

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Karin Brownlee at 9:00 a.m. on March 3, 2004 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Legislative Research
Susan Kannarr, Legislative Research
Helen Pedigo, Revisor of Statutes
Nikki Kraus, Committee Secretary

Conferees appearing before the committee:

Danielle Dempsey-Swopes, Executive Director for Kansas African-American Affairs Commission
Elias Garcia, Executive Director, Kansas Advisory Committee on Hispanic Affairs

Others attending:

See Attached List.

Chairperson Brownlee opened the public hearing on:

Sub HB 2435—An act concerning the governor's office; renaming the advisory committee on Hispanic affairs as the Hispanic and Latino American affairs commission and placing such commission within the governor's office; providing for the advisory commission on African-American affairs to be within the governor's office

Ms. Dempsey-Swopes provided the committee with testimony in support of the bill. (Attachment 1) She stated that the commission is a comprised of seven members, all of which are in full support of bill. She stated that African-Americans in Kansas see her organization as a connection to the policymakers who are responsible for meeting the needs of their community. Through this, the commission seeks to understand the concerns of the people they serve and make these issues known to the governing bodies of the state. Ms. Dempsey-Swopes stated that some of the concerns of KAAAC include: education and education policy, corrections policies and the judicial system, health care, and employment opportunities.

She concluded that KAAAC and the Hispanic commissions' collaboration would be the most efficient way to work to serve the people of the state.

Chairperson Brownlee asked Ms. Dempsey-Swopes to explain the charge of the commission to the committee. Ms. Dempsey-Swopes stated that it was largely just to present useful information to the legislature and other governing bodies in order to help them make informed decisions, and to represent the concerns of the community to those bodies.

Chairperson Brownlee asked if the KAAAC had created a separate mission or vision statement aside from the recognition that it followed a statutory charge. Ms. Dempsey-Swopes stated that the foremost mission is what she had mentioned previously, especially focusing in the areas most concerning the Kansas African-American community.

Chairperson Brownlee stated that she appreciated Ms. Dempsey-Swopes mentioning ACT scores among educational concerns. Chairperson Brownlee noted that because those are measurable, they are easier statistics to track progress. The Chair then asked what the greatest accomplishment of the KAAAC was so far.

Ms. Dempsey-Swopes stated that the greatest accomplishment was probably increasingly widespread recognition of their existence by Kansans and the ability to get out there and be involved and helpful with their issues.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMERCE COMMITTEE at 8:30 a.m. on March 3, 2004 in Room 123-S of the Capitol.

Mr. Garcia presented testimony in favor of the bill. (Attachment 2)

He explained to the committee that the reason for the bill requesting a name change is that "Hispanic" is a census term, while "Latino" is a more natural term that is inclusive of the 28 cultures found under that umbrella. He stated that 35% of Latinos in the US are from non-Mexican cultures, so this change would play an important inclusive role. Mr. Garcia explained that changing from a committee to a commission would make his group more consistent with other, similar organizations, and that he feels that the move under the Governor's office is a positive and productive one. He thanked the committee and offered to answer any questions, as well as announcing that Friday, March 5, would be Hispanic Day on the Hill, and all legislators were invited to come celebrate.

Chairperson Brownlee asked Mr. Garcia for more detail concerning the increase she had been reading about in the number of Kansas Hispanic children.

Mr. Garcia stated that of 40 million Latinos in the United States, fifty percent are under the age of twenty-five. The Chair and Mr. Garcia discussed a particular area in Olathe as that which ranks highest in the Hispanic population burst in the last five years.

Chairperson Brownlee thanked the speakers and suggested the committee work the bill on Friday morning at the 8:00 a.m. meeting to mark Hispanic Day on the Hill.

Chairperson Brownlee asked if anyone else would like to speak to **HB 2435**, and there were no responses. Chairperson Brownlee closed the hearing on **HB 2435**.

Chairperson Brownlee adjourned the meeting at 9:30 a.m. The next meeting will be at 8:30 a.m. on March 3, 2004 in Room 123-S of the Capitol.

State of Kansas
Senate Committee on Commerce and Labor
Testimony in Support of Substitute HB2435

Danielle Dempsey-Swopes, Executive Director
Kansas African American Affairs Commission
March 3, 2004

Chairperson Brownlee, members of the committee,

As Executive Director, I represent the members of the African American Affairs Commission (KAAAC) who unanimously support Substitute HB2435. We believe that our removal from the Division of Human Resources (DHR) and placement under the authority of the Office of the Governor, will give the Commission the appropriate standing to carry out our strategic plan and to fully serve all citizens of the state.

The KAAAC is a seven member board, and our commissioners hail from each of the four Congressional Districts. We have a statutory mandate to have no more than four members from any one political party. Our Commissioners are appointed by the President of the Senate, the Speaker of the House, the House and Senate Minority Leaders and the Office of the Governor. These statutory checks have worked well to maintain an appropriate balance of power that allows the commission to be productive and responsive to the needs of the African American community.

The KAAAC has a statutory mandate to address issues of health, housing, public education, social services, and culture, as well as employment and economic development.¹ African Americans throughout the state see the KAAAC as their connection to state government regarding a very broad range of issues. As a Commission, we serve as a liaison between the African American community and the policy makers who will significantly impact the lives of African Americans in Kansas.

The KAAAC has developed partnerships with state agencies and community organizations that assist the state agencies in carrying out their responsibilities. Currently, the KAAAC is working with the Department of Health and Environment, the Juvenile Justice Authority, the Department of Corrections, SRS, the Kansas Highway Patrol, the Department of Transportation and the Department

¹ See K.S.A. § 74-9905

Senate Commerce
03/03/04
Attach #1

of Administration, on specific projects and programs that have a significant impact on the African American communities throughout the state.

Additionally, because of the breath of our work, most Kansans find it confusing that KAAAC is a part of the Division of Human Resources. The Division of Human Resources is primarily engaged in managing federal workforce services programs. African Americans are concerned with workforce issues and the economic well being of the state. However, the statutory mandate for the work of the KAAAC is significantly broader. We have found that many African Americans in the state believe that it is most reasonable for KAAAC to be located within an agency that also has the responsibility and flexibility to respond to numerous statewide issues and concerns.

Most of the issues addressed by KAAAC Commissioners are unrelated to the mission and the responsibilities of the DHR. During the fiscal year 2003, the KAAAC Commissioners conducted town hall meetings throughout the state to hear the concerns of the African American community. As a result, the Commission concluded that African Americans in Kansas are most concerned with 1.) education and education policy, 2.) corrections policies and the judicial system, 3.) health care and 4.) employment opportunities.

Just as lawmakers must often consider that the impact of initiatives will be different for rural Kansans than for urban Kansans, lawmakers must also consider that the solutions to many of the states concerns will impact people differently because of race and culture. For example, the 2000 Census reports that African Americans comprised the highest share of the minority population in 16 Kansas counties, including Wyandotte, Leavenworth, Geary, Sedgwick and Shawnee.² The 2000 Census also reports that African Americans comprised 5.3% of the population of the state, age 18 years and older.³ However, the Department of Corrections reports in 2002 that 34.7% of the male inmate population is identified as African American.⁴ Therefore, we must appreciate the disproportionate impact on African Americans when changes are made to our corrections policy and our judicial system. Our Commission is mandated, as well as committed to providing assistance to address this kind of concern. Our involvement with corrections issues does not complement the mission of the Division of Human Resources.

² Kansas Health Statistics Report, Kansas Department of Health and Environment – Center for Health and Environmental Statistics, February 2002

³ US Census Bureau, Census 2000 Redistricting Data Summary File, Tables PL1, PL2, PL3 and PL4

⁴ Kansas Department of Corrections Statistical Profile, FY 2002 Offender Population, September 2002

Education in Kansas is another area where state policy can have a disproportionate impact on different groups. Because of the concerns raised by African American community leaders and educators, the KAAAC will focus on education in FY04/05, and work to address such issues as the disparity among racial and ethnic groups in school achievement and standardized tests. In 2003, African American students had an average composite score of 18.4 on the ACT College Entrance Exam, compared to a score of 22.8 for white students, and 20.4 for Hispanic students.⁵ The commission will work with educators and community members to investigate innovative ways that we might raise the ACT scores in our community. A myriad of strategies should be considered to assist students with different learning challenges. Helping the students who have the biggest obstacles to overcome when taking standardized tests improves the overall ACT composite for all students in our state. Our most significant role for the future is to gather and disseminate information and to conduct special studies on problems and programs that affect African Americans throughout the state. Again, this work is unrelated to the mission of the Division of Human Resources.

This organizational change is the result of thorough and thoughtful deliberation and is motivated by enormous grassroots support. Feedback from African American community leaders throughout the state indicates very strong support for this change. Leaders who participated in the creation of the commission have been overwhelmingly supportive of this proposal. African American community leaders have indicated that placement within the Office of the Governor has been their desire for the Commission since its inception. We believe that the overwhelming vote in favor of this bill by your colleagues in the House is also demonstrative of the broad bipartisan support for this bill.

Finally, the Kansas African American Affairs Commissioners support the proposed changes to the Kansas Advisory Committee on Hispanic Affairs. African American community leaders look forward to sharing information and working in partnership with the Hispanic and Latino community leaders on many issues. We feel that our collaboration and coordination, within the Office of the Governor, is the most reasonable and efficient way that we can serve all Kansans.

⁵ Kansas State Department of Education, 2003 ACT Assessment – Kansas Highlights

Senate Commerce Committee

Testimony

Sub. for HB 2435

Elias L. Garcia, Executive Director, Kansas Advisory Committee on Hispanic Affairs

Madame Chair and honorable members of the committee my name is Elias L. Garcia, Executive Director of the Kansas Advisory Committee on Hispanic Affairs and I thank you for the opportunity to speak in support of sub. for HB 2435. This legislation proposes positive changes to the Hispanic and African Affairs advisory committees that would significantly add to the viability of our agencies in serving the needs of our respective constituencies. I will tailor my remarks specific to the Hispanic Advisory Committee and leave remarks regarding African American Affairs to my colleague Danielle Dempsey Swopes.

Honorable members of the committee, in 1974, this legislative body passed Kansas Statute 74-6504, a bill that created the Kansas Mexican American Affairs Advisory Committee, antecedent to the Kansas Advisory Committee on Hispanic Affairs. Briefly let me say that this committee was created to serve as the state governmental liaison between the Kansas Hispanic community and state government. Also, fundamental to its charge was/is "serving the needs the Kansas Hispanic community".

The proposed changes we submit today are totally consistent with the vision and original intent in which these committees were created. In respect to Hispanic Affairs, the proposals would also serve to bring us into the 21st century. Further, we have canvassed the leadership of Kansas Hispanic community and I can assure you that these proposed changes are supported wholeheartedly by the Kansas Hispanic and Latino community, many feel that they are long overdue. Proposed changes include:

- Moving Hispanic Affairs out of the Department of Human Resources and under the auspices of the Governors office takes us back to the beginning, back to where the frame-workers of this legislation originally intended. Affording Hispanics a place at the table and an opportunity to have a voice in central government was the original intent of the frame-workers.
- Also, changing the name of this agency from the Kansas Advisory Committee on Hispanic Affairs (KACHA) to Kansas Hispanic and Latino American Affairs Commission (KHLAAC) is a simple, developmental name change. This identifies this agency in contemporary terms, permits us to be more inclusive of the 28 different cultures found under the Latino umbrella and allows us to relate to the total Latino population that resides in the state of Kansas. This process is exactly the same as the one that was followed to rename Mexican American Affairs to Hispanic Affairs.
- And finally, changing us from a committee to a commission makes us consistent with our fellow commissions.

As we discuss the history of the Kansas Advisory Committee on Hispanic Affairs and proposed changes to the legislation, I will tell you that, since

Senate Commerce

03/03/04

Attach #2

inception, I have had a close and longstanding relationship with this office. In 1974, I was part of the Hispanic movement that led to the creation of this committee. In 1982 I was a staff member and educational specialist (and at that time organized the first Hispanic Day on the Hill) with Mexican American Affairs, in 1995 I organized and led the successful state wide Hispanic community legislative effort to overturn a Governors ERO 28 (to abolish this office), and today, it is a privilege for me to serve as this committee's executive director. Ladies and gentlemen, I have grown up with this office and have witnessed the state of flux it has experienced with each changing political season and administration.

Since its creation, this committee has traveled many paths. As one might expect, changes in administrations also brought about changes in this agencies programmatic direction. Dating back to 1974, emphasis in agency operations ranged from cultural awareness and education programs, to economic development initiatives, interpreter certifications and services. Still in other years, this office was nothing more than a referral agency. Yet, over the years, what has not changed is our communities perception of this State government Hispanic icon that is recognized as the Hispanic communities governmental liaison and voice regarding state policies.

Honorable committee-members in 1974 in the creation of this committee, it was about acknowledging and recognizing that Kansas had a formidable Hispanic population that merited direct representation and interface with state government leaders. In 2004, it continues to be about having a Vision for Kansas, more importantly, a "collective vision" for Kansas. Its about acknowledging and realizing the intregal role that the Hispanic population is going to play in the future of Kansas. Our states population and demographic projections paints a very clear picture of what our collective future and reality holds in store for ALL of us.

What we know is that the Kansas population landscape is changing and changing dramatically. Bottom-line, is that the native Kansas populations are rapidly in the decline? Prime example is Graham County (Western Kansas) who leads the nation in population reduction/depletion Other important statistics shows that the total child population declined in 66 Kansas counties (Graham-Ness by 25%). Twenty seven (27) counties have less than 1000 children and in 79 Kansas counties the number of children younger than age of 5 has decreased.

On the other hand, non-native populations are increasing in leaps and bounds and the challenge for all segments of society, including government, is how do we assist these non-native populations in assimilating and contributing into Kansas communities. Consider that in the 2000 Census data, the Kansas Hispanic population doubled between 1990 - 2000. The increase in the Kansas Hispanic Child population (1990-2000) is more than twice the rate of increase for the nation as a whole with the heaviest concentration is in ages Birth to 9. In 13 Kansas counties, more than 20 percent of the child population is Hispanic. One-half of Kansas' 712,993 children live in 5 counties (SG, JO, WY, SN, DG). Thirty percent (30%) of the Kansas children's population reside in 9 Southwest Kansas counties (more racially diverse cluster in rural SW and urban NW)

The reality is that native Kansas' native populations are experiencing and will continue to experience a rise in death rates, drop in birth rates, zero population growth throughout the vast majority of Kansas communities. Conversely, the Kansas (and U.S.) Hispanic population will continue its rapid growth rate, see tremendous rise in birth rates, and maintain its active influx in immigration. In effect, our Kansas, and indeed our U.S. society is witnessing the development of a young vibrant Hispanic/Latino population that will reside in Kansas (and U.S.) for many, many years to come.

Presently there are over 200,000 Hispanics and Latinos that call Kansas their home. The 2000 Census also tells us that there are 47,000 additional undocumented residents. Nationally, we know that Hispanics are the largest ethnic minority in the United States representing 13 percent of the population. Latino/immigrants permeate this society with our cultural influences and talents in all areas and when it comes to our labor we represent 34% of U.S. Domestic workers, 23% of farmers and fisherman, 21% of assembly line workers, and 18 % of service industry workers. The President of the United States Chamber of Commerce recently was quoted as saying that "...if all the immigrant labor in this country decided to pack up and go home, the United States would have to shut down..."

It is clear that if Kansas' cities and communities are going to continue to maintain the quality of life of which they have become accustomed, non-native populations are going to have to assimilate into local communities and contribute into that economy in the same fashion as the declining native Kansas populations. Communities and government alike are going to have to learn to adapt, to change, and most importantly to appreciate the fact that although differently, Kansas can continue to thrive and grow.

Honorable committee members, in effecting the proposed changes contained in ~~HB243~~, both the Kansas Hispanic and Latino American Affairs Commission and the Kansas African American Affairs Commission, will be strategically positioned and systemically empowered to effectively serve, not just Democrats or Republicans, not just people of color, but all Kansans. We are here to serve you as well and to be a partner, that conduit between state government and all Kansans, especially the Kansas Hispanic, Latino, and African American communities that collective comprise our respective constituencies.

In respect to the Hispanic and Latino Affairs Commission, we look forward to the challenges of our collective future and the opportunity to positively bridge and connect Kansas government with the Hispanic and Latino community and to partner in our efforts toward, assimilation, acculturation, education and contribution to our beloved Kansas communities. Thank you for your support