

Approved: JAN. 25, 1994
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Chairman Lana Oleen at 11:05 a.m. on January 19, 1994 in Room 254-E of the Capitol.

All members were present

Committee staff present: Mary Galligan, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:
Robert W. Mikesic, for confirmation to the Commission on Human Rights

Others attending: See attached list

Sen. Oleen introduced Theresa Kiernan, who briefed the committee on SB 509 (Attachment 1). Several committee members asked questions or voiced concern regarding confirmations. Sen. Oleen explained changing term expiration dates so that most terms would expire prior to or during the time when the Legislature is in session. Sen. Walker asked for clarification on those dates, and Sen. Vidricksen stated, if an appointee will serve half or less of the term, that appointee would not have to be confirmed. He thought that was excessive and should be changed. Sen. Tillotson asked for examples of boards or commissions which require appointments from someone other than the governor. Ms. Kiernan stated the Water Authority is a good example. She also stated that in drafting the bill, the terms were staggered so that more expire on December 31, but that no terms were shortened by more than two months. Sen. Oleen announced the committee will hold formal hearings on the bill tomorrow.

Sen. Oleen announced the confirmation hearing for Robert Mikesic, appointed to the Commission on Human Rights, and referred to the confirmation questionnaire (Attachment 2) completed by Mr. Mikesic. Mr. Mikesic introduced two staff members from the Human Rights Commission: Robert Lay, Assistant Director and Brandon Myers, Chief Legal Counsel for the Commission. Mr. Mikesic presented personal information (Attachment 3) to the committee and offered to answer questions from the committee.

Sen. Oleen asked Mr. Mikesic when he was appointed, and he responded he was appointed in October, 1992 and attended his first meeting in November, 1992. Sen. Oleen questioned why Mr. Mikesic's appointment was not forwarded to the committee and considered for confirmation last session, and pointed out that he has been serving on the commission for approximately 15 months without confirmation. Mr. Mikesic responded he understood he could not be confirmed last session because of paperwork and the KBI background check had not been completed.

Sen. Gooch asked Mr. Mikesic, since he has been serving for some time on the commission, how he feels the commission functions and if he feels the commission carries out duties that are assigned to it. Mr. Mikesic responded he is impressed by the professionalism of the staff and its dedication to educating the public about human rights. He stated it is a continuing challenge because of the increase in complaints and the number of complaints filed each month; he stated that the area with the greatest increase in complaints filed is the sex category. He is also proud of the commission's adaptation to the American Disabilities Act ; that the commission is developing a one-year plan, which is discussed at their monthly meetings.

Sen. Gooch also asked Mr. Mikesic about the backlog of cases and if he could recommend a solution to the problem. Mr. Mikesic stated the commission needs eight more full-time investigators, but he realizes budget restraints will not permit that. He stated the commission is attempting to mediate more cases, which could be done by professional mediators in the state, thus solving the problem early; that a more cost effective way to work a number of cases would be to contract them out to the private sector, in particular, to non-profit organizations. He stated that Brandon Myers is researching this possibility. Sen. Gooch asked Mr. Mikesic if he feels the rights arena has been broadened too far so that it now includes everyone. Mr. Mikesic answered that broadening the rights area is a reflection of society; that the law has been extended to be responsive and defend the rights of individuals. He stated that broadening the arena does not dilute it; that discrimination

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E
Statehouse, at 11:05 a.m. on January 19, 1994.

continues to occur whether it is because of sexual preference, race or housing. He stated we must continue to seek remedies for discrimination and help people seek regress. Sen. Tillotson asked if Mr. Mikesic is related to "Babe" Mikesic, and he responded he was my father. Sen. Oleen explained that earlier when she asked him when he was appointed, she meant no reflection on him - she stated she wished the committee could have considered his appointment last session. She told the committee it is evident that we have problems with receiving names of appointees for confirmation in a timely manner.

Sen. Praeger introduced her pages, who have been assisting the committee today, and she also introduced her intern for the session, who is from KU Law school. Sen. Oleen announced the agenda for next week.

Meeting adjourned at 11:50.

GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: JAN. 19, 1994

[illegible]

MEMORANDUM

To: Senate Committee on Federal & State Affairs
From: Revisor of Statutes Office - *TERESA KIERMAN*
Date: January 19, 1994
Re: 1994 SB 509

The bill makes three basic policy changes. First, new section 1 creates a confirmation oversight committee composed of five members: (a) Three members appointed by majority leader of the senate; and (b) two members appointed by minority leader of the senate. The majority leader designates the chair and vice-chair of the committee.

The oversight committee is created to authorize a person appointed to fill a vacancy on a board or commission to exercise the powers, duties and functions of the office until the appointment is confirmed at the next regular or special session.

If the appointment is to fill a vacancy in which more than half the term has expired, the appointee is not subject to confirmation by the senate. This provision would not apply to appointments to the state board of regents which are required by the constitution to be confirmed.

The second policy change made in the bill affects when a member of a board or commission no longer has the authority to exercise the powers of office. In general, the statutes provide that a person holds office for a term "and until a successor is appointed and qualified." This means until a successor takes the oath of office (not confirmed). Under the bill, a person would continue to hold office until a successor is confirmed or authorized to act as provided in new section 1. Under current law and under the bill, if a successor is not appointed and qualified, or confirmed, the sitting member's term expires and that person begins to serve a new term until a successor is appointed and qualified, or confirmed.

The third policy change made in the bill affects when the terms of office expire. Under the proposal, terms would expire either on March 1 or December 31.

Sections 2 through 22 contain amendments to the various statutes necessary to implement these three policy changes.

The bill applies only to positions subject to confirmation, but does not apply to cabinet officers or heads of divisions within state agencies.

Senate Federal and State
Jan. 19, 1994
Attachment #1

SENATE CONFIRMATION QUESTIONNAIRE
APPOINTMENTS BY GOVERNOR JOAN FINNEY

Name: Robert W. Mikesic

Home Address: 2726 Ponderosa Dr

City, State, Zip Code: Lawrence KS 66046

Home Phone: 913 / 841-0567

Business Address: Independence Inc 1910 Haskell Ave

City, State, Zip Code: Lawrence KS 66046

Business Phone: 913 / 841-0333

Date of Birth: 3-19-51 Place of Birth K.C. KS

Party Affiliation Democrat KBI Check(Yes/No) yes

Appointed as: Commissioner Kansas Human Rights Commission

Effective Oct 26, 1992 for the 4 year term
ending July 10, 1996 Succeeding Battazoglou

Salary \$70 month Statutory Authority KSA 44-1003

Statutory Requirements To eliminate & prevent discrimination in employment, housing & public accommodations that is based on race, religion, color, sex, disability, national origin or ancestry; and familial status in housing.

1. EDUCATION: High School Bishop Ward High School

Year Graduated 1969

Postsecondary

Emporia State Univ

Wichita State Univ

Degree, etc.

BA Sociology

MA Sociology

Dates

May 1973

Dec 1976

Senate Fed. State
JAN. 19, 1994
Attachment #2

2. MEMBERSHIP IN BUSINESS, TRADE AND PROFESSIONAL ORGANIZATIONS DURING PAST 10 YEARS:

| Dates | Name | Location |
|----------------|--|----------|
| 1987 - Present | KANSAS Association of Centers for Independent Living | |

3. HAVE YOU EVER BEEN ELECTED OR APPOINTED TO ANY PUBLIC OFFICE IN KANSAS? Yes ☒ No ☐
If so, please list dates and offices held.

| Date | Office |
|------|--------|
| | |
| | |
| | |

4. HAVE YOU EVER BEEN EMPLOYED BY OR HELD A POSITION OR OFFICE WITH ANY FEDERAL, FOREIGN STATE, OR LOCAL GOVERNMENTAL ENTITY OR AGENCY? Yes ☒ No ☐
If so, please list dates and offices held:

| | |
|-------------------|--|
| May '80 - Aug '80 | Executive Director, KS Committee of Employment of the Handicapped |
| Aug '76 - May '80 | Consultant for the Handicapped, KANSAS Committee on Employment of the Handicapped, Dept of Human Resources |

5. HAVE YOU BEEN A REGISTERED LOBBYIST OR EMPLOYED A REGISTERED LOBBYIST AT ANY TIME DURING THE PAST 5 YEARS? NO ☒
If you were a registered lobbyist, did you receive any compensation?
List groups you represented or for which you employed a lobbyist:

| |
|--|
| |
| |
| |

6. EXPERIENCE OR INTERESTS WHICH QUALIFY YOU FOR THE OFFICE TO WHICH YOU HAVE BEEN APPOINTED:

Advocacy Coordinator / Residential Services Specialist
at Independence Inc ^{1910 Haskell} Lawrence KS 66046 July 84 - MAR 83
Americans with Disabilities Act training 6/3-4/92; 9/13-14/91 ^{Topeka KS}
FAR Housing Advocacy Leadership Institute, Center
for Accessible Housing, North Carolina State Univ Raleigh NC 4/2

7. SUMMARY OF BUSINESS OR PROFESSIONAL EXPERIENCE [↑]

Community Task Force on Racism, Discrimination &
Human Diversity, 1990-91.
Lawrence Indian Center Advisory Committee 1988-91.
FAR Housing Workshops by KS Human Rights Commission,
1992, 90; Lawrence Human Rights Commission 1990, 1988

8. HAVE YOU EVER BEEN A MEMBER OF THE ARMED FORCES OF THE UNITED STATES? NO

If so, please list dates of service, branch of service and date and type of discharge:

9. HAVE YOU EVER BEEN ARRESTED, CHARGED OR HELD BY FEDERAL, STATE OR OTHER LAW ENFORCEMENT AUTHORITIES FOR VIOLATION OF ANY FEDERAL LAW, STATE LAW, COUNTY OR MUNICIPAL LAW, REGULATION OR ORDINANCE (EXCLUDING TRAFFIC VIOLATIONS FOR WHICH A FINE OF \$100 OR LESS WAS IMPOSED)? NO

10. DISPOSITION OF ANY INTERESTS THAT MIGHT HAVE PRESENTED A POTENTIAL CONFLICT OF INTEREST FOR THIS POSITION.

Return to: Mary Holladay
Appointment Secretary
Office of the Governor
2nd Floor, State Capitol
Topeka, KS 66612

Robert W. Mike
Signature



(S)

FILED

APR 09 1993

BILL GRAVES
SECRETARY OF STATE

KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR INDIVIDUALS WHOSE

APPOINTMENT TO STATE OFFICE IS SUBJECT TO SENATE CONFIRMATION

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by each person whose appointment to a state position is subject to Senate confirmation (K.S.A. 46-247 and 46-248). Failure to complete and return this statement may result in a fine of \$10 per day for each day it remains unfiled. Also, any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

M I K E S I C R O B E R T

Last Name

First Name

MI

Spouse's Name

2726 P O N D E R C S T D R.

Number & Street Name; Apartment Number, Rural Route, or P.O. Box Number

L A W R E N C E K S G G C 4 6

City, State, Zip Code

913 ** 841 ** 0567

Home Phone Number

913 ** 841 ** 0333

Business Phone Number

B. APPOINTED POSITION SUBJECT TO SENATE CONFIRMATION:

K A N S A S H U M A N R I G H T S C O M M I S S I O N

List Name of Agency, Commission or Board

C O M M I S S I O N E R

Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

* [] [] [] []

- C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.
- If you have nothing to report in Section "C", check here ☒.

| BUSINESS NAME AND ADDRESS | TYPE OF BUSINESS | DESCRIPTION OF INTERESTS HELD | HELD BY WHOM | PERCENT OF OWNERSHIP INTERESTS |
|---------------------------|------------------|-------------------------------|----------------------------------|--------------------------------|
| 1. None | | | <input type="checkbox"/> You | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Spouse | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Jointly | <input type="checkbox"/> |
| 2. | | | <input type="checkbox"/> You | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Spouse | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Jointly | <input type="checkbox"/> |
| 3. | | | <input type="checkbox"/> You | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Spouse | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Jointly | <input type="checkbox"/> |
| 4. | | | <input type="checkbox"/> You | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Spouse | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Jointly | <input type="checkbox"/> |
| 5. | | | <input type="checkbox"/> You | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Spouse | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Jointly | <input type="checkbox"/> |
| 6. | | | <input type="checkbox"/> You | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Spouse | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Jointly | <input type="checkbox"/> |
| 7. | | | <input type="checkbox"/> You | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Spouse | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Jointly | <input type="checkbox"/> |

- D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.
- If you have nothing to report in Section "D", check here ☒.

| NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED | ADDRESS | RECEIVED BY: |
|--|---------|--------------|
| 1. | | |
| 2. | | |
| 3. | | |

E. **RECEIPT OF COMPENSATION:** List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.
If you have nothing to report in Section "E"1, check here ____.

| | NAME OF BUSINESS | ADDRESS | TYPE OF BUSINESS |
|----|------------------|------------------|------------------|
| 1. | Independence Inc | 1910 Haskell Ave | Social Service |
| 2. | | | |

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.
If you have nothing to report in Section "E"2, check here ✓.

| | NAME OF BUSINESS | ADDRESS | TYPE OF BUSINESS |
|----|------------------|---------|------------------|
| 1. | | | |
| 2. | | | |

F. **OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS:** List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section.
If you have nothing to report in Section "F", check here ✓.

| | BUSINESS NAME AND ADDRESS | POSITION HELD | HELD BY WHOM |
|----|---------------------------|---------------|--------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |

- G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.
- If you have nothing to report in Section "G", check here ☒.

| | NAME OF CLIENT / CUSTOMER | ADDRESS | RECEIVED BY |
|-----|---------------------------|---------|-------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| 13. | | | |

H. **DECLARATION:**

I, Robert W. Mikesic, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

4-6-93

Date

Robert W. Mikesic

Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES ____.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.



Senate Federal & State Affairs Committee
January 19, 1994

Thank you for the opportunity to meet with you today to consider my confirmation as a Commissioner with the Kansas Human Rights Commission. It is an honor to be considered for this position with the Kansas Human Rights Commission. As requested, at this time I would like to provide some background information about myself. I will try to be brief and stay to the purpose of our meeting.

My education consists of a Bachelor's of Arts degree from Emporia State University in 1973, with a Sociology Major and Psychology Minor. I earned a Master's of Arts degree in Sociology from Wichita State University in 1976.

My first job following college was four years in the Department of Human Resources as a Consultant with the Kansas Committee on Employment of the Handicapped (now known as the Kansas Commission on Disability Concerns).

Since 1984 I have been working in the field of Independent Living: I was Coordinator of an Independent Living Center, Operation LINK, in Hays, Kansas from 1980-84. Since the summer of 1984 I have been working for Independence, Inc. in Lawrence, Kansas. The first five years with Independence, Inc. I worked as the Residential Services Specialist, providing housing information and advocacy services. The remaining years up to the present I have been the Advocacy Coordinator, working to increase people with disabilities awareness and understanding of their civil and human rights, and what avenues are available for ensuring the enjoyment of those rights. I also provide technical assistance to businesses, local government, landlords, architects and builders regarding their responsibilities under the Kansas Act Against Discrimination, Americans With Disabilities Act, and the Fair Housing Act, and how society as a whole benefits from following these laws.

The field of Independent Living is about empowering people with disabilities to control their own lives and advocate for an integrated and accessible community. This central mission and message of equality is what the field of Independent Living has in common with all other groups protected by nondiscrimination law. And this belief in equality is what led me to actively support the rights of other. For example, in 1990-91 I was a member of the Lawrence Community Task Force on Racism, Discrimination and Human Diversity. From 1988 to 1991 I served on the Lawrence Indian

1-19-94
page two of two

Center's Advisory Board. Currently I am a member of the Housing Study Group which is developing recommendations to the City Commission regarding housing needs in Lawrence, and how we as a community may work toward meeting those needs.

I was appointed by Governor Joan Finney as an industry representative on the Kansas Human Rights Commission. As you can see I represent the social service industry. My personal and professional background as an advocate for people with disabilities has contributed to my understanding and conviction that all persons protected by Kansas nondiscrimination law deserve a thorough and objective investigation of any formal complaint filed with the Kansas Human Rights Commission.

Thank you for your consideration and review of me serving as a Commissioner with the Kansas Human Rights Commission. I would be glad to answer any questions.