

## SENATE BILL No. 407

By Legislative Educational Planning Committee

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9 AN ACT concerning early childhood education; relating to the transfer  
10 of authority of certain early childhood education programs to the de-  
11 partment of education.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) As used in this section:

15 (1) "State board" means the state board of education;

16 (2) "department" means the department of social and rehabilitation  
17 services; and

18 (3) "children's cabinet" means the children's cabinet and trust fund.

19 (b) All powers, duties and functions of the department and the chil-  
20 dren's cabinet relating to the pre-kindergarten pilot program are hereby  
21 transferred to the state board.

22 (c) Whenever the children's cabinet and trust fund or the Kansas  
23 department of social and rehabilitation services or words of like effect are  
24 referred to or designated by a contract or other document, such reference  
25 or designation shall be deemed to apply to the state board.

26 (d) All orders and directives of the children's cabinet or the depart-  
27 ment relating to the performance of the powers, duties and functions  
28 transferred to the state board pursuant to this section, in existence im-  
29 mediately prior to the effective date of this act, shall continue to be ef-  
30 fective and shall be deemed to be the orders or directives of the state  
31 board until revised, amended, repealed or nullified pursuant to law.

32 (e) All rules and regulations of the children's cabinet or the depart-  
33 ment relating to the performance of the powers, duties and functions  
34 transferred to the state board pursuant to this section, in existence im-  
35 mediately prior to the effective date of this act, shall continue to be ef-  
36 fective and shall be deemed to be the rules and regulations of the state  
37 board until revised, repealed or nullified pursuant to law.

38 (f) Whenever any conflict arises as to the disposition of any power,  
39 duty or function as a result of any transfer made by this section such  
40 conflict shall be resolved by the governor, and the decision of the gov-  
41 ernor shall be final.

42 (g) (1) The state board shall succeed to all property and records  
43 which were used for, or pertain to, the performance of the powers, duties

- 1 and functions transferred to the state board pursuant to this section.
- 2 (2) Any conflict as to the proper disposition of property or records  
3 arising under this section shall be determined by the governor, and the  
4 decision of the governor shall be final.
- 5 (h) No suit, action or other proceeding, judicial or administrative,  
6 lawfully commenced, or which could have been commenced, by or against  
7 the children's cabinet or the department, or by or against any officer or  
8 employee of the children's cabinet or the department in the official ca-  
9 pacity of such officer or employee or in relation to the discharge of official  
10 duties of such officer or employee, shall abate by reason of the govern-  
11 mental reorganization effected under the provisions of this section. The  
12 court may allow any such suit, action or other proceeding to be main-  
13 tained by or against the successor of such state agency or any officer or  
14 employee affected.
- 15 Sec. 2. (a) As used in this section:
- 16 (1) "State board" means the state board of education; and  
17 (2) "department" means the department of social and rehabilitation  
18 services.
- 19 (b) All powers, duties and functions of the department relating to the  
20 early head start program are hereby transferred to the state board.
- 21 (c) Whenever the Kansas department of social and rehabilitation  
22 services or words of like effect are referred to or designated by a contract  
23 or other document, such reference or designation shall be deemed to  
24 apply to the state board.
- 25 (d) All orders and directives of the department relating to the per-  
26 formance of the powers, duties and functions transferred to the state  
27 board pursuant to this section, in existence immediately prior to the ef-  
28 fective date of this act, shall continue to be effective and shall be deemed  
29 to be the orders or directives of the state board until revised, amended,  
30 repealed or nullified pursuant to law.
- 31 (e) All rules and regulations of the department relating to the per-  
32 formance of the powers, duties and functions transferred to the state  
33 board pursuant to this section, in existence immediately prior to the ef-  
34 fective date of this act, shall continue to be effective and shall be deemed  
35 to be the rules and regulations of the state board until revised, repealed  
36 or nullified pursuant to law.
- 37 (f) Whenever any conflict arises as to the disposition of any power,  
38 duty or function as a result of any transfer made by this section such  
39 conflict shall be resolved by the governor, and the decision of the gov-  
40 ernor shall be final.
- 41 (g) (1) The state board shall succeed to all property and records  
42 which were used for, or pertain to, the performance of the powers, duties  
43 and functions transferred to the state board pursuant to this section.

1       (2) Any conflict as to the proper disposition of property or records  
2 arising under this section shall be determined by the governor, and the  
3 decision of the governor shall be final.

4       (h) In relation to the early headstart program, no suit, action or other  
5 proceeding, judicial or administrative, lawfully commenced, or which  
6 could have been commenced, by or against the department, or by or  
7 against any officer or employee of the department in the official capacity  
8 of such officer or employee or in relation to the discharge of official duties  
9 of such officer or employee, shall abate by reason of the governmental  
10 reorganization effected under the provisions of this section. The court  
11 may allow any such suit, action or other proceeding to be maintained by  
12 or against the successor of such state agency or any officer or employee  
13 affected.

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