

Kansas Commission on Disability Concerns
Bylaws

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BYLAWS

Article I: Name

The name of the commission shall be the Kansas Commission on Disability Concerns (KCDC) (hereinafter called “the commission”) as determined in Kansas Statute Annotated (K.S.A. 74-6701(e)). (Appendix A)

Article II: Authorization

The commission on disability concerns is established in accordance with the provision of K.S.A. 74-6701 et seq. (Appendix A)

Article III: Purpose

The purpose of the commission is to implement its duties under the applicable state statutes (K.S.A. 74-6706) (Appendix A). The commission’s vision is that all people with disabilities are entitled to be equal citizens and equal partners in Kansas society. KCDC is a catalyst for change in government for all people with disabilities.

Article IV: Membership

Section 1: Members

- A. The commission will comply with K.S.A. 74-6703 (Appendix A) to implement membership requirements.
- B. Appointed Commissioners: The commission shall be composed of 30 members, 15 of whom shall be appointed by the governor. Members shall represent different geographic locations across the state. Of the members appointed by the governor, preference shall be shown for Kansans representing each of the following: A) Industry; B) labor; C) community-

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based independent living programs; D) rehabilitation programs; E) education programs; F) disability or rehabilitation research programs, G) private, nonprofit organizations serving Kansans with disabilities and H) parents or guardians of people with disabilities. At least eight of the members appointed by the governor shall be Kansans with disabilities.

- C. Ex Officio Commissioners: Fifteen of the members shall be ex officio members or their designee based on the office within the State of Kansas and K.S.A. 75-6703 (Appendix A).

Section 2: Terms of Appointment

- A. Appointive members of the commission effective September 1, 1996 and after shall serve for a term of three years from and after their appointment. Terms of appointment shall start September 1 and end August 31. Vacancies on the commission shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed. (K.S.A. 74-6704) (Appendix A)
- B. Resignation – When an appointed member resigns leaving an unexpired term, the membership committee will solicit applications from persons desiring appointments. The committee shall then make a recommendation to the governor to fill the unexpired term.
- C. Appointment of designee for ex officio member –
 - 1. If any ex officio member cannot attend commission meetings or otherwise fulfill an official function, the ex officio member shall designate a representative to act in the member's capacity.
 - 2. Designations of representatives for ex officio members must be submitted to the executive director of the commission in writing.
 - 3. Ex officio members shall not designate more than one representative, nor shall the designee represent more than one ex officio member

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concurrently. Should the designee require another person to attend a meeting in their stead, that person shall not have voting rights.

Section 3: Diversity

The commission values diversity in disability, gender, race, ethnicity, age, sexual orientation and geography. In addition to being otherwise qualified, appointed members shall represent a variety of disabilities, genders, races, ethnic minorities and locations across Kansas whenever possible.

Article V: Officers

Section 1: Composition

- A. The officers of the Commission shall be Chair and Vice-Chair
- B. The appointive members of the commission shall elect a chair and a vice-chair and such other officers as the commission deems necessary. (KSA 74-6705)
- C. Only appointive members shall be eligible to serve as officers of the commission. (KSA 74-6705)
- D. Commission will vote for officers at the annual meeting (see Article VIII, Section 5, B.)
 - 1) Nominations may be taken from the floor during the regularly scheduled annual meeting.
 - 2) Candidates for the office of the chair and vice-chair who garner a majority of votes cast shall be declared the duly elected officers of the commission.
 - 3) In the event that no clear majorities of votes are cast in favor of a single candidate, the two candidates who have received the most votes shall run against each other. Balloting shall

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continue until one of the finalists receives a majority of votes cast.

Section 2: Terms of office

- A. The chair and vice-chair shall serve one-year terms but shall not serve more than two consecutive terms. Following at least one year out of office, persons who have served as commission chair and vice-chair are again eligible for re-election to an office formerly held on the commission.
- B. The person who served as chair shall not serve as another officer of the commission while waiting sufficient time to elapse to make that person eligible for re-election.
- C. All one-year terms of office shall commence after the annual meeting and expire after the next annual meeting. Officers whose commission terms are to expire before the annual meeting will still fulfill their duties as officers through the next annual meeting.

Section 3: Powers and duties

- A. Chair: The chair shall preside at all meetings of the commission; appoint members and chairs of all ad hoc committees; convene regularly scheduled meetings and special meetings; approve budgetary expenditures.
- B. Vice-chair: The vice-chair shall serve in the capacity of the chair at the direction of the chair or during any absence of the chair. When serving in the capacity of the chair, the vice-chair shall assume all the powers and duties accorded the chair.

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Article VI: Commission Staff

Section 1: Executive Director

- A. The executive director shall be the chief executive officer for the commission. The executive director shall execute any procedures necessary and lawful to implement policy initiatives approved by the commission.
- B. The executive director or designee shall report to the commission regarding activities of the commission staff at each meeting of the membership. The executive director shall assign projects to other commission staff and coordinate reports by staff to the commission.
- C. The executive director or staff shall record minutes of official commission meetings and will disseminate to all commission members and any interested party requesting them.
- D. The executive director or designee shall advise the presiding officer on proper rules of order and procedure at the request of any commission member.
- E. The executive director shall receive any and all grants, donations, fees and gifts made to the commission. All such moneys shall be deposited and disbursed according to law.

Article VII: Committees

Section 1: Board Development Committee

- A. The Board Development committee chair is appointed by the commission chair.
- B. The Governance committee shall be comprised of at least three members and reflect the membership of the commission.
- C. Chair shall appoint the commission vice-chair as part of the committee.

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- D. The committee shall be appointed by the commission chair subject to commission action.
- E. The quorum of the committee shall be the majority of the committee members.
- F. The duties of the committee shall be as follows:
 - 1. Review applications for the commission and make recommendations to the governor's office,
 - 2. Be responsible for reviewing commission bylaws annually and report any recommendations to the commission at least 20 days before the annual meeting.

Section 2: Ad Hoc Committees

- A. As issues arise, the commission may establish ad hoc committees to study and make pertinent recommendations to the full commission. Each ad hoc committee will be established by a majority vote of all commission members present.
- B. The status of all ad hoc committees shall be reviewed at the annual meeting by the full commission to determine whether the mission of the ad hoc committee has been accomplished or requires more time.
- C. Each ad hoc committee shall consist of no fewer than three members and at least one shall be a commissioner. Each shall be governed by a committee chair that shall be appointed by the commission chair and shall preside at all meetings of the committee. The ad hoc committee chair must be a KCDC commissioner.
- D. All members of ad hoc committees shall be appointed by the commission chair. A commission staff member will be assigned by the executive director to each committee to provide administrative support.

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Article VIII: Meetings

Section 1: Notice

- A. All commission members shall be informed of the dates of regular meetings on an annual basis. Such notice with a draft agenda shall be transmitted at least one month prior to the date of regular meetings.
- B. Members and the public shall be notified of the locations and times of the meetings at least one month prior to the meetings, the responsibility of the executive director.
- C. A draft agenda shall be sent at least two weeks before meetings.

Section 2: Frequency

- A. Meetings of the commission shall be convened by the commission chair at least twice a year.
- B. One meeting will be known as the annual meeting and shall be for the purpose of electing officers, receiving reports of committees, reporting on and approval of long-range goals and for any other necessary business that might arise.

Section 3: Quorum

Quorum shall be one more than one half of the voting membership. Vacant positions must be counted pursuant to the Kansas Open Meetings Act.

Section 4: Voting

- A. Each commission member, appointed and ex officio or their assigned designee, in attendance at the meeting shall be entitled to one vote. Should the designee require another person to attend a meeting in their stead, that person shall not have voting rights. (see Article IV, Section 2,C,3)
- B. Commission will vote for officers at the annual meeting (see Article V, Section 1, D.)

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- 1) Nominations may be taken from the floor during the regularly scheduled annual meeting.
- 2) Candidates for the office of the chair and vice-chair who garner a majority of votes cast shall be declared the duly elected officers of the commission.
- 3) In the event that no clear majorities of votes are cast in favor of a single candidate, the two candidates who have received the most votes shall run against each other. Balloting shall continue until one of the finalists receives a majority of votes cast.

Section 5: Minutes

The executive director or staff shall record minutes of official commission meetings and will disseminate to all commission members and any interested party requesting them.

(see Article VI, Section 1, C)

Section 6: Temporary Occupants of the Chair

If the chair and vice chair both are absent from a meeting of the commission, responsibility for presiding over the meeting would fall to the membership committee vice-chair. Continuing this pattern, the responsibility of presiding would fall alphabetically to the remaining members of the membership committee.

Section 7: Attendance

- A. Any commission member who will not be able to attend a meeting of the commission shall give notice to the KCDC office at least three working days before the meeting if possible.
- B. Commission members will be considered in attendance at meetings if present in person, by phone, teleconference, or other electronic media that allows two-way, interactive communication.

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- C. Any appointed member who is absent from two meetings in a one-year period without approved prior notification shall be sent a letter of concern with a copy to the Governor's office to ask if they still have the time and interest for this assignment.
- D. Any officially designated representative of an ex officio member in the executive branch who is absent from two meetings in a one-year period with or without approved prior notification shall be reported to the appropriate designating authority. The report shall request a replacement for the delinquent representative and state reasons for the request. This report shall be transmitted over the signature of the commission chair. The designee and the executive director shall receive a copy of such report.

Section 9: Travel Reimbursement

- A. Appointed commissioners who live outside the city of the commission meetings shall be reimbursed for their mileage, lodging and per diem in accordance with subsection (e) of K.S.A. 75-3223 (Appendix A) for attending official meetings and training sessions.
- B. Personal assistants shall be given a stipend directly at the rate \$85 per day.
- C. Appointed members shall also be reimbursed for attending official functions of the commission when the budget for the commission is sufficient to accommodate that reimbursement.

Section 10: Open Meetings

All regular commission, committee, and ad hoc committee meetings are open to the general public pursuant to the Kansas Open Meetings Act.

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Article IX: Amendments

Section 1: Procedure

- A. Any member of the commission who wishes to propose amendments shall submit such amendments in writing to the commission chair and the executive director at least 90 days prior to the next regularly scheduled meeting.
- B. The executive director shall transmit the proposed amendments to the chair of the board development committee for consideration by that committee. The board development committee chair shall call a meeting and the committee will review the proposed change. A report shall be written and sent to each commissioner at least 20 days prior to the next scheduled commission meeting. The report shall include the proposed change and the committee's recommendation for action on the proposal. The full commission shall discuss the report and proposed change and vote on the proposed amendment at the next regularly scheduled commission meeting.
- C. When there are less than 90 days, but more than 20 days prior to the next regularly scheduled meeting, proposed amendments may be sent to the executive director. The executive director shall send out the proposed amendments to all commissioners at least 20 days prior to the next commission meeting. If there is less than 20 days prior to the meeting, those members who wish to have the proposed amendments placed on the agenda for consideration by the commission shall notify the executive director. If five or more commission members wish to place the proposed amendments on the agenda, the commission shall consider them at the next scheduled meeting.
- D. The board development committee shall be responsible for reviewing commission bylaws annually and report any recommendations to the

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commission at least 20 days before the annual meeting. (see Article VII, Section 1, F, 3)

- E. A two-thirds affirmative majority vote of members present shall be required for the adoption of amendments.

Section 2: Exception

These bylaws shall be amended without regard to provisions set forth immediately above if such amendments are required by statutory mandate.

Article X: Representation of Commission by Members

Section 1: Representation of Commission by Members

- A. An appointed commission member may represent the commission with permission of the chairperson when requested to present approved policy, positions or information on behalf of the commission; attend official state events or meetings; or offer testimony on legislative proposals. This provision does not apply to the duties of the executive director or to sharing information provided by the executive director.
- B. Appointed commission members may represent the commission without permission from the chair when presenting official information authorized by the commission and presenting information about the commission activities and giving the commission address, telephone number, email address and website to the public.
- C. Appointed commission members may express a personal opinion about the commission to the public but must indicate that it is a personal opinion and not the official position of the commission.
- D. Appointed commission members may not represent themselves as commissioners in any attempt to enforce a law or regulation.

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Article XI: Effective Date

Section 1: These bylaws shall be in force on and after adoption by the commission.

Amended: July 1, 1997

Amended: February 18, 2000

Amended: October 27, 2000

Amended: July 15, 2005

Amended: November 30, 2012

Amended: February 9, 2024

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Appendix A- Kansas Commission on Disability Concerns Statute

74-6701

Chapter 74.--STATE BOARDS, COMMISSIONSAND AUTHORITIES

Article 67.--COMMISSION ON DISABILITY CONCERNS

74-6701. Commission on disability concerns established within the office of the governor; budgeting and management functions; expenditures. (a) There is hereby established within and as a part of the office of the governor the commission on disability concerns.

(b) All budgeting, purchasing and related management functions of the commission shall be administered under the direction of the governor. All vouchers for expenditures and all payrolls of the commission shall be approved by the chairperson of the commission, or by a person or persons designated by the chairperson, and by the office of the governor.

74-6702

Chapter 74.--STATE BOARDS, COMMISSIONSAND AUTHORITIES

Article 67.--COMMISSION ON DISABILITY CONCERNS

74-6702. Same; composition of commission; appointment of members. Subject to the provisions of K.S.A. 74-6709 (*Appendix A*), and amendments thereto, the commission shall be composed of 30 members, 15 of whom shall be appointed by the governor. Of the members appointed by the governor, preference shall be shown for Kansans representing each of the following:

- (a) Industry;
- (b) labor;
- (c) community-based independent living programs;
- (d) rehabilitation programs;
- (e) education programs;
- (f) disability or rehabilitation research programs; and
- (g) private, nonprofit organizations serving Kansans with disabilities.

At least eight of the members appointed by the governor shall be Kansans with disabilities.

74-6703

Chapter 74.--STATE BOARDS, COMMISSIONSAND AUTHORITIES

Article 67.--COMMISSION ON DISABILITY CONCERNS

74-6703. Commission on disability concerns; members ex officio. in addition to the members appointed by the governor under K.S.A. 74-6702 (*Appendix A*) and amendments thereto, the following persons, or the designees of such persons, shall serve as members ex officio of the commission:

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- (a) The secretary of health and environment;
- (b) the chairperson of the Kansas planning council on developmental disabilities services;
- (c) the commissioner of mental health and developmental disabilities of the department of social and rehabilitation services;
- (d) the commissioner of rehabilitation services of the department of social and rehabilitation services;
- (e) the secretary of commerce;
- (f) the director of special education of the state board of education;
- (g) the secretary of transportation;
- (h) the secretary of aging;
- (i) the secretary of labor;
- (j) the secretary of administration;
- (k) the secretary of social and rehabilitation services;
- (l) the president of the Kansas senate;
- (m) the minority leader of the Kansas senate;
- (n) the speaker of the Kansas house of representatives; and
- (o) the minority leader of the Kansas house of representatives.

74-6704

Chapter 74.--STATE BOARDS, COMMISSIONS AND AUTHORITIES

Article 67.--COMMISSION ON DISABILITY CONCERNS

74-6704. Same; terms of appointive members; vacancies. Appointive members of the commission shall serve for a term of three years from and after their appointment. Vacancies on the commission shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed.

74-6705

Chapter 74.--STATE BOARDS, COMMISSIONS AND AUTHORITIES

Article 67.--COMMISSION ON DISABILITY CONCERNS

74-6705. Same; officers; expenses of appointive members. The appointive members of the commission shall elect a chairperson and a vice-chairperson and such other officers as the commission deems necessary. Only appointive members shall be eligible to serve as officers of the commission. Appointive members of the commission attending meetings of the commission, or attending a subcommittee meeting thereof authorized by the commission, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 (*Appendix A*) and amendments thereto.

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74-6706

Chapter 74.--STATE BOARDS, COMMISSIONSAND AUTHORITIES

Article 67.--COMMISSION ON DISABILITY CONCERNS

74-6706. Same; duties. The commission shall consult with and advise the governor on all commission activities and shall:

- (a) Carry on a continuing program to promote a higher quality of life for people with disabilities;
- (b) cooperate with all public and private agencies interested in independent living by people with disabilities;
- (c) cooperate with all agencies responsible for or interested in the rehabilitation and employment of people with disabilities;
- (d) encourage the organization of community-based programs and work closely with such programs in promoting independence of people with disabilities;
- (e) assist in developing societal acceptance of people with disabilities;
- (f) inform individuals with disabilities of specific facilities available for increasing their independence;
- (g) conduct such educational programs as members deem necessary; and
- (h) report annually to the governor and legislature on commission activities and submit any recommendations believed necessary in promoting the independence of people with disabilities.

74-6707

Chapter 74.--STATE BOARDS, COMMISSIONSAND AUTHORITIES

Article 67.--COMMISSION ON DISABILITY CONCERNS

74-6707. Same; executive director; offices; personnel. The governor shall appoint an executive director of the commission and the commission shall designate the duties of the position. The office of the governor shall provide office space and such clerical and other personnel as may be necessary for the efficient performance of the duties prescribed by this act. All personnel serving the commission shall be in the classified service.

74-6708

Chapter 74.--STATE BOARDS, COMMISSIONSAND AUTHORITIES

Article 67.--COMMISSION ON DISABILITY CONCERNS

74-6708. Same; receipt and administration of moneys; fees for services and materials; commission on disability concerns fee fund. (a) The commission is authorized to receive any gifts, grants, or donations made for any of the purposes of its program and to disburse and

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administer all such gifts, grants and donations and moneys appropriated to the commission in accordance with the terms thereof.

(b) The commission is authorized to fix and collect reasonable fees for services and materials provided by the commission.

(c) There is hereby established the commission on disability concerns fee fund. The commission shall remit all moneys received by or for it from fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215 (*Appendix A*), and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the commission on disability concerns fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the commission on disability concerns, or by a person or persons designated by the chairperson and **office of the governor**. ~~secretary of commerce~~

74-6709

Chapter 74.--STATE BOARDS, COMMISSIONS AND AUTHORITIES

Article 67.--COMMISSION ON DISABILITY CONCERNS

74-6709. Same; advisory committee on employment of the handicapped abolished; certain members of advisory committee to serve as members of commission; continuation of employees and benefits; commission successor to property and records of advisory committee; fee fund abolished. (a) The advisory committee on employment of the handicapped is hereby abolished.

(b) Members serving on the advisory committee on employment of the handicapped on June 30, 1989, under appointment by the president or minority leader of the Kansas senate or the speaker or minority leader of the Kansas house of representatives shall continue to serve as members of the commission on disability concerns, in lieu of four of the members provided to be appointed by the **office of the governor** ~~secretary of commerce~~, until expiration of their terms. Vacancies created by the expiration of such terms shall be filled by appointments by the **office of the governor** ~~secretary of commerce~~.

(c) On July 1, 1989, employees who, immediately prior to such date were serving the advisory committee on employment of the handicapped and who, in the opinion of the **office of the governor** ~~secretary of commerce~~, are necessary to the performance of the duties of the commission on disability concerns shall continue to serve such commission. Any such employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such employee before July 1, 1989. The service of each such employee shall be deemed to have been continuous.

(d) On and after July 1, 1989, whenever any statute, contract or other document refers to the advisory committee on employment of the handicapped, such reference shall be deemed to refer to the commission on disability concerns.

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(e) The commission on disability concerns shall succeed to all property, property rights and records of the advisory committee on employment of the handicapped.

(f) On July 1, 1989, the director of accounts and reports shall transfer all moneys in the advisory committee on employment of the handicapped fee fund to the commission on disability concerns fee fund. On July 1, 1989, all obligations of the advisory committee on employment of the handicapped fee fund are hereby transferred to and imposed on the commission on disability concerns fee fund, and the advisory committee on employment of the handicapped fee fund is hereby abolished.