by the Nominating Committee. After nominations have ceased, ten nominations shall be selected by the Committee by use of a secret ballot. Each member of the Committee shall have ten votes, but may not cast more than one vote for any one individual. The ten nominees who receive the most votes will be considered the nominees of the Committee.

(b) Selection of Replacements--The officers of the Committee shall select the nominees of the Committee to replace any individual who elects not to continue on the Committee, who was an active employee of the State when appointed to the Committee, but who leaves the employment of the State, whose membership was terminated due to failure to meet attendance standards or who was removed from the Committee by vote of the Kansas State Employees Health Care Commission.

(c) Approval of Nominees--The nominees of the Committee must be approved by a majority vote of the members of the Health Care Commission at a public meeting before the nominee can become a member of the Committee.

Section 4 Attendance--The membership of any individual of the Committee who misses more than three meetings during a calendar year without a satisfactory excuse will be terminated. The officers of the Committee shall determine what constitutes a satisfactory excuse. The member shall be given ten days after a meeting to provide a satisfactory excuse.

#### ARTICLE IV--OFFICERS

Section 1 Titles and Duties--The officers of the Committee shall be a President, a Vice President and a Secretary.

(a) The President shall preside over Committee meetings, serve as chairperson of the Nominations Committee, establish sub-committees and appoint chairpersons of such sub-committees and act as spokesman for the Committee at the meetings of the Kansas State Employees Health Care Commission. The President shall receive vouchers for reimbursement of subsistence and travel expenses, shall review and approve or disapprove any part or all of the vouchers, sign the vouchers and give the vouchers to the Benefits Manager of Health Benefits Administration.

(b) The Vice President shall preside over any Committee meeting in the absence of the President and serve as chairperson of the Nominations Committee in the event that the membership of the President has been terminated. The Vice President may serve as a chairperson of a sub-committee if appointed by the President.

(c) Secretary shall keep minutes of each Committee and Nominations Committee meetings. It is the responsibility of the Secretary to schedule a room for the meetings of the Committee. The Secretary shall send notice of meetings to the members of the Committee. The Secretary shall also send any other information to the members of the Committee upon the request of the President.

Section 2--Selection of Officers--At the annual meetings at which the Committee selects its nominations for the following calendar year, officers for the following year shall be selected. Any member of the Committee may nominate any individual who will be a member of the Committee during the following calendar year. Votes shall be taken by secret ballot with the President being elected first, then the Vice President and then the Secretary. Although their membership will not have been approved yet, a nominee of the Committee may be elected to an officer position.

Section 3--Terms of Officers--Each officer shall be elected for a term on one calendar year. An officer may be re-elected to the same or another officer position. If an individual does not complete his/her term of office as the Vice President or Secretary, the President will appoint a member of the Committee as a replacement to complete the term. If an individual elected President does not complete his/her term, the Vice President shall complete the term as President and appoint another member of the Committee to serve as Vice President.

#### ARTICLE V--COMMITTEE

As set out in Article II, Section 3, there shall be a Nominations Committee. The President shall determine the need for any other committees or sub-committees. Upon the establishment of a committee or sub-committee, the President shall appoint a chairperson.

#### ARTICLE VI--MEETINGS

Meetings will be held upon the call of:

- (a) the President,
- (b) the Vice President and Secretary, or
- (c) a majority of the members of the Committee.

Employee Advisory Committee  
Bylaws  
Page Five

There shall be at least one weeks notice given of any Committee meeting unless the meeting is being held upon the request of the Kansas State Employees Health Care Commission for the purpose of a timely response from the Committee.

Notice of Committee meetings shall be given to state public employee organizations and an invitation extended for them to attend the Committee meetings.

ARTICLE VII--BYLAWS

The bylaws for the Committee may be adopted, amended, altered, or repealed by the Kansas State Employees Health Care Commission



KANSAS STATE HEALTH CARE COMMISSION  
EMPLOYEE ADVISORY COMMITTEE

Membership Continuation

	<u>Continuation through 1992</u>	<u>Continuation through 1993</u>	<u>No Continuation</u>
Linda Auwarter Commission on Civil Rights			
C. Anne Brunt Kansas Bureau of Investigation		X	
Janet Claaf K.U. Medical Center		X	
Emalene G. Correll Legislative Research		X	
S. Kay Frye Kansas Highway Patrol		X	
Loma Glick Department of Aging			
Cindy Hocker Kansas Judicial Branch	X		
Linda Kinney Division of Personnel Services	X		
Frank Niles Department of Commerce		X	
Janet Palmer Dept. of Human Resources		X	
Ray J. Rhoads Department of Revenue	X		
Charlene Satzler Department of Health and Environment	X		
Kimberly Tatum Winfield State Hospital			X
Madi Vannaman University of Kansas	X		

PROPOSED FOR MEMBERSHIP

Dr. Ralph E. Bartley  
Superintendent, Ks. School for the Visually Handicapped

Debby Dumas  
Accounts and Reports

Jennifer Gehrt  
Kansas State University

Grant Goodman  
Retiree, Kansas University

KANSAS STATE HEALTH CARE COMMISSION  
EMPLOYEE ADVISORY COMMITTEE OFFICERS

Cindy Hocker, President  
Kansas Judicial Branch  
Office of Judicial Administration  
301 West 10th  
Topeka, KS 66612-1251  
913/296-4371

Frank Niles, Vice-President  
Kansas Department of Commerce  
400 W. 8th, Fifth Floor  
Topeka, KS 66603-3957  
913/296-3004

Madi Vannaman, Secretary  
University of Kansas  
Room 103, Carruth-O'Leary  
Lawrence, KS 66045  
913/864-4418

**Testimony To The**  
**SENATE GOVERNMENTAL ORGANIZATION COMMITTEE**

**By**  
**Jeff Buescher**  
**Division of Personnel Services**  
**Department of Administration**

**March 24, 1992**  
**Re: HB 2781**

Mr. Chairperson, members of the committee, thank you for the opportunity to appear in support of House Bill 2781. I am employed by the Division of Personnel Services, Department of Administration, as the state's drug screening program coordinator.

A revision to K.S.A. 75-4363 is necessary to clarify that applicants for positions located within the Department of Social and Rehabilitation Services' mental health and retardation facilities are subject to the provisions of the drug screening program. This would make the expansion of the drug screening program at the SRS institutions consistent with the procedures of the current drug testing program established under K.S.A. 75-4362. The current program provides for pre-employment testing of applicants and testing current employees when based upon reasonable suspicion of the use of illegal drugs.

House Bill 2781 also proposes to amend K.S.A. 75-4363 by including a statement that implementation, continuation or expansion of the program for SRS positions would be contingent upon the appropriation of necessary funding. This statute was passed last year;

*Senate Committee on Governmental Organization*  
*3-24-92*

*Attachment III*

however, funding was not provided. This statement is necessary to prevent a statutory requirement for testing SRS applicants and employees when funds are not available for that purpose. Drug screening includes a direct cost which must be paid to a third party vendor. It is not an area where costs can be cut at the expense of legal liabilities or where a program can be continued without adequate funding.

In addition, the current statute states that alcohol and drug testing of SRS positions shall be subject to the same conditions and limitations of the drug screening program established by K.S.A. 75-4362. The current program established under K.S.A. 75-4362 has no provisions for alcohol testing. This is clearly a contradiction, since the program cannot be expanded within the current limitations. In addition, there are no legal precedents for alcohol testing of direct care workers.

Testing current employees for alcohol based upon reasonable suspicion involves several procedural problems as well. I would like to address concerns associated with the possibility of implementing alcohol testing within the confines of the current drug testing program.

Our current drug screening program utilizes urinalysis testing. Urine screens are not accurate or practical for conducting employment alcohol testing. The technology is just not available. The only two types of tests for measuring alcohol in the system are blood alcohol tests and breathalyzer tests.

While breathalyzer tests are not considered as intrusive as the blood alcohol tests, there are other procedural problems associated with this type of testing. Breathalyzer alcohol tests are not practical due to the logistics involved. The current drug testing program utilizes 20 urine specimen collection sites maintained in accordance with the State's contract with the drug testing laboratory. The laboratory and collection sites are not licenced for or equipped with breathalyzer machines at these collection sites. Breathalyzer testing machines require trained operators and must be constantly recalibrated due to the sensitivity of the machines.

Breathalyzer tests results do not offer an opportunity for replication and cannot be subject to review by a Medical Review Officer as required under the current drug screening program. In addition, the accuracy levels of the test can be affected by food items, diabetes, or regurgitated alcohol in the mouth.

Blood alcohol testing by public employers has been held by the courts as far too invasive on privacy rights of individual employees. To be defensible, there must be an overriding concern for public safety to justify infringement on individuals' privacy rights. The courts have determined that testing blood samples is reasonable only if performed under stringently limited conditions and if the collection constitutes only a minor intrusion into an individual's body (such as when performed in conjunction with a mandatory pre-employment physical).

There would be additional problems with alcohol testing due to the fact that alcohol is a legal substance and the current program addresses only illegal drugs. The State of Kansas has disciplinary procedures set out in K.S.A. 75-2949f to address the workplace use or performance affects of alcohol which is a legal substance. The state has an employee assistance program to help employees with alcohol related problems.

Based on the logistic and legal problems I have outlined, it is proposed that the reference to alcohol testing be removed from K.S.A. 75-4363.

**HB 2781 Testimony**  
**Jeff Buescher**  
**Page 5**

We worked closely with SRS on the proposed changes to K.S.A. 75-4363 since the changes impact their agency operations and employees.

Thank you for allowing me this time. I would be happy to respond to any questions you might have.



H.B. 2781  
ACLU of Kansas

Instead of expanding the state's drug testing program, the legislature should consider replacing it with performance testing, which would assess the employee's ability to do the job. This information should be of much more interest to the state. Drug testing is retrospective. The laboratory results contain information about the employee and his urine at some point in the past. Drug testing isn't of help in the present.

Performance testing is prospective. If administered when the employee reports for work, it can accurately assess his ability to do the job. Impaired employees can be sent home. Employees who repeatedly report for work unable to do the job would establish a record on which they could be counseled and fired.

The ACLU supports performance testing because of its respect for privacy rights. Performance can be impaired for a number of reasons, fatigue, preoccupation, depression, and emotional turmoil, to name a few in addition to drugs. The impaired worker is not required to divulge the source of his impairment with performance testing.

Performance testing accords well with due process rights, which the state is required to protect. Positive urine screens may or may not be related to job performance, and thus the firing of workers may or may not be related to job performance. This is a violation of due process rights. Drug testing is a flawed diagnostic tool whose moment is past.

The appended documents, a newspaper story about congressional interest in the subject and an edited ACLU memorandum about specific tests now available, may be of interest to the committee.

*Senate Committee on Governmental Organization*  
*3-24-82*  
*Attachment IV*

Dayton Daily News  
Jan 11, 1992

# Panel to consider drug-testing alternative

By Tom Price  
WASHINGTON BUREAU

WASHINGTON — A less expensive, and potentially more effective, alternative to workplace drug testing will be scrutinized by a congressional subcommittee Monday.

A *Dayton Daily News* investigation last year revealed that just 0.07 percent of on-the-job deaths can be attributed to abuse of drugs or alcohol. Yet businesses are increasing their use of urine testing, particularly to detect employee use of illegal drugs.

Many safety experts question the value of such tests. Civil libertarians and union leaders argue that the tests can violate workers' privacy.

The subcommittee will look at means of testing whether workers are impaired, an approach that some experts say might be cheaper, more accurate and acceptable to civil libertarians and unions

when applied to safety-related jobs.

"We're not opposed to trying to have a safe workplace, particularly in safety-sensitive jobs when a mistake might threaten the safety of many people," said Gene Guerrero, a legislative representative for the American Civil Liberties Union.

Because it usually takes several days for urine tests to be analyzed, Guerrero said, they don't immediately remove impaired workers from their jobs. A worker who took drugs right before taking a urine test might not be discovered at all if the drugs had not been digested, he said. The tests don't measure impairment, just whether a worker has taken drugs at some time in the past, he said.

Urine tests invade privacy because they can reveal more than drug use, Guerrero said, and the test itself can be "degrading."

Guerrero said the ACLU has been favorably impressed by some impairment-testing systems that

use video game-like devices to evaluate workers' coordination and responsiveness. They can tell immediately whether a worker is capable of doing his job, he said.

Among witnesses at Monday's hearing is Marc Silverman, whose California-based company, Performance Factors Inc., supplies such a system.

An ACLU official and a union leader also will testify about the issue.

The House Government Operations Committee's subcommittee on transportation scheduled the hearing to look at impairment testing and other aspects of railway safety.

Barbara Boxer, D-Calif., the subcommittee chair, "has pretty much the same concerns of the average person," subcommittee staff director Andrew Littman said.

"She doesn't think it's right to make everybody pee in a cup every day," he said. "On the other hand, she wants to be sure that pilot has his act together every day."

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NATIONAL TASK FORCE  
ON CIVIL LIBERTIES IN  
THE WORKPLACE

132 W. 43rd Street  
New York, NY 10036  
(212) 944-9800

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Two years ago the Task Force first presented alternatives to urinalysis drug testing.<sup>1</sup> That memo focused on a new commercially available impairment test called Factor One, first introduced in fall 1989, which is a muscular motor coordination test that reveals whether reaction time and motor control are impaired. This was followed by our June 29, 1990 report on hair testing.<sup>2</sup> The ACLU supported Factor One because:

1) The privacy of the employee is not violated. No bodily fluids are seized, and no one is forced to perform an intimate act in front of a stranger.

2) The test measures only current fitness for duty, and does not indicate the source of the impairment.

3) It is better capable of protecting public safety, the primary goal of drug testing. It detects impairment from a variety of sources (stress, fatigue, medication, alcohol, drugs etc..), and does not rely on metabolites from substances that are only able to show previous impairment.

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<sup>1</sup> See Workplace Rights Document Bank DT-3, memo to affiliates dated November 7, 1989.

<sup>2</sup> For more information on hair testing, see Workplace Rights Document Bank DT-8, memo on hair testing.

## Psychomotor Impairment Testing

Factor 1000 is the updated version of Factor One. The time it takes to administer the test and obtain the results has been greatly reduced, and is the only significant difference between the two products. The technology was first developed by NASA in the early 1970's as an eye-hand coordination test for astronauts. It has been commercially available from Performance Factors Inc. of Alameda, California since spring 1990. Its technology has undergone extensive field application in the transportation industry. At least 20 companies (including two members of the Fortune 1000) are now using Factor 1000 with excellent results. Business Week wrote a very favorable story on Factor 1000<sup>3</sup>, and it has been the subject of a recent congressional hearing.

The test resembles a video game. The test taker moves a control joystick to keep a moving cursor on a target in the center of the screen. The cursor can move in any direction at variable speeds according to a randomly generated program. The speed and accuracy with which the test taker accomplishes this determines his or her score. The score is then compared to a baseline score of the test taker to determine if his or her reaction time or motor coordination are impaired. A supervisor will then make the final assessment of fitness for duty. The test lasts approximately 30 seconds (or however long the person can hold the cursor within the boundary points) and is largely self administered. The results are available immediately.

It is important to keep in mind that Factor 1000 only tests for physical impairment. Its marketers make no claims of its ability to test for mental or cognitive impairment that might impact decision making.

## Mental Impairment

Delta is a new software system developed by the Essex Corporation of McLean, Virginia from research it had been doing for the government. Its primary purpose is to screen people for safety sensitive jobs that require mental alertness rather than physical coordination. It has not yet officially appeared on the market, but a company spokesman believes it will be commercially available later this spring.

Delta, the mathematical symbol for change, is designed to identify changes in a person's baseline score on a variety of cognitive tests and, therefore, reveal mental impairment. The Essex Corporation has a battery of twenty-nine tests from which to choose. It is capable of tailoring the software to fit the specific needs of the jobs which require impairment testing. Some of the tests include:

- number sequence reproduction
- reading comprehension
- grammatical reasoning
- mathematical processing
- pattern recognition
- short term memory
- reaction time

The Delta program software is IBM PC compatible. The entire test is conducted using a normal PC monitor and keyboard. Each test lasts either 30 or 60 seconds, but the total time depends on the number of tests required for the job. The results are immediate, and, like Factor 1000, do not indicate the cause of the impairment.

The validation testing of the Delta battery of tests was done internally and shows a strong correlation between blood alcohol levels and impaired performance. No independent field studies are available as of yet.

Up to this point, there has been a serious problem in impairment testing because of the absence of a mental impairment test that does not destroy a person's dignity and privacy, while still remaining highly accurate in determining if a person's decision-making capacity has been diminished. The preliminary results of

Delta are very encouraging to the ACLU, and we are hopeful that independent field studies will support the company's findings.

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TOPEKA  
 HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
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 EDUCATION  
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 AGAINST THE STATE  
 NCSL ASSEMBLY ON THE LEGISLATURE  
 TASK FORCE ON EDUCATION  
 CHILDREN AND YOUTH  
 ADVISORY COMMITTEE  
 EDUCATION CONSOLIDATION AND  
 IMPROVEMENT ACT (ECIA) ADVISORY  
 COMMITTEE

## HOUSE BILL 5047 TESTIMONY

The first week in October, 1991, the National Governors Association released the first report card on education in the United States, and the news wasn't good. The most basic need for improvement stated in the report was the need for greater parent involvement in their children's education.

Common misconception is that parent involvement is critical in early school years, but after that for "problem" children only. The bottom line -- strong parental involvement is equally vital to a second grade, sixth grade, or tenth grade student's chances for educational success.

Parental involvement continues to be, as it always has been, a key predictor in academic outcomes. But, parents report that involvement in school is not as easy as it once was. Why? Most parents work -- many at great distances from home, family, and school. The result: employers now have unprecedented control over parental involvement in the children's schooling.

Companies need to clarify their policies to allow employees to use paid leave to attend parent-teacher conferences. In large companies, especially, management level people are able to attend parent-teacher conferences but it is difficult for hourly workers to take time from their jobs to attend such conferences.

There needs to be continuing cooperation between schools and the private sector. Business and industry rely on the successes of public education. We have all heard that the demographics of our country

*Senate Committee on Governmental Organization*  
 3-24-92

*Attachment IV*

indicate a significantly changing work force in need of different skills, and higher levels of performance. Businesses desire improved worker performance and want schools to improve educational opportunities. By having a policy of paid time off for parent-employees they are supporting the importance of parent involvement in the school. Many companies have human resource policies that could allow such leave. Companies need to clarify the policy and be sure that parent-employees know about it.

Parent involvement in school is a needed factor in helping children learn. Study after study confirms this fact. Teachers name parental involvement as one of the most important factors in academic achievement.

I don't mean just teacher-scheduled conferences. A parent facing conditions that their child's teacher should know about should request a meeting. Work hours can be juggled or, if necessary, substitutes can keep the workplace going; but no substitute parents can keep a child's life on track.

My resolution urges employers to give paid leave to their workers so they can get together with teachers.

The bill asks employers to recognize the need for parent involvement in schools. It does ask that employers change their personnel policies to give people the flexibility they need to help their kids succeed in school.

Working together, educators, parents, business leaders and elected officials can help our children succeed.

Providing "paid leave" for parent-workers to attend parent-teacher conferences underscores the value of the home-school connection.

This strategy for education is not costly but may improve the achievement of a great number of students. Strong parent involvement can make a difference for today's school children.

In a recent national survey, ninety percent of teachers cited lack of parental support as a major problem in their schools. Lack of parental support does not necessarily mean apathy towards their children or their schools; it may merely reflect the increased numbers who work full-time.

3/19

Wichita Eagle

## Parents Derby educators know students learn best if Mom and Dad help

**T**he superintendent of Derby schools knows what makes students successful. Like other top educators, Melva Owens feels strongly that parental involvement is a key to getting children to do their best in the classroom.

Over the next few weeks, Derby teachers and parents will be holding spring conferences. Derby High School meetings were held this week. Dr. Owens is so convinced that parents need to come talk to their children's teachers that she wrote area businesses to ask that they allow employees who work evenings time off to attend. She's also asked employers to encourage their employees to take an active interest in the education of their children.

She wants to give parents who haven't participated fully in the education of their children every opportunity to do so. As with high school students, she believes it is nev-

er too late to begin that effort. In fact, parental involvement is so important that a study done by the federal Office of Educational Research and Improvement shows that students with parents who spend time at school meetings, talking with school officials and then communicating with them about school, have much better school records. Kids with parents who don't make the effort, who don't show the interest, are more likely to have problems at school.

Some educators have given up on drawing the parents into the business of teaching children, particularly at the secondary level. In too many instances and for a lot of reasons, education has become the sole job of schools. That isn't the way it should be. It just doesn't work as well as having a student's family an active participant in the learning process. As apparently Melva Owens and Derby teachers understand.



# *Kansas State Board of Education*

120 S.E. 10th Avenue, Topeka, Kansas 66612-1182

March 24, 1992

TO: Senate Committee on Governmental Organization  
FROM: State Board of Education  
SUBJECT: 1992 House Concurrent Resolution 5047

My name is Connie Hubbell, Legislative Coordinator of the State Board of Education. I regret that I am unable to appear before this Committee on behalf of the State Board but wish to submit this written testimony for your consideration.

The State Board of Education is very concerned about the lack of communication and support between students and parents in our public schools. One of the most important factors contributing to the success of students is support from the home in their academic and social endeavors.

The statistics cited in this resolution are shocking and should be a concern to all Kansans. Everyone needs to renew efforts to involve the parents in their child's educational program.

The State Board believes this is an important first step in parents participating and supporting parent teacher conferences. It is advantageous not only to the parent but to the business community to be a participating member in the community by allowing employees to support their children by attending parent teacher conferences.

The first goal of the State Board of Education is increased parental involvement. We hope in the future that through legislative, local board, teacher, administrator, and parent partnerships we can all work together to provide the student with the support necessary to make them successful.

House Concurrent Resolution 5047 encourages Kansas employers to permit their employees to participate in parent teacher conferences by allowing paid leave for such purposes.

*Senate Committee on Governmental Organization  
3-24-92  
Attachment VI*

Dale M. Dennis  
Deputy/Assistant Commissioner  
Division of Fiscal Services and Quality Control  
(913) 296-3871



International Business Machines Corporation

1301 K Street, NW  
Washington, DC 20005-3307  
202/515-4000

March 13, 1992

Ms. Jo Ann Pottorff  
State Representative, Eighty-Third District  
State of Kansas  
House of Representatives  
6321 E. 8th Street  
Wichita, Kansas 67208-3611

Dear Jo Ann:

I appreciated receiving the information on Concurrent Resolution 5047. I couldn't agree more that parental involvement is crucial if student outcomes are to improve.

As you know, The Business Roundtable public policy agenda addresses this with the belief that every child needs an advocate.

As chairman of the AEA K-12 Operating Committee, I am actively encouraging our member companies to get involved in the Get Together For Kids project. Attached is an information packet. Over 300 companies have signed up.

Thank you for your efforts on behalf of the children. Please keep me updated on your progress.

Sincerely yours,

John L. Anderson  
Director, Governmental Programs

JLA/cmc  
Attachments

*Senate Committee on Governmental Organization  
3-24-92*

*Attachment VII*

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

5401 S. W. 7th Avenue Topeka, Kansas 66606  
913-273-3600

Testimony on HCR 5047  
before the  
Senate Committee on Governmental Organization

by

Patricia E. Baker  
Associate Executive Director/General Counsel  
Kansas Association of School Boards

March 24, 1992

Thank you for the opportunity to appear in support of House Concurrent Resolution 5047. We know that one of the best indicators of student success in school is parent involvement and support. Encouraging that involvement is the task not only of school officers but of all in society. When parents are forced to choose between attending parent-teacher conferences and employment demands, too often the school involvement suffers.

We ask your favorable recommendation of HCR 5047 encouraging employers to support parent involvement.

Thank you.

*Senate Committee on Governmental Organization*

*3-24-92*

*Attachment VIII*



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Testimony before Senate Governmental Organization Committee  
Peg Dunlap, Kansas NEA  
HCR 5047  
Tuesday, March 24, 1992

Thank you, Madame Chair and members of the Committee. My name is Peg Dunlap and I am here today representing the 24,000 members of Kansas NEA. I appreciate this opportunity to speak to you in support of HCR 5047.

This resolution addresses a concern that is of great interest to our members - increasing the involvement of parents in their students' education. One important facet of that involvement is participation in parent-teacher conferences. But we hear frequently that parents are not able to attend conferences because they cannot get time off from work. HCR 5047 addresses this problem directly by encouraging businesses to extend paid leave to employees to attend these vital school meetings.

In recent years many businesses have become more aware of this issue. However, too few actually put into practice the policy of paid leaves for school conferences.

We encourage your support of HCR 5047 and the policy direction it suggests. Thank you and I would be glad to answer any questions.

*Senate Committee on Governmental Organization  
3-24-92*



# Concerned Women for America

370 L'Enfant Promenade, S.W., Suite 800 Washington, D.C. 20024 (202) 488-7000  
P.O. Box 46 Leavenworth, KS 66048 (913)682-8393

**Beverly LaHaye**  
President

**Kenda Bartlett**  
Kansas  
Area Representative

March 24, 1992

SENATE GOVERNMENTAL ORGANIZATION  
Senator Lana Oleen, Chairwoman  
HCR 5047

Chairwoman Oleen and distinguished members of the committee. Concerned Women for America of Kansas arises in support of House Concurrent Resolution No. 5047, which encourages all employers in the state of Kansas to allow for paid leave for parent-teacher conferences.

If an employer chooses to comply with House Concurrent Resolution No. 5047, we feel that everyone will benefit.

An employer will benefit by the increased sense of well-being, which will be exhibited by a parent who is allowed to have an active role in their child's educational process.

The teacher will benefit by the parent's becoming aware of any concerns he/she may have for the child, thus enabling the teacher to focus more completely on the educational process.

And certainly the child will benefit by the parent and teacher working together to show unity and concern, not only for the child scholastically, but mentally and physically as well. A parent's awareness also encourages early intervention if a problem arises.

Since the employer, employee, teacher, and the child will benefit, we must assume that society as a whole will benefit.

Concerned Women For America of Kansas will support legislation of this sort which allows the parent to be actively involved in their child's education. We would hope to see much more legislation that approaches the problems in education from the standpoint of parental involvement.

*Senate Committee on Governmental Organization*  
*3-24-92*

*Attachment X*

"Protecting the rights of the family through prayer and action"



**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  
SENATE GOVERNMENTAL ORGANIZATION  
by Martha K. Gabehart, Executive Director**

Thank you for the opportunity to testify in support of the House amendment which eliminates the Kansas Commission on Disability Concerns (KCDC) from HB 2670. HB 2670 would abolish certain advisory committees, commissions and councils.

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.

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 number of these were requesting information the on

*Senate Committee on Governmental Organization  
3-24-92  
Attachment XI*

Testimony on HB 2670  
by Kansas Commission on Disability Concerns

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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, architectural accessibility, 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 and local agencies which receive information on a regular basis. Of these, 393 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. 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.

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 last Spring by printing the registration brochures. 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 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



Testimony on HB 2670  
by Kansas Commission on Disability Concerns

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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 to speak for Kansans with disabilities.

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; no single point of contact concerning information on issues of concern to people with disabilities; no government entity to advocate for all people with disabilities; 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 no other point of contact for businesses to receive information on the ADA.

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.

So long as there is discrimination against and segregation of people with disabilities, the Kansas Commission on Disability Concerns will be needed. We request your support for the House amendment which deletes the Kansas Commission on Disability Concerns out of HB 2670.

\hb2670.392

**74-601. State corporation commission; creation; members, appointment, terms, vacancies; chairperson; salaries; sunset law applicable.** (a) There is hereby created the state corporation commission, which shall consist of three members appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b and amendments thereto. No more than two members of the commission shall belong to the same political party. Each member shall be appointed for a term of four years and until a successor has been appointed and qualified. In case of a vacancy in the office of a member of the commission, the governor shall appoint a successor to fill the vacancy for the unexpired term.

(b) The commission shall elect one of its members as chairperson of the commission. The chairperson of the commission shall receive an annual salary in an amount equal to the annual salary prescribed by law for the chief judge of the court of appeals, payable monthly. Each other member of the commission shall receive an annual salary paid by the state to a judge of the court of appeals, other than the chief judge, payable monthly. Each member of the commission shall devote fulltime to the duties of the office.

(c) The chairperson of the commission, or their designee, shall be the head of the agency for administrative or operations purposes.

~~(e)~~ New (d) The provisions of the Kansas sunset law apply to the state corporation commission created by this section and the commission is subject to abolition under that law.

**History:** L. 1933, ch. 275, § 1; L. 1937, ch. 329, § 13; L. 1945, ch. 303, § 3; L. 1947, ch. 416, § 3; L. 1949, ch. 405, § 1; L. 1953, ch. 363, § 2; L. 1955, ch. 345, § 1; L. 1957, ch. 424, § 1; L. 1961, ch. 378, § 1; L. 1965, ch. 458, § 5; L. 1967, ch. 443, § 5; L. 1970, ch. 309, § 1; L. 1973, ch. 175, § 61; L. 1974, ch. 361, § 63; L. 1975, ch. 398, § 1; L. 1976, ch. 380, § 10; L. 1978, ch. 308, § 53; L. 1978, ch. 350, § 3; L. 1982, ch. 347, § 30; L. 1984, ch. 318, § 12; July 1.

*Senate Committee on Governmental Organization*

*3-24-92*

*Attachment XII*