

SENATE BILL No. 348

By Committee on Ways and Means

1-16

1 AN ACT concerning the Kansas children's cabinet; relating to the position
2 of executive director thereof; requiring that appointments to such
3 position be subject to senate confirmation; amending K.S.A. 38-1901
4 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 38-1901 is hereby amended to read as follows: 38-
8 1901. On and after ~~the effective date of this act~~ July 1, 1999:

9 (a) The advisory committee on children and families is hereby
10 redesignated and shall be known and referred to as the Kansas children's
11 cabinet.

12 (b) The Kansas children's cabinet shall consist of 15 members as
13 follows: (1) The secretary of health and environment, or the secretary's
14 designee; (2) the secretary for children and families, or the secretary's
15 designee; (3) a member of the state board of regents selected by the state
16 board of regents, or such member's designee; (4) the commissioner of
17 education, or the commissioner's designee; (5) ~~the commissioner of~~
18 ~~juvenile justice~~ *secretary of corrections*, or the ~~commissioner's~~ *secretary's*
19 designee; (6) a member of the Kansas supreme court selected by the
20 Kansas supreme court, or such member's designee; (7) five members of the
21 public who are interested in and knowledgeable about the needs of
22 children and families shall be appointed by the governor, which, subject to
23 the provisions of subsection (e), may include persons who are children's
24 advocates, members of organizations with experience in programs that
25 benefit children or other individuals who have experience with children's
26 programs and services; (8) one person appointed by the speaker of the
27 house of representatives; (9) one person appointed by the minority leader
28 of the house of representatives; (10) one person appointed by the president
29 of the senate; and (11) one person appointed by the minority leader of the
30 senate. The members designated by clauses (1), (2), (3), (4), (5) and (6) of
31 this subsection shall be nonvoting members of the Kansas children's
32 cabinet. All other members shall be voting members.

33 (c) (1) Except as provided in paragraph (2) ~~of this subsection~~, the
34 members of the Kansas children's cabinet appointed by the governor,
35 speaker, president and minority leaders shall serve for terms of four years
36 and until their successors are appointed and qualified. The governor shall

1 appoint a chairperson of the committee from among the members
2 appointed by the governor. The chairperson shall serve in such office
3 throughout such member's current term of office and until a successor is
4 appointed and qualified. The members of the Kansas children's cabinet
5 may elect any additional officers from among its members necessary to
6 carry out the duties and functions of the Kansas children's cabinet.

7 (2) Of the members first appointed by the governor, two shall be
8 appointed for terms of two years, two shall be appointed for terms of three
9 years and the member selected by the governor to be the chairperson shall
10 be appointed for a term of four years. The member first appointed by the
11 speaker of the house of representatives shall be appointed for a term of one
12 year, the member first appointed by the minority leader of the house of
13 representatives shall be appointed for a term of two years, the member first
14 appointed by the president of the senate shall be appointed for a term of
15 three years and the member first appointed by the minority leader of the
16 senate shall be appointed for a term of four years. The governor shall
17 designate the term for which each of the members first appointed by the
18 governor shall serve.

19 (3) All members appointed to fill vacancies in the membership of the
20 Kansas children's cabinet and all members appointed to succeed members
21 appointed to membership on the Kansas children's cabinet shall be
22 appointed in like manner as that provided for the original appointment of
23 the member succeeded. All members appointed to fill vacancies of a
24 member of the Kansas children's cabinet appointed by the governor, the
25 speaker of the house of representatives, the minority leader of the house of
26 representatives, the president of the senate or the minority leader of the
27 senate shall be appointed to fill the unexpired term of such member.

28 (d) Not more than three members of the Kansas children's cabinet
29 appointed by the governor under subsection (b)(7) shall be members of the
30 same political party.

31 (e) (1) No person shall serve on the Kansas children's cabinet if such
32 person has knowingly acquired a substantial interest in any business. Any
33 such person who knowingly acquires such an interest shall vacate such
34 member's position on the Kansas children's cabinet.

35 (2) For purposes of this subsection, "substantial interest" means any
36 of the following:

37 (A) If an individual or an individual's spouse, either individually or
38 collectively, has owned within the preceding 12 months a legal or
39 equitable interest exceeding \$5,000 or 5% of any business, whichever is
40 less, the individual has a substantial interest in that business.

41 (B) If an individual or an individual's spouse, either individually or
42 collectively, has received during the preceding calendar year compensation
43 ~~which~~ *that* is or will be required to be included as taxable income on

1 federal income tax returns of the individual and spouse in an aggregate
2 amount of \$2,000 from any business or combination of businesses, the
3 individual has a substantial interest in that business or combination of
4 businesses.

5 (C) If an individual or an individual's spouse holds the position of
6 officer, director, associate, partner or proprietor of any business, the
7 individual has a substantial interest in that business, irrespective of that
8 amount of compensation received by the individual or the individual's
9 spouse.

10 (D) If an individual or an individual's spouse receives compensation
11 ~~which~~ *that* is a portion or percentage of each separate fee or commission
12 paid to a business or combination of businesses, the individual has a
13 substantial interest in any client or customer who pays fees or
14 commissions to the business or combination of businesses from which fees
15 or commissions the individual or the individual's spouse, either
16 individually or collectively, received an aggregate of \$2,000 or more in the
17 preceding calendar year.

18 (3) As used in this subsection, "client or customer" means a business
19 or combination of businesses.

20 (4) As used in this subsection, "business" means any entity ~~which~~
21 *that* is eligible to receive funds from the children's initiatives fund, as
22 provided in K.S.A. 38-2102, and amendments thereto, from the children's
23 initiatives accountability fund, established by K.S.A. 38-2103, and
24 amendments thereto, or from the family and children trust account of the
25 family and children investment fund, as provided in K.S.A. 38-1808, and
26 amendments thereto.

27 (f) The Kansas children's cabinet shall meet upon the call of the
28 chairperson as necessary to carry out the duties and functions of the
29 Kansas children's cabinet. A quorum of the Kansas children's cabinet shall
30 be five voting members.

31 (g) The Kansas children's cabinet shall have and perform the
32 following functions:

33 (1) Assist the governor in developing and implementing a
34 coordinated, comprehensive service delivery system to serve the children
35 and families of Kansas;

36 (2) identify barriers to service and gaps in service due to strict
37 definitions of boundaries between departments and agencies;

38 (3) facilitate interagency and interdepartmental cooperation toward
39 the common goal of serving children and families;

40 (4) investigate and identify methodologies for the combining of funds
41 across departmental boundaries to better serve *the* children and families *of*
42 *Kansas*;

43 (5) propose actions needed to achieve coordination of funding and

1 services across departmental lines;

2 (6) encourage and facilitate joint planning and coordination between
3 the public and private sectors to better serve the needs of *the* children and
4 families *of Kansas*; and

5 (7) perform the duties and functions prescribed by K.S.A. 38-2103,
6 and amendments thereto.

7 (h) Members of the Kansas children's cabinet shall not be paid
8 compensation, but shall receive subsistence allowances, mileage and other
9 expenses as provided by K.S.A. 75-3223, and amendments thereto. The
10 subsistence allowances, mileage and other expenses as provided in K.S.A.
11 75-3223, and amendments thereto, shall be paid from available
12 appropriations of the Kansas department for children and families except
13 that expenses of members who are employed by a state agency shall be
14 reimbursed by that state agency.

15 (i) ~~On the effective date of this act July 1, 1999, the advisory~~
16 ~~committee on children and families is hereby abolished and all powers,~~
17 ~~duties, functions, records and other property of the advisory committee on~~
18 ~~children and families are hereby transferred to the Kansas children's~~
19 ~~cabinet created by this section. Except as otherwise specifically provided~~
20 ~~by this act, the Kansas children's cabinet shall be a continuation of the~~
21 ~~advisory committee on children and families as it existed prior to the~~
22 ~~effective date of this act July 1, 1999.~~

23 (j) *The Kansas children's cabinet shall appoint an executive director,*
24 *subject to confirmation by the senate as provided in K.S.A. 75-4315b, and*
25 *amendments thereto, to serve at the pleasure of the Kansas children's*
26 *cabinet. The executive director shall: (1) Be in the unclassified service*
27 *under the Kansas civil service act; (2) devote full time to the executive*
28 *director's assigned duties; and (3) receive such compensation as*
29 *determined by the Kansas children's cabinet, subject to the limitations of*
30 *appropriations thereof. The executive director shall perform such duties as*
31 *directed by the Kansas children's cabinet.*

32 Sec. 2. K.S.A. 38-1901 is hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the statute book.