

Approved: 2/27/96 Senate
Date by Gov. Organ.

MINUTES OF THE JOINT GOVERNMENTAL ORGANIZATION AND SENATE FEDERAL AND STATE AFFAIRS COMMITTEES

The meeting was called to order by Chairperson Al Ramirez at 12:00 p.m. on February 21, 1996 in room 519-S of the Capitol.

All members were present except: Senator Papay - Excused

Committee staff present: Mary Galligan, Legislative Research Department
Fred Carman, Revisor of Statutes
Nancy Wolff, Secretary to Federal & State Affairs Committee
Jacqueline Breymeyer, Secretary to Governmental Organization Committee

Conferees appearing before the committee: Wayne L. Franklin
Secretary, Kansas Department of Human Resources
Judy Krueger, Governor's Office
Arthur Solis, State Commander, American GI Forum of KS
Ana Riojas, Vice Chair,
Kansas Association of Hispanic Republicans
Elias L. Garcia, ' Buena Gente' Coalition
Phillip E. DeLaTorre
Ascension Hernandez, Kansas State Director
League of United American Citizens (LULAC)
Scott Stone, Kansas Association of Public Employees (KAPE)
Esperanza Lara Lehman, Mexican American Association
National Association of Topeka (MANA)
Raul R. Guevara, Kansas Hispanic Caucus
Rebecca Fox, Bias Busters of Kansas

Others attending: See attached list

The joint meeting of the Senate Governmental Organization and Federal and State Affairs Committees was called to order by Senator Ramirez, Governmental Organization Committee chairperson at 12:15 p.m. Senator Oleen, Chairperson of the Federal and State Affairs Committee and Chairman Ramirez each gave a brief opening statement of welcome to those present.

ERO 28--Reorganizing the Kansas Human Rights Commission as the Kansas Commission on Diversity and Human Rights

Wayne Franklin, Secretary of Human Resources, appeared in support of the Order. Mr. Franklin cited an article in the Kansas City Star by staff writer Mary Sanchez in which she stated that several activists claimed that Kansas is a biased state because it funds a committee to address the concerns of the Hispanic community, but ignores the needs of blacks and other minorities. He stated that since Kansas Government is not working for all ethnic minority groups, the Governor's ERO is one way to solve this dilemma. (Attachment 1)

Judy Krueger, Appointment Secretary, Governor's Office, appeared next in support the Order. Ms. Krueger stated the factors of cost, benefit, and guidance were the three primary factors that led to the decision to move in the direction of a single office to effectively handle the concerns of Kansas' multiple minorities. Ms. Krueger addressed each of the primary concerns in her testimony. (Attachment 2)

Chairperson Ramirez stated that testimony by Arturo Robles, Kansas Advisory Committee on Hispanic Affairs (KACHA) (Attachment 3) and Laurie Rosenwasser, Executive Director, Harvest America Corporation (Attachment 4), both expressing concerns of the Hispanic Community, were entered for the record. Mr. Robles and Ms. Rosenwasser were unable to attend the meeting.

Arthur Solis, American GI Forum of Kansas, appeared and submitted testimony in opposition to **ERO 28**. (Attachment 5) Mr. Solis gave a brief historical overview of KACHA and stated that this history, as well as objective facts, do not support the Order.

CONTINUATION SHEET

~~MINUTES OF THE JOINT SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND FEDERAL AND STATE AFFAIRS, Room 519--S Statehouse, at 12:00 p.m. on February 21, 1996.~~

Ana Riojas, Vice Chair, Kansas Association of Hispanic Republicans, appeared next in opposition to **ERO 28**. Ms. Riojas went through the various sections of the bill. She stated the Order is “. . . deceptive in intent and prejudicial in the method of its creation.” (Attachment 6)

Elias L. Garcia, “Buena Gente” Coalition, spoke next in opposition to the Order, stating that it was ‘nothing short of a bombshell’ to the Hispanic community. **ERO 28** is not the solution needed to address the concerns of the ethnic communities. (Attachment 7)

Phillip E. DeLaTorre, a University of Kansas professor, appeared in opposition to the Order, stating the net result of the Commission, with the Director being appointed by the Governor, would be a politicized entity. (Attachment 8)

Ascension Hernandez, League of United Latin American Citizens (LULAC), stated his reasons for opposing **ERO 28**. He said that someone had given bad advice to the Governor; that person or persons should be fired. (Attachment 9)

Scott A. Stone, Executive Director and Chief Counsel for the Kansas Association of Public Employees (KAPE), stated he was present to give support for the Hispanic community and that to remove funding from such a positive program would be a disservice to all Kansans. (Attachment 10)

Esperanza Lara Lehman, Public Relations Officer, MANA, an organization founded by Mexican American Women in 1974, stated her opposition to the Order. She stated many things that have been done by the Commission and opposes the methods by which the Hispanics were not advised of this change in a timely order. (Attachment 11)

Raul R. Guevara, Kansas Hispanic Caucus, stated that it is essential that the Kansas Advisory Committee on Hispanic Affairs remain independent and autonomous. (Attachment 12)

Rebecca Fox, Bias Busters of Kansas, opposed the legislation, stating that it was quite interesting to note that there was plenty of money available when the Treasures of the Czars exhibit came to the State of Kansas, and asked the question, “Was everyone at the table when that decision was made?” (Attachment 13)

Later testimony in opposition to **ERO 28** was submitted by Eva Pereira, former Director of the Kansas Advisory Committee on Hispanic Affairs, now residing in Texas, and was labeled (Attachment 14)

Testimony by opponents was concluded and a comment was made by one of the committee members regarding Mr. De LaTorre’s testimony. He cited the testimony at the bottom of page 2 where it stated that the Commission would become a politicized entity. The Director of the Commission will be appointed by the Governor. This type of testimony can be misleading when that type of terminology is used. He also stated that he has not, as yet, taken any position on this matter.

Due to time constraints, the Chairman thanked all the conferees and adjourned the meeting at 1:30 p.m.

GOVERNMENTAL ORGANIZATION COMMITTEE GUEST LIST

DATE: February 21, 1996

NAME	REPRESENTING
Viviano Reveles	GI Forum
Ana Rojas Colleen Kasper	KAHR Ks Ass. Hispanic Rep. Senator Kan
Rebecca Fox	Bias Busters of Kansas
Brandon Myers	K HRC
Robert G. Lay	KHRC
PATRICIA A SCALIA	KHRC
Carol Earls-Franklin	KHRC
Onofre Astorga	KHRC
Edward A. Rangel	GI Forum
Jane M Rangel	GI Forum
Jennie Charay	GI Forum
Ernest S Charay	
Vina Charay	
Cynthia Lopez	GI Forum
Rita Lopez	GI Forum
North Hernandez	GI Forum

FEDERAL & STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: 2-21-96

NAME	REPRESENTING
Michelle Brown	Hispanic Affairs
Patricia Conley	Myself
Gilberto Gonzalez	myself
Jennifer Ornburn	Sen. Parkinson
Arthur W. Sillis	AMERICAN GI Forum
Sharon Huffman	KCDC
Josephine C. Salter	Topeka HLAC
Jack Lopez	AMERICAN GI FORUM
Judy Krueger	Governor's Office
Ann Susan Bygonie	Human Services
Tony August	KNOCTH
Cather Balandran	American GI Forum
CA Yank	"BUELA GENTE" COALITION
Linda Kinney	—
Wayne L. Frankel	Secretary KDHR
Judy R. White	Ko. St. Board of Ed. - EEO
Adam L. Malcher	Dept. of Administration
Jane Linn	Washburn - Admissions
Aloy G. Scroggins	Myself
Dr. R. B. Drepe	wichita ministers League
Rev. Wanda McDaniel	wichita ministers League
Rev. John Hanna	wichita ministers League
Geary Ross, Jr.	Treasurers Office
Samuel Bets	Citizen
Al Maxwell	Citizen
Lucinda Naches Talbert	citizen
Phil DeLaTorre	citizen
Steven J. Ramirez	citizen - Lumber

Executive Reorganization Order #28
Written Testimony for Secretary Wayne L. Franklin
February 21, 1996 Capitol - Room 519-S

Good Afternoon. My name is Wayne L. Franklin and I am the Secretary of the Kansas Department of Human Resources. I am here today to voice my support for the Governor's Executive Reorganization Order #28. Under this order, the Kansas Human Rights Commission is reorganized as the Kansas Commission on Diversity and Human Rights. The Kansas Commission on Diversity and Human Rights will have primary responsibility for statewide diversity and multicultural issues, and will carry out these duties through the Kansas Office of Muticultural Affairs.

Before I go into the reasons why I firmly support this restructuring, let me briefly explain why I'm qualified to register my professional opinion.

Prior to coming to state government, I served seventeen years with Southwestern Bell Telephone Company, serving in various capacities in several Kansas communities. From 1984-1990, I served the company as the Area Manager for Constituency Relations. In this capacity, I was responsible for maintaining close ties with the Aging Community, the Disabled Community, and the Ethnic Minority Community . . . which included the African American, Hispanic, and Native American groups. In this position, I was responsible for researching Minority issues and working closely with the various ethnic groups, looking for ways to invest Southwestern Bell charitable dollars to make the most impact. I worked closely with such groups as the NAACP, The Urban League, The Kansas GI Forum, LuLAC, and Education groups. During this time I worked with five different KACHA Directors.

I've attended annual La Raza events and made sure Southwestern Bell worked effectively with the Hispanic and Black Community to provide youth scholarships and for other important community needs. This back ground in the private sector has given me the insight needed to speak out for fairness to ALL KANSANS. Like Southwestern Bell, the State of Kansas can ill afford to spend its dollars unwisely, nor unfairly. In a State as big and complex as ours, government must be exceedingly cautious

1 *Senate Governmental Organization Committee*
Senate Federal and State Affairs Committee
Attachment 1
2/21/96

about officially conferring power on certain groups and not on others. Make no bones about it: money is power! Expenditures on behalf of Kansas Hispanics - through KACHA - in order for that group to lobby government for improvements in the lives of Hispanics is the direct delegation of power - albeit well intended.

January 9, 1995 I assumed the position of Secretary of KDHR. I've seen firsthand the KACHA, KDHR, State and federal budgets. I've personally have seen how federal and state dollars are getting tighter. I have been demanding fiscal excellence. I have been asking my employees to do more with less and have sought to broaden the vision of fairness, decency and equity to include more people.

In November, Kansas City Star staff writer Mary Sanchez wrote these words . . . I quote: "Kansas is biased, several activist claim, because it funds a committee to address the concerns of Hispanic residents but ignores the needs of Black people and other minorities.

"Since 1974 the Kansas Legislature has funded the Kansas Advisory Committee on Hispanic Affairs. No such groups exists for the African-Americans although they outnumber Hispanics by 50,000 in Kansas.

"State officials argue that Kansas is caught between a desire to treat everyone fairly and a budget crunch." End of quote.

According to the 1990 US Bureau of Census: There are 143,076 Blacks in Kansas or 5.8%, 93,670 Hispanic or 3.8%, 31,750 Asians and Pacific Islanders, 21,965 American Indians and Eskimos, and 48,797 Kansas residents of other races.

Kansas Government is not working for all ethnic minority groups in our state. The Governor's ERO is one way and possibly the best way to solve this dilemma.

Since 1981 - fifteen years - the Kansas Committee on Hispanic Affairs (KACHA) has been appropriated \$2,139,546.51, while the other ethnic groups in Kansas have received zero dollars in appropriations. KACHA has expended these funds on educational activities, political activities, and

lobbying activities. The state of Kansas has over the last twenty years EMPOWERED Kansas Hispanics. Similar empowerment has not been conferred upon other racial minorities. And in this era of tight budgets and the broad desire to do more with less, I believe it is unlikely that other groups similar to KACHA in scope and mission will be created.

Ladies and gentlemen, this is a fairness issue and I would like to appeal to your sense of fairness and equity. One ethnic group in Kansas has been receiving state appropriated funds to assist their community, while other ethnic groups have not. Kansas Hispanics have been invited to the table to participate in the great development of government. Other racial minorities in Kansas - with fairness and equity concerns that are just as real as those lobbied for by KACHA - must fight their way to the table to pick at whatever scraps may be leftover. This is the issue before us today and I urge you to support the Governor's ERO.

I know there are those who believe that "DIVERSITY" or "MULTICULTURALISM" have become buzz words for favoritism or quotas. I for one am not concerned about the title of this organization. I AM concerned about doing the most possible good for the most possible Kansans, with the exact same limited resources this body has appropriated in the past. I am not interested in providing funding for various groups to lobby the Kansas Legislature. I AM interested in providing the resources needed to effectively conduct research into the real problems of ethnic minorities - research you currently do not have, but will find helpful as you debate the future of all Kansans. I ask you to invite all ethnic groups to the table. Our Governor has suggested this ERO. Please give it your honest and serious consideration. Thank you for allowing me to share my convictions with you today.

**COMMENTS TO THE JOINT COMMITTEE
OF GOVERNMENTAL ORGANIZATION AND FEDERAL AND STATE AFFAIRS
REGARDING E.R.O. 28
BY JUDY KRUEGER, SECRETARY OF APPOINTMENTS
FEBRUARY 21, 1996**

Thank you for the opportunity to explain the thought process behind E.R.O. 28. There were three primary factors that led to the decision to move in the direction of a single office which can address in an effective way the concerns of our multiple minority populations in Kansas. These factors are cost; benefit; and guidance from the U.S. Civil Rights Commission.

First, there are many different groups wanting special advocacy committees, and there is not enough funding to support such action. Second, while in its early years the Committee on Hispanic Affairs likely served an important need in certain communities in Kansas, a recent review of its activities brings into question whether this mechanism is the most appropriate approach now. Third, the U.S. Civil Rights agency has indicated it is encouraging all states to move in the direction of multicultural committees where activities of a proactive and positive nature can be initiated. These committees or offices would provide a vehicle for the celebration of our diversities and for addressing particular concerns, but would steer away from accentuating differences that create discrimination.

As in previous administrations, over the past year we have had a number of requests for single-ethnic focused offices, like the Kansas Advisory Committee for Hispanic Affairs. These inquiries have come from individuals "representing" Koreans, Vietnamese, Laotians, African Americans, and Native Americans. The mindset expressed has been, "if 'they' have one, we should too." These groups were evidently also contacting the Regional Office of the U.S. Commission on Civil Rights. We became concerned because taken at a bare minimum, such action would implicate over a million dollars. So cost was definitely a factor.

At this same time, the Governor was asking all agencies to do an evaluation of all programs to see if they are needed, if they were performing well -- meaning assessing whether programs have meaningful, measurable performance in accomplishing their stated mission, if there are programs that would fit better in another agency or combined with others, and whether there were any that had outlived the concern they were created to address. All cabinet secretaries were charged with this evaluation and assessment, starting the day they

*Senate Governmental Organization
Senate Federal and State Affairs
Attachment 2
2/21/96*

came on board. Revenue projections were not conducive to new and growing programs, and the 1994 election showed that voters wanted less bureaucracy, and more efficient and effective government.

The Kansas Advisory Committee on Hispanic Affairs (KACHA) was included in the overall assessment of programs at the Department of Human Resources. The Committee reported a lot of travel and a lot of activities. The results from these costs and activities were not tangible. The secretary of the agency asked the director to change the operation to reflect the referral and coordinating role of KACHA and to elicit coordination with other agencies involved. There was no change in performance and no suggestions for how to improve the operation of the office. We heard from many individual Hispanics that they could not point to anything KACHA had done for them or anyone else.

As stated earlier, we also were contacted by the U.S. Office of Civil Rights regarding the number of calls to establish a multitude of ethnically oriented advisory committees. We were advised on several occasions to instead move toward the establishment of a "multicultural" affairs office, one that could work proactively to provide recognition and celebration of our heritages as well as to bring focus and resolve to a number of problems that might arise. It was also suggested that by their very nature separate committees are discriminatory and contrary to the U.S. Civil Rights Act of 1964, and that separate committees serve more to divide and create controversy rather than to unite cultures, to evoke equality, or to bring resolution to any issues.

The Chair of the Kansas U.S. Civil Rights Committee shared a background paper with us which states:

"The purpose of establishing a multicultural affairs office is to provide a provocative, stimulating and insightful examination of critical issues relevant to issues of multiculturalism in the state. A secondary purpose is to promote greater understanding and discussion of race, ethnicity, geographical origin, (and) gender and to promote a culturally rich environment built on inclusion in the public sector of the state..."

"Multicultural is an agenda for equity....This agenda insists on practicing the principles of inclusion, respect and self-appreciation.... As a concept (it) challenges the status quo by proposing balance and

fair representation for all members of society, especially the historically underrepresented populations.”

With this background, we started to look at ways to make KACHA an effective office with broader parameters. One of the first issues to address was how to design an entity that could represent multiple population groups with existing resources. We based our plan on the direction suggested by the U.S. Civil Rights Commission. Creating an Office of Multicultural Affairs to serve all populations in Kansas would broaden the scope and eliminate the exclusivity of the existing Committee.

To address a second question, that of focus, we moved the office of multicultural affairs to a renamed Commission on Diversity and Human Rights, giving the office a broad and neutral foundation from which to operate rather than a more narrow (and often contentious) focus of an employment-oriented agency.

The various concerns arising indicated it is time to try a different approach with a goal to accomplish more harmonious relationships among all groups living in Kansas. The Governor is not trying “to do something to” anyone, but rather is effecting change to provide better government **for** everyone in Kansas. The Office of Multicultural Affairs from its new foundation of the Commission on Diversity and Human Rights would have the flexibility to address changing needs and issues -- including education, employment, health care, and housing -- leveraging local and state resources without bloating bureaucracy.

Ethnic groups and others, such as the departments of multicultural affairs at the Regents’ institutions, would be welcome and invited to provide input, to enhance awareness, and to provide assistance. The office would work to recognize achievements of individuals representative of various ethnic groups, and would work with other agencies and local and state organizations to highlight ethnic celebrations and other ethnic contributions to our Kansas culture and heritage. We would look for results of more awareness of all populations in Kansas, for reduced high school dropout rates, increased employment, better housing opportunities, and better access to health care as well as for specific instances of intergovernmental cooperation to measure the performance of this office.

Change seems to be the most resisted of all actions, even when people have expressed the desire for change.

It is no different in this instance. Many people have expressed concern about the accomplishments, fairness, and legality of KACHA, but not many people have been willing to provide the leadership to implement change. Governor Graves has proactively sought to bring about in all agencies those changes necessary to deliver better and more efficient services. It would be easier in many instances to simply maintain the status quo, but we do not have the pleasure of such complacency. The Governor is not willing to continue to throw money at programs that are not working or not working as well as they should just because it would be easier.

Executive Reorganization Order 28 consolidates the existing functions of the Kansas Advisory Committee on Hispanic Affairs and the Kansas Human Rights Commission. It reiterates the Commission's authority to address a broad range of issues, to create task forces and study groups as needed, and to foster through community efforts or otherwise goodwill and cooperation and to minimize or eliminate discrimination. By creating a broader and stronger framework, the Office of Multicultural Affairs will not work to the exclusion of anyone, but rather work for the inclusion of everyone. The focus of the office will be to insure that every one and every group is included in all services and activities of government.

It is the Governor's desire, and I'm sure yours, that all programs of the state operate efficiently and effectively to serve the needs of all Kansans. As he said in the first paragraph of his 1996 State of the State address, "It is our responsibility to enhance opportunity for all Kansans," and he invited the Legislature to join him in that task. E.R.O. 28 is the embodiment of this invitation and reflects the Governor's resolve to be fiscally responsible as well.

Sen Ramirez

DATE: February 21, 1996

RECIPIENT: Senator Al. Ramirez

OFFICE PHONE NO: _____

SENDER: Arturo Robles

OFFICE PHONE NO: (913) 721-3914 / 11430 Georgia Ave.

TOTAL NUMBER OF SHEETS INCLUDING THIS COVER SHEET 4

Dear Senator Ramirez I would like to make
this statement part of the official record
of your committee hearing.

Senate Governmental Organization
Senate Federal and State Affairs

Attachment 3

2/21/96

The Future of the Kansas Advisory Committee on Hispanic Affairs (KACHA) and the Future of Hispanics in Kansas.

By Arturo Robles R.

Background

The Kansas Advisory Committee on Mexican American Affairs Office, was created by Governor Robert Docking in 1974. It was created to eliminate neglect of Hispanics by state agencies and to advance opportunities for Hispanics in Kansas. This office was under the direct leadership of the Governor. In 1976, Governor Robert Bennett placed the agency under the jurisdiction of the Secretary of Human Resources, which removed the Governor's leadership and made KACHA subordinate to a state agency.

Hispanics have always had a foothold in Kansas. While the major concentrations of Hispanics in the state are in Kansas City and Wichita, it has always been the needs of the Hispanic population in Western Kansas which has prompted the state to act. From the time KASHA was created through the 70's, Western Kansas attracted large quantities of migrant and seasonal Hispanic farm-workers to harvest sugar beet crops. The 90's have seen the even larger industry of meatpacking resulting in a larger work force made up mostly of Hispanics that arrived to Southwest Kansas. This new Hispanic labor force provides the majority of the labor for this industry. This industry is key to the economic activity of Southwest Kansas that generates over nine (\$9) billion dollars in exports to the state.

In 1992, Hispanics in Kansas were estimated at 100,601. From 1980 to 1990, Hispanics in Kansas and in Midwestern states such as Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, Minnesota, Iowa and Kansas climbed from 1.2 million to 1.8 million, a 45.5% increase from 1980 to 1990. Over this same period of time, the white population in these states has declined by 400,000.

Hispanics in Kansas are not only an urban population but, unlike other minority groups in the U.S., they are also a rural population. The largest increase of Hispanics from 1980 to 1990, in the state has taken place in rural counties such as Finney Co. (141.5%), Barton Co. (85%), in Haskell Co. (72%), and in Stevens Co. a (92%). There is not a single county in the state that does not have a presence of Hispanics in it. This is not the case for other minority groups.

Governor Issues Executive Order to Reorganize KACHA.

It has been proposed to turn KACHA into The Kansas Commission on Diversity and Human Rights. This reorganization once again would place it under the jurisdiction of The Kansas Human Rights Commission. The primary responsibility of this commission will be for statewide diversity and multi cultural issues, which in essence renders Kacha to simply another branch of

The Kansas Human Right Commission to handle Hispanic related issues. I much rather see KACHA under the Department of Commerce and Housing.

While it may make sense to administratively put all minority interests under one single umbrella organization, Hispanics differ from other Kansas minority groups not only in terms of their settlement patterns, but most importantly, in terms of their advocacy style and the issues they face. Unlike African Americans, Hispanics do not enjoy a rich network where every church and minister is a strong advocate. Neither do they have a rich grass roots organizing history developed during the civil rights era. National Hispanic advocacy organizations such as the National Council of La Raza and other less visible organizations, unlike the National Association for the Advancement of Colored People, do not have representation in every locality.

On the other hand wheel most Hispanics in the state see the Governor's Executive Order for this reorganization as the elimination of KACHA, the agency has needed change for a long time. The mission of the agency as set forth in the 1970's (Kansas Statutes Annotated, Article 65, Chapter 74) is outdated.

Some of the administrative shortcomings in the agency as defined by Article 65, Chapter 74, include:

- Its mandate is too broad for its limited resources.
- The agency's Executive Director has not been given direct access to the Secretary of Human Resources.
The Executive Director does not have authority to make budget expenditure decisions.
- It is not encouraged to communicate with state policy makers .
- The advisory committee does not have the authority to select its own Director.

Hispanics in the state can not continue to support the present status quo. However, Hispanics can support the current reorganization if the above mentioned shortcomings are addressed which include the following:

- if this means that the agency's agenda will be driven by gubernatorial leadership.
- if this reorganization affords greater access to the Governor directly or through an appointed liaison at the Governors office.
- the resources currently available to the agency are not reduced but are increased..
- if it provides a mechanism to maximize the involvement of state agencies in policy analysis, data gathering and implementation of policy.

Currently many state programs do not gather data by race or ethnicity categories. Hispanics need an office responsible for gathering and reporting health, employment and economic data related to the problems in the state. What little data that exist, is scattered and often unreliable.

In 1994, The Hugo Wall Center for Urban Studies recommended that KACHA place greater emphasis on ongoing research and data collection to describe and analyze the status of Hispanics in Kansas. The state should use research developed by KACHA to address Hispanics' social needs rather than have the agency attempt to meet such needs through case management. Case

management should be referred to other state agencies providing such services.

KACHA needs to develop an annual document which would include recommendations on legislation, programs and services addressing the needs of Hispanics. This document would be distributed by the Governor's office to the legislature, state agencies, local government officials, educators, health officials, business leaders and citizen groups.

Finally, while the governor alone can not eliminate this agency without the consent of both legislative houses, it may be more expedient to have the Governor and the legislature agree to appoint a committee that includes representatives of all the main ethnic and minority groups of Kansas. These groups along with legislators, can assist in redefining and providing a framework under which the governor's current Executive Order can be implemented by July 1st, 1996. This process, while invigorating KACHA, will position it to meet current and future challenges that Hispanics face in the state.

f-S
Sen
7/16



CORPORATION ... an equal opportunity employer serving the needs of America

Reverend Donald G. Martin, Chairperson
Laurie A. Rosenwasser, Executive Director

February 21, 1996

Senator Alfred Ramirez
Chair
Committee on Government Organization

Senator Lana Oleen
Chair
Committee on Federal and State Affairs

Dear Senators:

Please accept this letter as testimony for your joint hearing scheduled for 12:15 pm today. The Harvest America Corporation board of directors met last night by conference call. Members of this board come from Colby, Leoti, Parsons, Kansas City, and Topeka. They have been active participants in the life of the Kansas Hispanic community for many years. During the meeting, the board expressed its concern over Executive Order No. 28, reorganizing the Kansas Human Rights Commission and merging it into the Office of Multicultural Affairs within the Kansas Commission on Diversity and Human Rights.

Harvest America applauds the Governor's desire to create a Commission to look specifically at issues of diversity and multiculturalism. This function is vital during this time when Kansas' population includes such dramatic growth in the Hispanic and Asian communities. Harvest America commends the Governor's recognition of the growth of multiculturalism and endorsement of our responsibility to

- eliminate and prevent prejudice and further good will
- promote understanding, awareness, appreciation, and discussion of issues
- promote a culturally rich environment
- and promote equal opportunity.

Those surely are noble endeavors toward which we must all strive.

Nonetheless, Harvest America Corporation is concerned about the negative impact of the elimination of the Kansas Advisory Committee on Hispanic Affairs (KACHA) on the Kansas Hispanic community, especially the poorest, least well educated component of the Kansas Hispanic community, including those in isolated rural areas. Surely education, employment, civil rights, economic development, and housing are the concern of all Kansans and we all share responsibility for ensuring equal opportunity in those areas.

Headquarters:

14th and Metropolitan, Leoti, Kansas 68103-1084 Phone (913) 342-2781 Fax (913) 342-2781

Area Offices:

118 1/2 Grant Avenue
Garden City, KS 67846-5411
Phone (316) 278-1810
Fax (316) 278-1700

P.O. Box 752
Goodland, KS 67735-0752
Phone (913) 888-3878
Fax (913) 888-6661

14th and Metropolitan
Kansas City, KS 68103-1084
Phone (913) 281-2781
Fax (913) 342-2781

P.O. Box 770
Leoti, KS 67881-0770
Phone (316) 375-2548
Fax (316) 375-2410

Senate Governmental Organization
Senate Federal and State Affairs
Attachment 4

2/21/96

The Hispanic community faces unique issues and concerns, which could easily become subsumed in a Commission on Diversity and Human Rights. Many Hispanic Kansans come from backgrounds as migrant and seasonal farmworkers, American citizens for generations. Those individuals were raised in poverty in hard working families who suffered with limited English proficiency and limited formal education, which resulted in fewer opportunities for generations of families. New immigrants also face barriers, and KACHA has proved vital to helping them acculturate. In the past ten years, many Hispanic Kansans have obtained permanent resident status in the United States. Many of these individuals are presently working to become naturalized citizens. The Kansas Advisory Committee on Hispanic Affairs has been able to remain abreast of issues related to immigration and naturalization, which have enabled families in the process to receive appropriate treatment under the law and remain productive contributing participants in Kansas communities and the state economy.

The Kansas Advisory Committee on Hispanic Affairs has a long history of working closely with the many Hispanic community based organizations. This role has strengthened the dissemination of information which benefits the Hispanic community and Kansas at large.

KACHA has worked hard to help Hispanic youth stay in high school and see opportunities for themselves beyond high school. When school counselors discouraged even exceptionally bright but poor Hispanic children from families without a history of higher education from pursuing college, KACHA, through its educational forums, was able to show those youth for themselves what avenues were open to them.

Harvest America urges the Joint Committee to maintain KACHA as an independent entity. A separate entity, tied to the Hispanic community, including a board which represents that community, is vital to providing adequate and appropriate sensitivity and response to the needs of the community.

Finally, perhaps the greatest concern of the Harvest America board is that the Hispanic community itself be part of the process of determining the outcome of KACHA. Members of the community from throughout the state have served on the KACHA board throughout its history. They have served on other boards and commissions throughout the state. There is extensive history and expertise within the Hispanic community. The legislature and the Governor need to draw on this expertise to develop a solution which successfully addresses the concerns of both state government, the Hispanic community, and Kansas as a whole.

Thank you for the opportunity to comment.

Sincerely,



Laurie A. Rosenwasser
Executive Director



**WRITTEN TESTIMONY OF THE
AMERICAN GI FORUM OF KANSAS**

**PRESENTED BEFORE THE
SENATE COMMITTEE ON FEDERAL & STATE AFFAIRS
AND THE
SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION**

**EXECUTIVE REORGANIZATION ORDER NO. 28
FEBRUARY 21, 1996**

Thank you for the opportunity to present testimony of the **American GI Forum of Kansas** in opposition to Executive Reorganization Order No. 28, which abolishes the Kansas Advisory Committee on Hispanic Affairs (KACHA) and creates an Office of Multicultural Affairs under the Kansas Commission on Diversity and Human Rights (the present "Kansas Human Rights Commission").

I am Arthur Solis, the State Commander of the **American GI Forum of Kansas**. The American GI Forum is the oldest and largest membership-based Hispanic organization in Kansas.

Summary of Testimony: The objective facts as well as history do not support ERO No. 28. First of all, after an interim Legislative Committee in 1973 conducted hearings, it recommended the creation of a Commission on Mexican American Affairs. The 1994 Legislature created an Advisory Committee on Mexican American Affairs under the Kansas Commission on Civil Rights. In 1976, responding to the concerns of the Mexican American community, Governor Robert Bennett in his executive reorganization order made the Advisory Committee a part of the new Department of Human Resources.

Second, two recent reports show that a multicultural office is not viable. In 1993 the Legislature funded a study of minority needs. The study by Wichita State University concluded that the State should not establish an umbrella minority affairs office. Likewise, after conducting hearings, an interim Legislative Committee in 1994 recommended against a coordinating council for special advisory committees.

*Senate Governmental Organization
Senate Federal + State Affairs
Attachment 5*

To understand our opposition to ERO 28 requires a brief historical overview of KACHA. Kansans of Mexican ancestry had long advocated for a state government which could address the unique needs and interests of our community. After a long struggle, in 1973 an interim legislative committee held hearings to determine the feasibility of establishing a commission on Mexican American affairs. The interim Legislative Committee recommended the creation of a Commission on Mexican American Affairs.

In 1974 the Legislature established the Advisory Committee on Mexican American Affairs, but placed the Advisory Committee under the Kansas Commission on Civil Rights (now the "Kansas Human Rights Commission"). Governor Robert Docking signed the bill into law on March 15, 1974.

In 1976, responding to the concerns of the Mexican American community, Governor Robert Bennett in Executive Reorganization Order No. 14 made the Advisory Committee on Mexican American Affairs a part of the new Department of Human Resources.

In a parallel bill, the 1974 Legislature had also established an Advisory Committee on Indian American Affairs under the Kansas Commission on Civil Rights. In his Executive Reorganization Order No. 14, Governor Bennett abolished the Indian Advisory Committee for the reason no members had been appointed to this Advisory Committee.

Regarding the viability of the multicultural affairs office, the record is clear. In 1993 the Legislature appropriated \$25,000 for a study of minority needs (L. 1993 ch. 292 § 45). On March 15, 1994, Wichita State University submitted its report, entitled *Special Needs of Minority Groups In Kansas*, to the Legislature. The WSU report (at page 102) made the following findings and conclusions:

[1] State government should not attempt to impose coalitions on minority groups for the purpose of communicating their policy interests, if these groups do not have shared cultural values or natural political alliances. [2] Although in theory the operation of an "umbrella" minority affairs office could increase the political impact of minority interests and maximize state resources, the WSU study team concludes that ... such a structure would lead to unproductive competition and conflict. [3] There is little evidence that individual minority groups in Kansas recognize a common purpose in working under a minority affairs organizational structure. [4] In fact, there is considerable opposition among Hispanic and African-American groups to such an arrangement. (Enumeration added.)

On October 19 and 20, 1994, an interim Legislative Committee conducted hearings to determine the feasibility of creating a coordinating council on human resources with the Department of Human Resources in order to facilitate central budgeting and staffing of special advisory groups. Like the WSU study team, the 1994 interim *Special Committee on Special Advisory Commissions* found:

Most [conferees] felt that a coordinating council would not be able to meet the specific needs of each separate group and that needs would be better addressed through the establishment of separate commissions.

The 1994 interim Legislative Committee then made the following conclusions and recommendations:

After considerable Committee discussion and based upon the testimony from conferees, [1] the Committee recommends against the creation of a coordinating council administered by the Department of Human Resources. [2] The Committee also recommends no further action be taken on the creation of additional advisory commissions until such time as the new Governor may provide input into consideration of these matters. (Enumeration added.)

It is appropriate at this point to reiterate the longtime support of the American GI Forum for the statutory creation of an African American advisory group. For example, during the 1991 Legislative Session the American GI Forum testified before the House and Senate Committees on Governmental Organization in favor of 1991 House Bill No. 2283, which would have established an Advisory Committee on African-American Affairs.

In closing, ethnic and racial minorities in Kansas have made, and continue to make, significant and constructive contributions to our State. Each of our communities have, time and time again, demonstrated its commitment to Kansas and our Nation. Statutory advisory groups are an investment in the future of our State. However, even though there are some commonality of interests, the unique and diverse interests and needs of our respective communities require separate statutory advisory groups for Hispanic Americans and African Americans. The **American GI Forum of Kansas** respectfully requests that Executive Reorganization Order No. 28 be disapproved.

TESTIMONY OPPOSING EXECUTIVE REORGANIZATION ORDER NO. 28
by
Ana Riojas, Vice Chair
KANSAS ASSOCIATION OF HISPANIC REPUBLICANS

The Kansas Association of Hispanic Republicans opposes Executive Reorganization Order (ERO) No. 28 because it is deceptive in its intent and prejudicial in the method of its creation.

The Hispanic Community was excluded from the process of determining whether the only agency created by the Kansas Legislature which addressed racial and cultural issues indigenous to Hispanics, the Kansas Advisory Committee on Hispanic Affairs (KACHA), would remain in position. Many Hispanics wrote letters to the Governor requesting a meeting to discuss those issues. Those requests were ignored and KACHA was abolished through a stroke of the pen by Governor Bill Graves.

ERO No. 28 denied the Hispanic community those very constitutional rights it is supposed to help insure by excluding it from the political process. By ignoring our requests for a meeting, the Governor sent a clear message to the Hispanic Community--that we do not matter, are not of consequence, and therefore, are not worthy of consideration by the current Administration.

Now we, Hispanic Americans, have come to that point of divine outrage that occurs when injustices continue that are based on culture and the color of skin which is not Northern European. Culture, which is imbedded in the soul, and color which is imbedded in the skin are two factors ordained by divine, not personal, choice. Yet these two characteristics have led to discriminatory actions by the current Administration against the Hispanic Community through ERO No. 28 issued by Governor Bill Graves.

Every paragraph of ERO No. 28 is like a knife that pierces the very soul of the Hispanic Community because of its deceptiveness and its clear intent.

Section 2(a)(1) reads: "Endeavoring to eliminate prejudice...and to further good will, cooperation, and conciliation among individuals...", yet, Hispanics were excluded from the political process that engineered this Order.

*Senate Governmental Organization
Senate Federal and State Affairs
Attachment 6
2/21/96*

Section 2(a)(2) reads: "Promoting greater understanding, awareness, appreciation, and discussion of issues relating to race and color, ethnicity, national origin and ancestry...", yet, Hispanics were denied the right to assist the Executive Branch in promoting understanding and raising their awareness of the "Hispanic culture". In fact, "culture" is what makes the Hispanic community different in its contributions to Kansas.

Section 2(a)(3) reads: "Promoting a culturally rich environment built on inclusion and inclusive policies and practices;", yet, Hispanics were promptly excluded from having any input on the very order that is supposed to be for its benefit. How inclusive can ERO No. 28 be when different cultures are not allowed to offer their cultural perspective?

Section 2(a)(4) reads: "Promoting an understanding of goals and needs that are common to all citizens of Kansas;" yet, Hispanics were not allowed to state what their goals and needs are, and we are registered, voting citizens of Kansas that contribute significantly to the state economy.

Section 2(a)(5) reads: "Promoting equal opportunity...", yet, Hispanics were not afforded the opportunity to be treated as equals. Indeed, ERO No. 28 smacks of the "Peon/Patron" mentality, or stated in a more popular vernacular, "father knows best".

KACHA is necessary because the Hispanic population is growing at a rate that is baffling many communities in addressing housing needs, police-community relations, educational issues and labor relations.

KACHA has proven to be an excellent Hispanic link between the Hispanic Community and state government agencies. To defeat ERO No. 28 and to reinstate KACHA is reasonable because it is right.

We, the Kansas Association of Hispanic Republicans, ask that the Senate Committee on Federal and State Affairs and the Senate Committee on Governmental Organizations vote to deny any credibility to ERO No. 28. We also request that KACHA be reinstated as the Agency which will pursue those objectives as stated in K.S.A. 64-6501 and K.S.A. 75-5716.

These actions will send a message to every citizen of Kansas that they will be protected by those individuals elected to represent them, regardless of race, color, ethnicity, culture, gender, or any other factor that is used to deny any human being his or her constitutional rights.

Thank you.

February 21, 1996



HISPANICS IN KANSAS

POPULATION:

1990 Census	Total for Kansas	2,477,574	100%
	White	2,231,986	90.1%
	Blacks	143,076	5.8%
	American Indian	21,965	0.8%
	Asians	31,750	1.3%
	** Hispanics	93,670	3.8%
1994 Census Update -	Hispanics	116,000	4.7%

Many Hispanics do not participate in the Census because they are fearful of government agencies.

Most of the growth has been in Southwestern Kansas. The impact of beef packing plants on the changing demographics has been very noticeable. In five years Garden City grew 33% and became the fastest growing community in Kansas in 1985. The 19 county southwestern area is continuing to grow at an accelerated rate.

The Hispanic population grew by 25% and the voting age population grew by 33% in the same period and same area. The area is multicultural with the new population predominantly Hispanics. Southwestern Kansas has accommodated the new immigrants that work in agribusiness which has promoted the growth.

HISPANIC ISSUES:

- ** Labor relations with agribusiness needs to be improved for new immigrants vis-a-vis wages, promotions, safety, etc.
- ** Housing is inadequate for the new population.
- ** Police-community relations needs improvement.
- ** Immigration bashing is on the uprise in Kansas.
- ** Hispanics and schools need to work together for the betterment of Hispanic students.
- ** Some schools in Garden City have as much as 90% Hispanic student population.
- ** Affirmative Action in state government for Hispanic employment.

- ** KACHA has proven to be an excellent Hispanic link between the Hispanic community and state government agencies.

Ana Riojas, Vice Chair
Kansas Association of Hispanic Republicans 2/21/96

TESTIMONY

**TO: JOINT COMMITTEE:
GOVERNMENTAL ORGANIZATION
FEDERAL & STATE AFFAIRS**

**FROM: ELIAS L. GARCIA
"BUENA GENTE" COALITION**

DATE: FEBRUARY 21, 1996

HONORABLE CHAIRS AND HONORABLE COMMITTEE MEMBERS,
THANK YOU FOR THE OPPORTUNITY TO ADDRESS THIS COMMITTEE
ON BEHALF OF THE "BUENA GENTE" COALITION.

I STAND BEFORE YOU TODAY IN OPPOSITION TO REORGANIZATION #
28, WHICH ABOLISHES THE KANSAS ADVISORY COMMITTEE ON
HISPANIC AFFAIRS (KACHA). AND WE'D LIKE TO EXPLAIN TO YOU
OUR REASONS FOR DOING SO.

THE KS. ADVISORY COMMITTEE ON HISPANIC AFFAIRS (KACHA) WAS
ESTABLISHED OVER 20 YEARS AGO WITH THE EXPRESSED MISSION
OF SUPPORTING THE SOCIO-ECONOMIC UPWARD MOBILITY OF THE
KANSAS HISPANIC COMMUNITY. OVER THE YEARS, THIS KACHA HAS
ACCOMPLISHED ITS AGENCY MANDATE IN MERITORIOUSLY
FASHION, BY PROVIDING TECHNICAL ASSISTANCE AND SERVICES TO
ALL OF KANSAS' HISPANIC COMMUNITIES IN THE AREAS OF
EDUCATION, EMPLOYMENT, ECONOMIC DEVELOPMENT, SERVICES
TO THE ELDERLY, ETC...BUT, PERHAPS ITS MOST IMPORTANT
FUNCTION HAS BEEN THAT OF LIAISON TO STATE GOVERNMENT ON
BEHALF OF THE KANSAS HISPANIC COMMUNITY.

SINCE ITS HUMBLE BEGININGS, THE KACHA HAS BEEN IN THE
FOREFRONT KANSAS HISPANIC PROGRESS. WHETHER IT WAS IN ITS
PARTICIPATION IN COMMUNITY FIESTAS THROUGHOUT KANSAS,
STRUCTURING HISPANIC STUDENT LEADERSHIP CONFERENCES,
WORKING WITH BUSINESSES IN THE DEVELOPMENT OF HISPANIC
CHAMBER OF COMMERCE, WORKING WITH HISPANIC ELDERLY, THE
LIST GOES ON AND ON.

*Senate Governmental Organization
Senate Federal and State Affairs
Attachment 7
2/21/96*

TESTIMONY: "BUENA GENTE"
GOVT REORG/STATE & FED AFFAIRS
PAGE TWO

MY POINT BEING THAT KACHA HAS BEEN THERE FOR THE HISPANIC COMMUNITY AND THROUGHOUT ITS EXISTENCE, IT HAS BEEN INSTRUMENTAL IN THE SUCCESS OF A SIGNIFICANT PERCENTAGE OF HISPANIC SOCIETAL GAINS IN THIS STATE FOR OVER 20 YEARS.

WHILE MANY HISPANIC LEADERS THROUGHOUT THE STATE FEARED FOR THE FUTURE OF KACHA UNDER THIS ADMINISTRATION, SOME OF WHICH ARE IN THIS ROOM TODAY, REORGANIZATION #28 WAS NOTHING SHORT OF A BOMBSHELL TO THE KANSAS HISPANIC COMMUNITY!

THROUGH THIS REORGANIZATION ORDER #28, AND AS HE DID WITH THE CHAIN GANG BILL, GOVERNOR GRAVES HAS REPEATED EARLIER GAFFES WITH HIS COLLEGUES BY ATTEMPTING TO UNDERMINE THE LEGISLATIVE PROCESSES BY BLOCKING DIAOLOGUE WITH THE KANSAS HISPANIC COMMUNITY OVER THE CONTINUED EXISTENCE OF KACHA.

AND, ONCE AGAIN, AND IN THE SAME MANNER IN WHICH HE HAD LEGISLATORS BRISTLING REGARDING HIS ATTITUDE ON LEGISLATION PERTAINING TO REDUCTION OF SCHOOL MILL LEVYS, THIS ADMINISTRATION HAS ALSO TOLD THE KANSAS HISPANIC COMMUNITY.."WHAT PART OF HELL NO DO YOU NOT UNDERSTAND!"

WE ARE ALL FAMILIAR WITH RECENT CIRCUMSTANCES SURROUNDING A FORMER TOPEKA POLICE CHIEF WHO WAS ASKED TO RESIGN FROM PUBLIC SERVICE....WHY?...BECAUSE HE FAILED TO SHOW THE PROPER RESPECT TO THOSE WITH WHOM HE REPRESENTED.

WELL, HONORABLE MEMBERS OF THESE COMMITTEES, I SUBMIT TO YOU THAT, GOVERNOR GRAVES ACTIONS IN THIS MATTER NOT ONLY, USURPED A FAIR DEBATE ON THE ISSUE OF KACHA....AND..

TESTIMONY: "BUENA GENTE"
GOV ORG/STATE & FED AFFAIRS
PAGE THREE

NOT ONLY DOES HE HAVE HISPANIC LEADERS THROUGHTOUT THE STATE BEYOND BRISTLING....THIS ADMINISTRATION HAS SHOWED AN "ABSOLUTE AND UNPRECEDENTED LACK OF RESPECT " TO THE TOTAL KANSAS HISPANIC COMMUNITY!

TO ADD INSULT TO INJURY, GOVERNOR GRAVES HAS STATED THAT WE CAN NOT AFFORD KACHA AND THAT A MULTI CULTURAL COMMISSION WOULD SERVE THE NEEDS OF THE TOTAL MINORITY COMMUNITY.

HONORABLE SIRRS AND MADAMES, I WOULD SUGGEST TO YOU THAT THIS RATIONALE REFLECTS NOTHING MORE THAN A GOVERNOR WHO IS HIDING BEHIND POPULAR THEMES OF FISCAL CONSEVATION, AND DOING WHATS BEST FOR THE GREATER GOOD.

IN REALITY, WHAT WE HAVE HERE IS AN ADMISITRATION WHO IS NOT ADEQUATELY ADDRESSING THE NEEDS OF ALL KANSAS' ETHNIC COMMUNITIES ..AND IN SO DOING.. HAS MADE THE KANSAS ADVISORY COMMITTEE THE SCAPEGOAT IN THIS ISSUE.

THE BUENA GENTE COALITION AND INDEED THE TOTAL KANSAS HISPANIC COMMUNITY RESPECTFULLY REQUESTS YOUR SUPPORT IN OPPOSING REORGANIZATION #28, AND WE FURTHER ASK YOUR ASSISTANCE IN COMMUNICATING TO OUR GOVERNOR THAT THE KANSAS HISPANIC COMMUNITY WILL NOT ALLOW ITSELF TO BE SCAPEGOATED!!

AT THIS TIME THE "BUENA GENTE" COALITION WOULD HAVE YOU NOTE THAT WE HAVE SUBMITTED AS PART OF OUR TESTIIMONY PETIIONS WHICH SUPPORT THE CONTINUED EXISTENCE OF KACHA.

TESTIMONY: "BUENA GENTE"
GOVT ORG/STATE & FED AFFAIRS
PAGE FOUR

TO CONTINUE, WE WOULD ALSO LIKE FOR YOU TO KNOW THAT EVERY SINGLE HISPANIC ORGANIZATION AND HISPANIC INDIVIDUAL IN THIS ROOM HAS ATTEMPTED TO COMMUNICATE OUR CONCERNS DIRECTLY WITH THE GOVERNOR , AND WE CONTINUE TO REMAIN AVAILABLE TO HIM IN EFFORTS TO WORK OUT A REASONABLE SOLUTION TOWARD RESOLVEMENT OF THIS ISSUE,

IN CLOSING, AND AS WE LEAVE THESE CHAMBERS TO ANALYZE WHAT WE'VE HEARD TODAY, LET US BE CLEAR IN OUR UNDERSTANDING THAT REORGANIZATION #28, IS NOT THE SOLUTION NEEDED TO ADDRESS THE CONCERNS OF KANSAS' ETHNIC COMMUNITIES...AND... LET US ALSO BE CLEAR IN OUR UNDERSTANDING THAT KACHA IS NOT THE PROBLEM IN THIS ISSUE....KACHA IS THE ONLY ELEMENT IN THIS WHOLE SCENARIO THAT HAS ALWAYS MADE AND CONTINUES TO MAKE ANY GOOD SENSE!!!

TESTIMONY

to: Senate Committee on Federal and State Affairs
Senate Committee on Governmental Organizations

date: February 21, 1996

re: Senate Resolution 1813

My name is Phil DeLaTorre. My wife, my two sons, and I live in Lawrence. I have been a law professor at the University of Kansas for the last sixteen years, and in the interest of full disclosure, I want to tell you that I have been a Commissioner on the Kansas Human Rights Commission for the last four years. I am here to offer my views on Senate Resolution 1813. I offer my views neither as a law professor nor as a Kansas Human Rights Commissioner. I want to emphasize this: I do not represent the University of Kansas or the K.U. Law School, I am not here on behalf of the Kansas Human Rights Commission, and I do not speak for the Commission or for any of the other individual Commissioners. The views that I am about to express are my own and should not be attributed to any other person or any institution. I am here today only as a very concerned citizen of Kansas.

I oppose Executive Reorganization Order # 28, and I support Senate Resolution 1813. I oppose Order # 28 for several reasons. The Order would have the effect of undermining the effectiveness of two long-standing state agencies, the Kansas Human Rights Commission and the Kansas Advisory Committee on Hispanic Affairs, thereby giving new meaning to the old slogan, "killing two birds with one stone".

First of all, the Governor's proposal would, in my judgment,

*Senate Governmental Organization
Senate Federal and State Affairs
Attachment 8
2/21/96*

compromise the independent, neutral role of the Human Rights Commission. This should be a serious matter for anyone who cares about effective enforcement of civil and human rights. The Commission's purpose, first and foremost, is to enforce the state's anti-discrimination laws enacted by this legislature. The mission of enforcing those laws requires the Commission to play primarily a judicial role as it decides cases between complainants and respondents, between those who allege unlawful discrimination and those who are accused of having committed unlawful discrimination. In discharging its judicial role fairly, the Commission is required to conduct its activities, as best as it can, without predisposition to either complainant or respondent. Order # 28 now proposes to place under the name of the Human Rights Commission an advocacy group that, as a natural matter, would be charged with the goal of advancing the interests of complainants. There is a big difference between a judicial or enforcement role on the one hand, such as the Commission primarily has, and an advocacy role on the other hand, such as K.A.C.H.A. has. Your predecessors a generation ago were wise to separate the two roles. To mix the two would bring into serious question the Commission's ability to conduct its activities with the image of fairness and neutrality that its mission requires. For this reason alone, the Governor's Order is a bad idea.

But there are additional reasons why this Order should be disapproved. The Order creates an Office of Multicultural Affairs. The director of this Office is to be appointed by the Governor.

The net result would be an Office of Multicultural Affairs that is essentially a politicized entity and one that operates under the name of the Human Rights Commission but over whom the Commission has little control as a practical matter. All of this has the potential of exposing the integrity and reputation of the Commission to serious question.

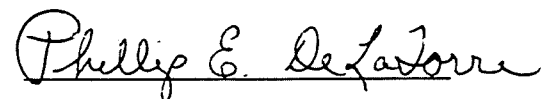
For decades now, the people of Kansas have had an advisory committee for Hispanic affairs that has very ably met the needs of the Hispanic community. K.A.C.H.A. has well served the Hispanic community by providing the Hispanic citizens of Kansas with a strong voice at the highest levels of state government. K.A.C.H.A. has well served all of the people of Kansas, Hispanic and non-Hispanic alike, by helping a significant portion of the Kansas population to advance in terms of education, participation in government, job opportunity, and health care, thereby becoming more productive and better contributors to the larger community, and thereby benefitting the entire state of Kansas. K.A.C.H.A. has always been a good investment on the part of the Kansas legislature. To diminish it now for the purpose of saving money would be penny wise and pound foolish. K.A.C.H.A. is far from being broken, and does not need to be fixed.

I fully realize that this Governor and this legislature have often been on the receiving end of demands to create an advisory committee for African-American affairs. There is a demonstrated need for such a committee. I have always supported the efforts to create such a committee. I am not politically savvy enough to know

why these efforts have always failed. But very clearly the proper solution at this point is not to target an already existing advisory committee, especially one with such a strong and proven track record. I do not claim to know what the Governor's motive was when he issued Order # 28, nor do I need to even question his motive. But let us not ignore the practical effect of this order, which would be to sweep together the needs of very different minority groups into one corner, where they can more easily be polarized against each other, where they can be more easily divided and conquered, with the end result of depriving all minority groups of any type of effective voice.

For these reasons, I oppose Executive Reorganization Order # 28. I urge you to disapprove it. I urge you to support Senate Resolution 1813.

Respectfully submitted,



Phillip E. DeLaTorre
1014 Wildwood Drive
Lawrence, Kansas 66049

My name is Ascension Hernandez, I am the Kansas State Director, League of United Latin American Citizens (LULAC). LULAC is a civic and a civil rights group organized in Corpus Christi, Texas in 1927. and in Kansas in 1970.

I would like to thank the Joint-Senate Committee, the Committee on Federal and State Affairs and the Committee on Governmental Organization for the opportunity to comment on the Executive Reorganization Order (ERO) No. 28. Kansas LULAC strongly opposes ERO No. 28 and is seeking the support of each and every Senator around the table.

Somebody gave Governor Bill Graves bad public policy advice. That person or persons should be fired. In 1974 KACHA was born during the Docking Administration and was given a healthy life and autonomy by Gov. Robert Bennett, who placed the agency in the Kansas Department of Human Resources. KACHA has provided a strong cost-effective and efficient link between the state government services and the Kansas Hispanic people, always at a budget level of \$154,000 or less. A mere drop in the bucket in the realm of an \$8 Billion dollar state budget. The KACHA budget, I heard equals the annual salary of a state of Kansas corporation executive. State services to the Hispanic community versus porkchops. THIS IS CRIMINAL. We Hispanics have been paying our fair share of state taxes since we settled here in the late 1800's. My grandpa, my parents and I have records to prove this.

no. 28

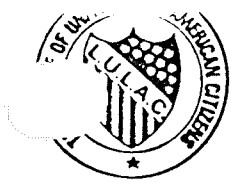
The reorganization plan will confuse the main mission of the Kansas Human Rights Commission which is to process formal discrimination complaints. The office of Multicultural Affairs (sec. 3) will throw a bare bone at people of color, so they can fight for it, while the dominant society laughs. A divide and conquer technique.

This is my fifth visit to the State Capitol, this session, to advocacy for my people, 116,000 strong in Kansas. I get tired but I also get revitalized because the struggle for justice for the Mexican American in Kansas has just begun. The Hispanic community in Kansas is under siege!! English Only Legislation, qualified admissions, KACHA Killers, immigration bashing across the entire state, after our folks do the hard and dirty work, others don't want to do.

I could go on, but I'll stop and simply ask for your support, because I believe you are serious and intelligent thinkers. THANK YOU. Respectfully, Ascension Herenandez, 6425 Woodstock, Shawnee, KS

Attachment (1)

*Senate Governmental Organization
Attachment 9
2/21/96*



Belen B. Robles
National President

1

January 29, 1996

Mr. Ascencion Hernandez
Kansas State Director
6425 Woodstock
Shawnee, KS 66218

Dear Mr. Hernandez:

The LULAC National Board members wholeheartedly support your fight toward justice for Hispanics. It is extremely important that KACHA remain part of the Hispanic community in Kansas.

We hope you keep up the fight for equality and justice. Hispanics are growing and everybody must realize that we can not be ignored.

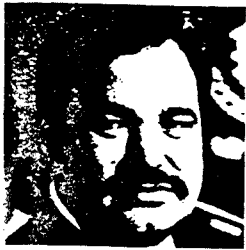
I wish you all the success in the world. Please keep me in touch with your further commitment to the Hispanics around Kansas and the nation.

Sincerely,

BELEN B. ROBLES
National President

Reflections on a Chicano Pioneer

When a person of Dr. Julián Samora's stature passes away, there is a tendency to focus on his many accomplishments as the father of Chicano Studies, his seminal works such as "La Raza: Forgotten People" and "Mojado: The Wetback Story," and the numerous honors he received, including the White House Hispanic Heritage Award.



YZAGUIRRE

With someone who scaled the heights that Dr. Samora did in his lifetime, that is only fitting. Yet in the many times during the past week that I have reflected on what he meant to me and to my organization, more personal images of this great man

who has left us after 75 years come to mind.

As the first Mexican American to have received a Ph.D. in his fields of sociology and anthropology, he did not have any intention of being the last. He made the development of Hispanic scholars one of the main goals of his career at Michigan State University and The University of Notre Dame. Several times I was honored to be asked by him to lecture at Notre Dame.

HE WAS PART MENTOR, PART FATHER FIGURE

It is hard to describe the energy in his classroom and the magnitude of the feelings and regard his students had for him. Part mentor, part father figure, his commitment to these students and their future was awe-inspiring.

Often he would bring around some of these students and introduce them to me. One impressive student I met in the 1970s was Jorge Bustamante. Dr. Bustamante now heads the prestigious *Colegio de Frontera Norte* and has been a key advisor on U.S.-Mexico relations to the last three presidents of Mexico.

Dr. Samora, as one of the founders of the National Council of La Raza (NCLR), provided wise and steady counsel and a guiding hand to the Council in its early years.

I will never forget the 1974 Board of Directors meeting where he oversaw one of the most wrenching debates in our history: the vote on a proposal that mandated the NCLR board be comprised equally of male and female members.

I was struck by Dr. Samora's patience with the often-heated and emotional discussion and his complete commitment to making sure we did the right thing.

When the proposal finally passed, Dr. Samora stated, "I want to lead the way," and resigned to make room for the women who would now be joining the board.

We lost the last person we wanted to lose from the board that day, but it was his principled and courageous stand that turned that mandate into reality.

Because of Julián Samora, NCLR is today proud to be one of the few organizations in U.S. society to have such a policy.

Despite his great intellect, Dr. Samora never quite took himself very seriously. He had a down-to-earth informality about him.

One of the last times I saw him was when he received the Order of the Aztec Eagle, the highest honor Mexico bestows on a non-citizen. Those of us who have been so honored have a tendency to take ourselves a little too seriously at the ceremony; we are overwhelmed, very nervous and we end up reading a too-long and overly rehearsed speech.

HE WAS AN EXAMPLE FOR ALL OF US

That day, he stood up, gave brief thanks and appreciation, and sat down. Even at the moment, one of the greatest moments of his life, he had the grace to accept the honor without calling undue attention to himself.

That was Julián Samora in a nutshell: a true intellectual who was also truly humble.

His physical presence will be missed. His example will live forever. (Raúl Yzaguirre is president of the Washington, D.C.-based National Council of La Raza.)

Kansas Gov. Graves Eliminates State Hispanic Affairs Committee

By Joseph Torres

Kansas Gov. Bill Graves signed an executive order Feb. 6 to abolish the Kansas Advisory Committee on Hispanic Affairs and created an office of multicultural affairs to serve all residents of color. But state lawmakers introduced legislation that would rescind the order. The order also replaces the Kansas Human Rights Commission with the Kansas Commission on Diversity and Human Rights, which the new multicultural office falls under.

State Sen. Jerry Karr (D) introduced a resolution Feb. 13 that would rescind the executive order. State Rep. Tom Sawyer, one of four Hispanics serving in the state legislature, introduced his own resolution Feb. 15. Under Kansas law, an executive order can be overturned by a resolution that passes one chamber of the legislature.

Sawyer told Weekly Report that KACHA was eliminated because,

as a strong advocate for the Hispanic community, it had been instrumental in defeating attempts to change the state's open admissions policy for its universities and helped defeat an English-only bill early last year.

An English-only bill has again been introduced in both chambers and another bill is under discussion on the state House floor that would end the open admission policy. A Graves spokesman said the committee was abolished as part of a "streamlining effort" to reduce the state's budget.

KACHA members and Hispanic activists said they foresaw the committee's elimination when Graves fired its executive director, Eva Pereira, in December. KACHA was created by the legislature in 1974 and had an annual budget of \$154,000. The state's Hispanic population is 93,000.

N.J. Drops 'Bad English' Charges and Fines Against Latino Driver

By Patricia Guadalupe

A New Jersey municipal court judge has dismissed charges against Félix Zamora, a truck driver who was stopped in September on the state turnpike for a routine safety inspection and issued a ticket after "failing to speak English clearly."

Zamora, who had a clean driving record, faced up to \$5,000 in fines. Newark Municipal Court Judge John Madden ruled that "not speaking English is not a crime." Zamora, 56, a native of Ecuador who arrived in the United States 14 years ago, had been cited under a federal regulation that requires commercial truck drivers to read

and speak English.

The regulation, adopted in the 1960s, is currently under review because motor vehicle tests are now administered in other languages as well.

Judge Madden also ruled the regulation was unconstitutional. State Attorney General Debra Poritz has barred his state police from issuing "language summonses" pending results of the review.

Zamora's attorneys, who pointed out that they communicated with their client in English, blamed the summons on the current anti-immigrant atmosphere in the United States.



KANSAS
ASSOCIATION OF
PUBLIC EMPLOYEES

1300 South Topeka Avenue Topeka, Kansas 66612 913-235-0262 Fax 913-235-3920

**TESTIMONY OF SCOTT A. STONE
Executive Director and Chief Counsel,
Kansas Association of Public Employees (KAPE)**

**Before the Senate Committees on Federal and State Affairs
and Governmental Organization.**

February 21, 1996, 12:15 p.m.
State Capitol, Room 254-E

In opposition to Executive Reorganization Order 28.

My name is Scott A. Stone and I am the Executive Director and Chief Counsel for the Kansas Association of Public Employees (KAPE). Members of the committees, I appreciate the opportunity to appear before you today to discuss ERO 28.

I am here representing Hispanic state employees, many of whom are members of KAPE. I am also here in a show of support for the Hispanic community who adamantly opposes this order. The labor movement and the civil rights movement have been intertwined for many years. We are not asking for separation, we are asking to retain diversity. Rolling everything together is not the answer. There must be entities capable of representing the interests of various cultural groups. KACHA, even on its small budget has made countless gains for Hispanic Kansans. To remove funding for such a positive program would do a disservice to all Kansans.

*Senate Governmental Organization
Senate Federal and State Affairs
Attachment 10
2/21/96*



I would again urge you to oppose ERO 28. I would like to thank the members of both committees for their time and consideration on this matter. I will gladly stand for any questions the committee-persons may have. Thank you.

MANA

de Topeka

February 21, 1996

Mexican American Association National Association of Topeka is opposed of ERO 528, the reorganization of KACHA. MANA is a latina national organization headquartered in Washington, DC.

KACHA has given not only MANA a linked with our Hispanic community but also with the Hispanic community statewide in Kansas.

KACHA has also worked with our Hispanic youth throughout Kansas by giving them a yearly Hispanic Youth Symposium in different parts of the state. It has given our youth education in the legislative procedures necessary to become an effective citizen.

KACHA has kept us informed of the events not only in Topeka but in the other Hispanic communities.

KACHA has given us the Mesa Redonda luncheon in Topeka to help the Hispanic Topekans leaders get to know themselves and communicate their message.

Many projects that KACHA has done for MANA included the Interpreters Workshop, the Hispanic Aids awareness workshops and Hispanic research of the poverty and Urban Housing in Kansas.

KACHA helped the Hispanics in monitoring of new bills in the legislature. We were able to call KACHA and help us understand and advise us who to call and where to attend. The English only is one example of this assistance.

I am opposed to the methods of the unethical way the Hispanics were not advised in a timely manner.

Esperanza Lara Lehman

Esperanza Lara Lehman,
Public Relations Officer

913 271-5529

MANA, A National Latina Organization, founded by Mexican American women in 1974

MANA de Topeka • P.O. Box 1081 • Topeka, Kansas 66601 • (913) 233-5159

*Senate Governmental Organization
Senate Federal and State Affairs
Attachment 11
2/21/96*



JUSTICIA INC.

432 S.E. NORWOOD
TOPEKA, KS 66607

As an active member of the Topeka community, Justicia, Inc. opposes any legislation not supporting the advancement and progression of the Hispanic community.

Justicia, Inc. is against the reorganization of KACHA for the purpose of turning it into a Multi-Cultural Task Organization. We also disapprove and strongly object to the unethical measures taken to achieve this change.

KACHA has served and educated the Hispanic community on legislative issues affecting the community. This is a service that must continue for the progression of any community, including the Hispanic community.

Justicia, Inc. does not support Bill ERO 28.

Ediberto Gonzales, Director
Blanca Marin, Board Member



February 21, 1996

CHAIRMAN
CHAD LOPEZ

VICE CHAIRMAN
MARCUS RAMIREZ

SECRETARY
CHRISTINE ANDRADE

TREASURER
RAÚL R. GUEVARA

Joint Committee on Government Organization
and Federal and State Affairs

Honorable Chairs and Committee Members:

Thank you for the opportunity to address this Joint Committee. I appear before you as Treasurer of the Kansas Hispanic Caucus in opposition of Executive Reorganization Order Number 28.

KACHA targets and addresses the specific needs and concerns of a very proud and distinct subset of our wonderful nation -- the Hispanic culture.

This venerable nation's Forefather's were all mostly British, yet realized that this proud and distinct "subset" of the British Empire -- this British colony had specific needs and concerns which could only be addressed by its own manifesto. Thus, our great nation was born.

So, too, KACHA fulfills the same function.

It is admirable that the Governor's reorganization appears to "lighten the load" upon the citizenry of Kansas. It is laudable that our great Governor is seeking ways to diversify his Administration with such a reorganization. It is his prerogative to do so. It is sad, however; that this reorganization must be accomplished upon the backs of the protected classes. KACHA and its proud constituents should not shoulder the heavy burden of reorganization.

KACHA is an investment with a big return on the Kansas taxpaying dollar.

KACHA is already an office of Multicultural Affairs by addressing the needs and concerns of Mexican Americans, Puerto Ricans, Cubans, Central and South Americans.

*Senate Governmental Organization
Senate Federal and State Affairs*

The **KANSAS HISPANIC CAUCUS** is dedicated to supporting and promoting the election and appointment of Hispanic candidates for all levels of public office. We are committed to concentrating on the implementation of principles that improve the quality of life for Hispanics in Kansas.



913-234-0425
P.O. Box 1914
TOPEKA, KANSAS
66601-1914

Joint Committee on Government Organization
and Federal and State Affairs
February 21, 1996
Page 2

It is critical, imperative and absolutely essential that KACHA remain independent and autonomous.

I urge you to provide KACHA the maximum freedom to achieve an agreed upon goal. Respect and listen to Kansas citizens' opinions and concerns. Hire the right people to do the job. Remove obstacles to performance. Clearly dictate what we are trying to avoid, preserve or accomplish.

Appoint an Executive Director promptly to advise you on innovative and efficient ways to meet the obligation to the people of Kansas and address the mountain of issues before the legislature.

KACHA must continue to conduct social research, provide technical assistance, training, information clearing house services and serve as catalyst for plans and programs that will improve the quality of life for Latinos throughout the Sunflower State.

The aspiration of equality exists, not the reality.

KS - 8% of college students are non-white
Only 50% of Hispanics graduate from high school
Only 50% attend college vs. 64% whites

Continuing education is an issue that Hispanics must aggressively address. The value of education is indisputable. Higher education means higher wages.

75% of prisoners are high school drop outs

Although we have much in common with our Black hermanos, there do exist unique language and cultural differences. While they may share our concern for bilingual and migrant education issues these are issues that we live with on a daily basis. Our goals of parity and equity may be the same, but our methods, objectives and approach are not identical. Cattlemen and sheep ranchers have a lot in common, yet they cannot or will not work together.

The \$165,123 Governor's Recommendation to the KACHA budget is a pittance of the \$7.9 billion State of Kansas FY 96 budget from all funds. It constitutes .00002088898 of 1%. (You could fund KACHA 47,872 times and remain within the budget.

I urge you to provide the resources necessary to plan, organize, staff, direct, coordinate, report, budget and solve the problems of this disenfranchised population.

It is time for government to do the right thing. I believe in the power and strength of justice. I respectfully urge and encourage you to appoint a qualified bilingual civil servant that shares your philosophy to aggressively pursue the rightsizing of government with the fiscal responsibility to neither sacrifice the future nor penalize the present needs of over 100,000 Hispanics who believe Kansas is an attractive place to pursue the American dream.

Raul G. Guervara 12-2

BIAS BUSTERS OF KANSAS
Home of the Kansas Art Fletcher Affirmative Action Award
C/O REBECCA S. FOX * C/O 4216 SW HOLLY LA * TOPEKA KS 66604
913-228-9194 (H)

February 21, 1996

Members of the Committee and guests:

Thank you for allowing Bias Busters of Kansas to communicate our position opposing ERO #28, which abolishes the Commission on Hispanic Affairs and the Commission on Human Rights, creating a Commission on Multi-Cultural Affairs. My comments, today, will not address all of the specifics of this reorganization. Rather, they will focus on the process.

When looking at systems, I have begun to analyze them by asking the following questions:

Who sets the norms and standards, the rules?

Who controls the resources?

Who benefits most from the decision made?

Who pays the price?

When answering these questions with regard to governmental systems, we see and the statistics will prove that one group sets the rules, controls the resources and benefits from the decisions made. Just look at this legislature. Does this legislature reflect the full diversity of the state of Kansas? While I don't have the statistics on the tip of my tongue, I can almost guarantee they will show that one group controls.

*Senate Governmental Organization
Senate Federal and State Affairs*

*Attachment B
2/21/96*

So how does the situation get remedied so that everyone is at the table, making the rules, controlling the resources, benefitting from the decisions and equally paying the price?

Well, if I wanted to go from Topeka to Lawrence, I would have to ask someone who had been there already or consult a map, in which case the mapmaker would have been there. To understand and remedy the situation of only one group being in control, we need to consult the people who experience the effects of that situation EVERY day -- the people currently excluded.

The people currently excluded from the table say they need separate Commissions to address their specific needs. The people currently excluded from the table say that these Commissions can be structured in meaningful ways that will benefit all Kansans. When anyone is excluded, we all lose out on valuable perspectives, expertise, and resources.

So now government says, "We don't have the money." It has been my experience that government has the money to accomplish any agenda it finds beneficial. Maybe the people currently in control feel there's no money. How would a state budget look that included all of the voices in this state? It is quite interesting to me that plenty of money was available from governments when the Treasures of the Czars exhibit came to the state. Was everyone at the table when that decision was made? Who determined the level and wise use of those resources? Who benefitted? Who paid the price?

Bias Busters of Kansas challenges this committee, this legislature and this Governor to lead the way in establishing governments that include ALL in setting the rules, using the resources, reaping the benefits, and equally paying the price.

Oppose the current Governor's plan and come up with one that is fashioned by all.

THANK YOU!

February 21, 1996

Dear Commitee Member:

As the former Director of the Kansas Advisory committee on Hispanic Affairs I strongly oppose the consolidation of the Kansas Advisory Committee on Hispanic Affairs with any other entity .

The Afro-American community needs and deserves a state office with a staff that has expertise with Afro-American issues. KACHA and an Afro-American Affairs office should be considered as an investment in the future of Kansas. An investment that will produce a better quality of life for all Kansans.

The Hispanic community relies heavily on the information and technical assistance provided by KACHA. Our community-based organizations often do not have the hands-on experience to negotiate the intricacies of state government. KACHA plays a vital role in advocating for Hispanic needs in state government. This role would be diminished if the mission of the office was diluted to assist minorities in general.

Please be aware that the Hispanic community is unique. Hispanics are the fastest growing minority in the United States. They are both new and established citizens, English and Spanish speaking.

As you are aware, the late 1980's and the early 1990's, brought a new wave of Hispanic immigrants to Kansas. Many are employed in the meat processing industry of western Kansas. With the growth of the pork packing industry in Kansas we will see another influx of immigrants to work the low skill, low wage jobs these industries provide. Immigrants come as workers that contribute to the economy of this state.

*Senate Governmental Organization
Senate Federal and State Affairs
Attachment 14
2/21/96*

The increasing concentration of Hispanics in certain areas of the state has caused an overload on the local housing, educational and health systems. KACHA helps to bridge the language gap between the newcomers and state government. The office has provided translation services to many state agencies. It also has plays a key role in connecting the disenfranchised Hispanic with the mainstream culture. There are still counties in Kansas that have a 25% Hispanic population, but do not have a Hispanic elected official. Lessons learned from the past should encourage Kansas government, the corporate sector and other Kansans to seek and develop strategies to meet these challenges.

The Kansas Advisory Committee on Hispanic Affairs is the **creditable** vehicle through which the challenges can be met. KACHA provides community based organizations with the necessary information and technical skills to help the Hispanic community help itself.

Again, I strongly oppose the consolidation of KACHA with any other entity. I urge you to staff the office with a bi-lingual Director and a support staff that will focus on helping the growing Hispanic population.

Sincerely,

A handwritten signature in cursive script that reads "Eva Pereira". The signature is written in dark ink and is positioned below the word "Sincerely,".

Eva Pereira
9225 Winslow Court
North Richland Hills, Texas
(817-428-9516)