

EXECUTIVE REORGANIZATION ORDER No. 44

By Governor Laura Kelly

1-30

1 Section 1. (a) The Kansas department for children and families is
2 hereby renamed the Kansas department of human services. Except as
3 otherwise provided by this order, whenever the department for children
4 and families, or words of like effect, are referred to or designated by any
5 statute, rule and regulation, contract, or any other document regardless of
6 whether such reference is in regard to any of the powers, duties, or
7 functions transferred pursuant to this order or not, such reference or
8 designation shall be deemed to apply to the Kansas department of human
9 services. Except as otherwise provided by this order, whenever the
10 secretary for children and families, or words of like effect, are referred to
11 or designated by any statute, rule and regulation, contract, or any other
12 document regardless of whether such reference is in regard to any of the
13 powers, duties, or functions transferred pursuant to this order or not, such
14 reference or designation shall be deemed to apply to the secretary of
15 human services.

16 (b) It is intended that the Kansas department of human services and the
17 secretary of human services shall have authority to administer all programs
18 and services which are currently being administered by the Kansas
19 department for children and families when this order becomes effective,
20 including any programs, services and grants for which the Kansas
21 department for children and families is serving as an operating agency or
22 grants manager for another state agency or federal agency at the time this
23 order becomes effective.

24 (c) On the effective date of this order, the Kansas department of human
25 services shall succeed to whatever right, title or interest the Kansas
26 department for children and families has acquired in any real property in
27 this state, and the Kansas department of human services shall hold the
28 same for and in the name of the state of Kansas. On and after the effective
29 date of this order, whenever any statute, contract, deed or other document
30 concerns the power or authority of the Kansas department for children and
31 families or the secretary for children and families to acquire, hold or
32 dispose of real property or any interest therein, the Kansas department of
33 human services shall succeed to such power or authority.

34 (d) The Kansas department of human services shall succeed to all
35 property, property rights, and records which were used for or pertain to the
36 performance of powers, duties, and functions transferred to it by this order

1 from the department for children and families and the secretary for
2 children and families. Any conflict as to the proper disposition of property,
3 personnel, or records arising under this order shall be determined by the
4 governor, whose decision shall be final.

5 (e) The secretary of human services may adopt rules and regulations for
6 the government, regulation and operation of programs and services
7 administered by the Kansas department of human services.

8 Sec. 2. (a) The Kansas department for aging and disability services
9 created by K.S.A. 75-5902 *et seq.* and Executive Reorganization Order
10 No. 41, is hereby abolished.

11 (b) Except as otherwise provided by this order, all of the jurisdiction,
12 powers, functions and duties of the Kansas department for aging and
13 disability services and the secretary of the Kansas department for aging
14 and disability services are hereby transferred to and conferred and imposed
15 upon the Kansas department of human services and the secretary of human
16 services.

17 (c) Except as otherwise provided by this order, the Kansas department
18 of human services and the secretary of human services shall be the
19 successor in every way to the jurisdiction, powers, duties and functions of
20 the Kansas department for aging and disability services and the secretary
21 for aging and disability services in which the same were vested prior to the
22 effective date of this order. Every act performed in the exercise of such
23 jurisdiction, powers, duties and functions by or under the authority of the
24 Kansas department of human services and the secretary of human services
25 shall be deemed to have the same force and effect as if performed by the
26 Kansas department for aging and disability services or the secretary for
27 aging and disability services, respectively, in which such jurisdiction,
28 powers, duties and functions were vested prior to the effective date of this
29 order.

30 (d) Except as otherwise provided by this order, whenever the
31 department for aging and disability services, or words of like effect, is
32 referred to or designated by a statute, contract or other document, such
33 reference or designation shall be deemed to apply to the Kansas
34 department of human services.

35 (e) Except as otherwise provided by this order, whenever the secretary
36 for aging and disability services, or words of like effect, is referred to or
37 designated by a statute, contract or other document, such reference or
38 designation shall be deemed to apply to the secretary of human services.

39 (f) All rules and regulations, policies and procedures of the Kansas
40 department for aging and disability services or the secretary for aging and
41 disability services which relate to the functions transferred by this order
42 and which are in effect on the effective date of this order shall continue to
43 be effective and shall be deemed to be rules and regulations, policies and

1 procedures of the Kansas department of human services or the secretary of
2 human services until revised, amended, revoked, or nullified pursuant to
3 law.

4 (g) All orders and directives of the Kansas department for aging and
5 disability services or the secretary for aging and disability services in
6 existence on the effective date of this order shall continue to be effective
7 and shall be deemed to be orders and directives of the Kansas department
8 of human services or the secretary of human services until revised,
9 amended or nullified pursuant to law.

10 (h) On the effective date of this order, the Kansas department of human
11 services shall succeed to whatever right, title or interest the Kansas
12 department for aging and disability services has acquired in any real
13 property in this state, and the Kansas department of human services shall
14 hold the same for and in the name of the state of Kansas. On and after the
15 effective date of this order, whenever any statute, contract, deed or other
16 document concerns the power or authority of the Kansas department for
17 aging and disability services or the secretary for aging and disability
18 services to acquire, hold or dispose of real property or any interest therein,
19 the Kansas department of human services shall succeed to such power or
20 authority.

21 (i) The Kansas department of human services and the secretary of
22 human services shall be continuations of the Kansas department for aging
23 and disability services and the secretary for aging and disability services.

24 (j) The secretary of human services shall determine the manner in
25 which the office of the secretary of aging and disability services is
26 organized within the Kansas department of human services.

27 (k) The secretary of human services shall determine the manner in
28 which aging, disability and behavioral health programs are organized
29 within the Kansas department of human services.

30 (l) The secretary of human services shall determine the manner in
31 which programs provided by the institutions, as defined by subsection (b)
32 of K.S.A. 76-12a01, and amendments thereto, are organized within the
33 Kansas department of human services.

34 (m) The secretary of human services shall determine the manner in
35 which survey, certification and credentialing programs are organized
36 within the Kansas department of human services.

37 Sec. 3. (a) The secretary of human services shall appoint such officers
38 and employees as may be needed to carry out the powers and duties which
39 the secretary assigns to the office of the secretary, aging, disability and
40 behavioral health functions, institution functions, survey, certification and
41 credentialing functions, and office of the financial and information
42 services commission of the Kansas department of human services.

43 (b) All officers and employees in the Kansas department for aging and

1 disability services who, immediately prior to the effective date of this
2 order, are engaged in the exercise and performance of the powers, duties,
3 and functions transferred by this order, are hereby transferred to the
4 Kansas department of human services unless the secretary of human
5 services determines that some officers or employees are not performing
6 necessary services. All classified employees so transferred shall retain
7 their status as classified employees. Thereafter, the secretary of human
8 services may convert vacant classified positions to positions in the
9 unclassified service under the Kansas civil service act.

10 (c) Officers and employees in the Kansas department for aging and
11 disability services transferred by this order shall retain all retirement
12 benefits and leave balances and rights which had accrued or vested prior to
13 the date of transfer. The service of each such employee so transferred shall
14 be deemed to have been continuous. Any subsequent transfers, layoffs, or
15 abolition of classified service positions under the Kansas civil service act
16 shall be made in accordance with the civil service laws and any rules and
17 regulations adopted thereunder.

18 (d) The Memorandum of Agreement between the State of Kansas and
19 the Kansas Organization of State Employees that is in existence on the
20 effective date of this order shall continue to be effective until revised,
21 amended or nullified pursuant to the terms of the Memorandum of
22 Agreement.

23 Sec. 4. (a) The aging and disability community services and programs
24 commission and the behavioral health services commission of the Kansas
25 department for aging and disability services is hereby transferred to the
26 Kansas department of human services and shall be a part thereof. The
27 aging and disability community and services programs commission and
28 the behavioral health services commission transferred to the Kansas
29 department of human services by this order shall be administered by the
30 secretary of human services.

31 (b) The secretary of human services shall determine the manner in
32 which programs and services provided by the aging and disability
33 community services and programs commission and the behavioral health
34 services commission shall be organized within the Kansas department of
35 human services.

36 (c) The programs transferred from the aging and disability community
37 services and programs commission and the behavioral services
38 commission of the Kansas department for aging and disability services are:

- 39 (1) Mental health and substance abuse;
- 40 (2) serious emotionally disturbed, intellectual and developmental
41 disability, physical disability, brain injury, autism, technology assistance,
42 and frail and elderly Medicaid waivers and programs;
- 43 (3) licensure and regulation of community mental health centers, as

1 defined by K.S.A. 39-2002, and amendments thereto;

2 (4) regulation of community developmental disability organizations, as
3 defined by K.S.A. 39-1801 *et seq.*, and amendments thereto;

4 (5) licensure of private psychiatric hospitals, as defined by K.S.A. 39-
5 2001 *et seq.*, and amendments thereto;

6 (6) licensure of psychiatric residential treatment facilities under
7 subsection (c) of K.S.A. 65-503, and amendments thereto, and subsection
8 (k) of K.A.R. 28-4-1200 on the effective date of this order, and subsection
9 (g)(3) of K.S.A. 72-1173, and amendments thereto;

10 (7) licensure and regulation of facilities and providers of residential
11 services, as defined by K.S.A. 39-2001 *et seq.*, and amendments thereto;

12 (8) licensure and regulation of providers of addiction and prevention
13 services, as defined by K.S.A. 75-5375, *et. seq.*; and;

14 (9) licensure and regulation of providers of services and administration
15 of grants for the older Americans act (OAA), senior care act (SCA), and
16 Medicare programs including the senior health insurance counseling for
17 Kansas (SHICK), the senior Medicare patrol (SMP), and the Medicare
18 improvements for patients and providers act (MIPPA), the client
19 assessment, referral and evaluation program (CARE), the respite for
20 caregivers program, and the program of all-inclusive care for the elderly
21 (PACE);

22 (10) any other programs and related grants administered by the aging
23 and disability community services and programs commission and the
24 behavioral health services commission of the Kansas department for aging
25 and disability services prior to the effective date of this order.

26 (d) Except as otherwise provided by this order, all powers, duties, and
27 functions of the secretary for aging and disability services pertaining to the
28 aging and disability community services and programs commission and
29 the behavioral health services commission transferred by this order,
30 including that agency's designation as the Medicaid single state authority
31 for substance abuse and for mental health, are hereby transferred to and
32 imposed upon the secretary of human services.

33 (e) The Kansas department of human services shall be the successor in
34 every way to the powers, duties, and functions of the Kansas department
35 for aging and disability services pertaining to the aging and disability
36 community services and supports commission and the behavioral health
37 services commission transferred by this order. Every act performed in the
38 exercise of such transferred powers, duties, and functions by or under the
39 authority of the Kansas department of human services shall be deemed to
40 have the same force and effect as if performed by the Kansas department
41 for aging and disability services in which such powers, duties, and
42 functions were vested prior to the effective date of this order.

43 Sec. 5. (a) The state hospitals commission of the Kansas department

1 foraging and disability services is hereby transferred to the Kansas
2 department of human services and shall be a part thereof. All institutions,
3 as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto,
4 and the programs operated by such institutions are hereby transferred from
5 the Kansas department for aging and disability services to the Kansas
6 department of human services. All such institutions shall be administered
7 by the secretary of human services.

8 (b) Except as otherwise provided by this order, all powers, duties, and
9 functions of the secretary for aging and disability services pertaining to the
10 programs and operation of the institutions, as defined by subsection (b) of
11 K.S.A. 76-12a01, and amendments thereto, are hereby transferred to and
12 imposed upon the secretary of human services.

13 (c) The secretary of human services shall determine the manner in
14 which programs and services provided by the state hospitals commission
15 and institutions shall be organized within the Kansas department of human
16 services.

17 (d) The Kansas department of human services shall be the successor in
18 every way to the powers, duties, and functions of the Kansas department
19 for aging and disability services pertaining to the programs and operation
20 of the state hospital commission and the institutions that are transferred by
21 this order. Every act performed in the exercise of such transferred powers,
22 duties, and functions by or under the authority of the Kansas department of
23 human services shall be deemed to have the same force and effect as if
24 performed by the Kansas department for aging and disability services in
25 which such powers, duties, and functions were vested prior to the effective
26 date of this order.

27 Sec. 6. (a) The survey, certification and credentialing commission of
28 the Kansas department for aging and disability services is hereby
29 transferred to the Kansas department of human services and shall be a part
30 thereof. The survey, certification and credentialing commission transferred
31 to the Kansas department of human services by this order shall be
32 administered by the secretary of human services.

33 (b) The secretary of human services shall determine the manner in
34 which programs and services provided by the survey, certification and
35 credentialing commission shall be organized within the Kansas department
36 of human services.

37 (c) The programs to be transferred by this commission are the Kansas
38 act on credentialing, K.S.A. 65-5001 through 65-5011, and amendments
39 thereto, including the following programs:

40 (1) Licensure of adult care home administrators, as defined by
41 subsection (c) of K.S.A. 65-3501, and amendments thereto;

42 (2) licensure of dietitians, as defined by subsection (f) of K.S.A. 65-
43 5902, and amendments thereto;

1 (3) certification of residential care facility operators, as defined by
2 subsection (a)(21) of K.S.A. 39-923, and amendments thereto;

3 (4) certification of activity directors, as defined by subsection (a) of
4 K.A.R. 26-39-100 on the effective date of this order;

5 (5) certification of social service designees, as defined by subsection
6 (sss) of K.A.R. 26-39-100 on the effective date of this order;

7 (6) certification of nurse aides, as defined by subsection (qq) of K.A.R.
8 26-39-100 on the effective date of this order;

9 (7) certification of medication aides as defined by subsection (nn) of
10 K.A.R. 26-39-100 on the effective date of this order;

11 (8) certification of home health aides as defined by subsection (e) of
12 K.S.A. 65-5101, and amendments thereto; and

13 (9) maintenance of the Kansas nurse aide registry under subsection (c)
14 of K.S.A. 39-936, and amendments thereto, and K.S.A. 39-1411, and
15 amendments thereto;

16 (10) survey and licensure of adult care home facilities under the adult
17 care home licensure act under K.S.A. 39-923 *et seq.*, and amendments
18 thereto.

19 (d) The criminal history record check program, as authorized by
20 individual credentialing statutes or rules and regulations, K.S.A. 39-969,
21 and amendments thereto, K.S.A. 39-970, and amendments thereto, K.S.A.
22 39-2009, and amendments thereto, and subsection (b) of K.S.A. 22-4707,
23 and amendments thereto, is hereby transferred from the Kansas department
24 of aging and disability services to the Kansas department of human
25 services and shall be a part thereof.

26 (e) The licensure of adult care home administrators, the licensure of
27 dietitians, the certification of residential care facility operators, the
28 certification of activity directors, the certification of social service
29 designees, the certification of nurse aides, the certification of medication
30 aides, the certification of home health aides, the board of adult care home
31 administrators, the maintenance of the Kansas nurse aide registry, the
32 survey and licensure of adult care home facilities, and the criminal history
33 record check program shall be administered by the secretary of human
34 services. Nothing in this order shall change or diminish the authority of the
35 board of adult care home administrators established by K.S.A. 65-3506,
36 and amendments thereto.

37 (f) Except as otherwise provided by this order, all powers, duties, and
38 functions of the secretary of aging and disability services pertaining to the
39 licensure of adult care home administrators, the licensure of dietitians, the
40 certification of residential care facility operators, the certification of
41 activity directors, the certification of social service designees, the
42 certification of nurse aides, the certification of medication aides, the
43 certification of home health aides, the board of adult care home

1 administrators, the Kansas nurse aide registry, the survey and licensure of
2 adult care home facilities, and the criminal record check program
3 transferred by this order are hereby transferred to and imposed upon the
4 secretary of human services.

5 (g) The Kansas department of human services shall be the successor in
6 every way to the powers, duties, and functions of the Kansas department
7 of aging and disability services pertaining to those portions of the survey,
8 certification and credentialing program transferred by this order. Every act
9 performed in the exercise of such transferred powers, duties, and functions
10 by or under the authority of the Kansas department of human services shall
11 be deemed to have the same force and effect as if performed by the Kansas
12 department of aging and disability services in which such powers, duties,
13 and functions were vested prior to the effective date of this order.

14 Sec. 7. (a) The financial and information services commission of the
15 Kansas department for aging and disability services, including agency-
16 specific information technology and financial oversight programs and
17 services, is hereby transferred to the Kansas department of human services
18 and shall be a part thereof. The financial and information services
19 commission transferred to the Kansas department of human services by
20 this order shall be administered by the secretary of human services.

21 (b) The secretary of human services shall determine the manner in
22 which programs and services provided by the financial and information
23 services commission shall be organized within the Kansas department of
24 human services.

25 (c) Except as otherwise provided by this order, all powers, duties, and
26 functions of the secretary of aging and disability services pertaining to the
27 programs and services administered by the financial and information
28 services commission transferred by this order are hereby transferred to and
29 imposed upon the secretary of human services.

30 (d) The Kansas department human services shall be the successor in
31 every way to the powers, duties, and functions of the Kansas department
32 of aging and disability services pertaining to those portions of the financial
33 and information services programs transferred by this order. Every act
34 performed in the exercise of such transferred powers, duties, and functions
35 by or under the authority of the Kansas department of human services shall
36 be deemed to have the same force and effect as if performed by the Kansas
37 department of aging and disability services in which such powers, duties,
38 and functions were vested prior to the effective date of this order.

39 Sec. 8. (a) The powers, duties, and functions of the Kansas department
40 for aging and disability services and the secretary for aging and disability
41 services pertaining to any and all receiverships of adult care homes filed
42 pursuant to K.S.A. 39-954 *et seq.*, amendments thereto, is hereby
43 transferred to the Kansas department of human services and shall be a part

1 thereof. The powers, duties, and functions of the receiver transferred to the
2 Kansas department of human services by this order shall be administered
3 by the secretary of human services.

4 (b) The secretary of human services shall determine the manner in
5 which the receivership program administered under K.S.A. 39-954 *et seq.*,
6 and amendments thereto, shall be organized within the Kansas department
7 of human services.

8 (c) The Kansas department of human services and the secretary of
9 human services shall be the successor in every way to the receiver's
10 powers, duties, and functions of the Kansas department for aging and
11 disability services and the secretary for aging and disability services
12 pertaining to any and all receiverships of adult care homes filed pursuant
13 to K.S.A. 39-954 *et seq.*, and amendments thereto, pending on the
14 effective date of this order.

15 (d) Whenever the Kansas department for aging and disability services,
16 the secretary for aging and disability services, or words of like effect, is
17 referred to or designated by a statute, contract, order or other document
18 and such reference is in regard to any of the powers, duties, or functions of
19 the receiver under K.S.A. 39-954 *et seq.*, and amendments thereto,
20 transferred to the Kansas department of human services from the Kansas
21 department for aging and disability services by this order, such reference
22 or designation shall be deemed to apply to the Kansas department of
23 human services or the secretary of human services.

24 (e) All rules and regulations, orders, and directives of the Kansas
25 department for aging and disability services and the secretary for aging
26 and disability services, or words of like effect, which relate to the powers,
27 duties and functions of the receiver under K.S.A. 39-954 *et seq.*, and
28 amendments thereto, on the effective date of this order, shall be effective
29 and shall be deemed to be rules and regulations, orders, and directives of
30 the Kansas department of human services and the secretary of human
31 services until revised, amended, revoked, or nullified pursuant to law.

32 Sec. 9. (a) The balances of all funds or accounts thereof appropriated or
33 reappropriated for the Kansas department for aging and disability services
34 relating to the powers, duties, and functions transferred by this order are
35 hereby transferred within the state treasury to the Kansas department of
36 human services and shall be used only for the purpose for which the
37 appropriation was originally made.

38 (b) Liability for all accrued compensation or salaries of officers and
39 employees who are transferred to the Kansas department of human
40 services under this order shall be assumed and paid by the Kansas
41 department of human services.

42 (c) Subject to the acts of the legislature, all fees, grant funds, and loan
43 repayment funds of the Kansas department for aging and disability

1 services dedicated to programs transferred by this order shall be
2 transferred to the Kansas department of human services.

3 Sec. 10. (a) The Kansas department of human services shall succeed to
4 all property, property rights, and records which were used for or pertain to
5 the performance of powers, duties, and functions transferred to it by this
6 order from the department of aging and disability services and the
7 secretary of aging and disability services. Any conflict as to the proper
8 disposition of property, personnel, or records arising under this order shall
9 be determined by the governor, whose decision shall be final.

10 (b) When any conflict arises as to any power, duty, or function
11 transferred from the department of aging and disability services and the
12 secretary of aging and disability services resulting from any transfer made
13 by or under the authority of this order, such conflict shall be resolved by
14 the governor, whose decision shall be final.

15 Sec. 11. (a) Except as otherwise provided by this order, whenever the
16 department of social and rehabilitation services, which was the
17 predecessor to the department for children and families under Executive
18 Reorganization No. 41, or words of like effect, is referred to or designated
19 by any statute, rule and regulation, contract, internal policy or procedure,
20 order or any other document regardless of whether such reference is in
21 regard to any of the powers, duties, or functions transferred pursuant to
22 this order or not, such reference or designation shall be deemed to apply to
23 the Kansas department of human services. Except as otherwise provided
24 by this order, whenever the secretary of social and rehabilitation services,
25 or words of like effect, are referred to or designated by any statute, rule
26 and regulation, contract, internal policy or procedure, order or any other
27 document regardless of whether such reference is in regard to any of the
28 powers, duties, or functions transferred pursuant to this order or not, such
29 reference or designation shall be deemed to apply to the secretary of
30 human services.

31 (b) On the effective date of this order, the Kansas department of human
32 services shall succeed to whatever right, title or interest the department of
33 social and rehabilitation services has acquired in any real property in this
34 state, and the Kansas department of human services shall hold the same for
35 and in the name of the state of Kansas. On and after the effective date of
36 this order, whenever any statute, contract, deed or other document
37 concerns the power or authority of the department of social and
38 rehabilitation services to acquire, hold or dispose of real property or any
39 interest therein, the Kansas department of human services shall succeed to
40 such power or authority.

41 Sec. 12. (a) Except as otherwise provided by this order, whenever the
42 department aging, which was the predecessor to the department for aging
43 and disability services under Executive Reorganization No. 41, or words of

1 like effect, are referred to or designated by any statute, rule and regulation,
2 contract, internal policy or procedure, order or any other document
3 regardless of whether such reference is in regard to any of the powers,
4 duties, or functions transferred pursuant to this order or not, such reference
5 or designation shall be deemed to apply to the Kansas department of
6 human services. Except as otherwise provided by this order, whenever the
7 secretary of aging, or words of like effect, are referred to or designated by
8 any statute, rule and regulation, contract, internal policy or procedure,
9 order or any other document regardless of whether such reference is in
10 regard to any of the powers, duties, or functions transferred pursuant to
11 this order or not, such reference or designation shall be deemed to apply to
12 the secretary of human services.

13 (b) On the effective date of this order, the Kansas department of human
14 services shall succeed to whatever right, title or interest the department on
15 aging has acquired in any real property in this state, and the Kansas
16 department of human services shall hold the same for and in the name of
17 the state of Kansas. On and after the effective date of this order, whenever
18 any statute, contract, deed or other document concerns the power or
19 authority of the department on aging to acquire, hold or dispose of real
20 property or any interest therein, the Kansas department of human services
21 shall succeed to such power or authority.

22 Sec. 13. The Kansas department of human services and the secretary of
23 human services shall have authority to administer all programs and
24 services previously administered by the Kansas department for social and
25 rehabilitation services, the Kansas department on aging, and the Kansas
26 department for aging and disability services regardless of whether such
27 programs and services are specifically mentioned in this order as being
28 transferred to the Kansas department of human services. For purposes of
29 this order, all programs and services intended to be transferred to the
30 Kansas department of human services is intended to include all programs
31 and services for which the Kansas department for aging and disability
32 services or the secretary for aging and disability services provides
33 administration services, serves as the operating agency or serves as the
34 manager of grant funds pursuant to an existing delegation of authority or
35 memorandum of understanding between a predecessor of the Kansas
36 department of human services and another state or federal agency on the
37 effective date of this order.

38 Sec. 14. The secretary of human services may adopt rules and
39 regulations for the government, regulation and operation of and all
40 programs and services previously administered by the Kansas department
41 for children and families, the Kansas department of social and
42 rehabilitation services, the Kansas department for aging and disability
43 services and the Kansas department on aging.

1 Sec. 15. (a) Except as otherwise provided by this order, all of the
2 jurisdiction, powers, functions and duties for the juvenile services
3 programs and juvenile facilities and institutions administered by the
4 department of corrections and the secretary of corrections pursuant to
5 Executive Reorganization Order No. 42 and K.S.A. 38-2301 *et seq.*, are
6 hereby transferred to and conferred and imposed upon the Kansas
7 department of human services and the secretary of human services.

8 (b) Except as otherwise provided by this order, the Kansas department
9 of human services and the secretary of human services shall be the
10 successor in every way to the jurisdiction, powers, duties and functions of
11 the juvenile services programs and juvenile facilities and institutions of the
12 department of corrections and the secretary of corrections in which the
13 same were vested prior to the effective date of this order. Every act
14 performed in the exercise of such jurisdiction, powers, duties and
15 functions by or under the authority of the Kansas department of human
16 services and the secretary of human services for the juvenile services
17 programs and juvenile facilities and institutions shall be deemed to have
18 the same force and effect as if performed by the department of corrections
19 or the secretary of corrections, in which such jurisdiction, powers, duties
20 and functions were vested prior to the effective date of this order.

21 (c) Except as otherwise provided by this order, whenever the juvenile
22 services programs and juvenile facilities and institutions operated under
23 the jurisdiction, powers, duties and functions of the department of
24 corrections or words of like effect, is referred to or designated by a statute,
25 contract or other document, such reference or designation shall be deemed
26 to apply to the Kansas department of human services.

27 (d) Except as otherwise provided by this order, whenever the juvenile
28 services programs and juvenile facilities and institutions operated under
29 the jurisdiction, powers, duties and functions of the secretary of
30 corrections, or words of like effect, is referred to or designated by a statute,
31 contract or other document, such reference or designation shall be deemed
32 to apply to the secretary of human services.

33 (e) The secretary of human services may adopt rules and regulations for
34 the government, regulation and operation of juvenile services programs
35 and juvenile facilities and institutions.

36 (f) All rules and regulations, internal management policies and
37 procedures (IMPP), standards, facility orders and post orders of the
38 department of corrections which relate to the juvenile services programs
39 and juvenile facilities and institutions transferred by this order and which
40 are in effect on the effective date of this order shall continue to be effective
41 and shall be deemed to be rules and regulations, internal management
42 policies and procedures (IMPP), standards, facility orders and post orders
43 of the Kansas department of human services until revised, amended,

1 revoked, or nullified pursuant to law.

2 (g) All orders and directives for the juvenile services programs and
3 juvenile facilities and institutions of the department of corrections or the
4 secretary of corrections in existence on the effective date of this order shall
5 continue to be effective and shall be deemed to be orders and directives of
6 the Kansas department of human services or secretary of human services
7 until revised, amended or nullified pursuant to law.

8 (h) Except as provided further, on the effective date of this order, the
9 Kansas department of human services shall succeed to whatever right, title
10 or interest the department of corrections has acquired in any real property
11 in this state for juvenile services programs and juvenile facilities and
12 institutions, and the Kansas department of human services shall hold the
13 same for and in the name of the state of Kansas. On and after the effective
14 date of this order, whenever any statute, contract, deed or other document
15 concerns the power or authority of the department of corrections or the
16 secretary of corrections to acquire, hold or dispose of real property or any
17 interest therein for juvenile services programs and juvenile facilities and
18 institutions, the Kansas department of human services shall succeed to
19 such power or authority. The right, title or interest of Larned Juvenile
20 Correctional Facility shall not be transferred to the department of human
21 services and shall remain with the department of corrections.

22 (i) Whenever a statute, contract or other document, rules and
23 regulations, internal management policies and procedures (IMPP),
24 standards, facility orders and post orders, and orders and directives for the
25 juvenile services programs and juvenile facilities and institutions
26 transferred by this order refers in any way to the juvenile justice authority,
27 which was the predecessor to the department of corrections or the
28 secretary of corrections under Executive Reorganization No. 42, such
29 references which are in effect on the effective date of this order shall
30 continue to be effective and shall be deemed to be the statute, contract or
31 other document, rules and regulations, internal management policies and
32 procedures (IMPP), standards, facility orders and post orders, and orders
33 and directives of the Kansas department of human services until revised,
34 amended, revoked, or nullified pursuant to law.

35 (j) Except as provided further, on the effective date of this order, the
36 Kansas department of human services shall succeed to whatever right, title
37 or interest the juvenile justice authority, which was the predecessor to the
38 department of corrections under Executive Reorganization No. 42, has
39 acquired in any real property in this state for juvenile services programs
40 and juvenile facilities and institutions, and the Kansas department of
41 human services shall hold the same for and in the name of the state of
42 Kansas. On and after the effective date of this order, whenever any statute,
43 contract, deed or other document concerns the power or authority of the

1 juvenile justice authority to acquire, hold or dispose of real property or any
2 interest therein for juvenile services programs and juvenile facilities and
3 institutions, the Kansas department of human services shall succeed to
4 such power or authority. The right, title or interest of Larned Juvenile
5 Correctional Facility shall not be transferred to the department of human
6 services and shall remain with the department of corrections.

7 Sec. 16. (a) All officers and employees in the juvenile services
8 programs and juvenile facilities and institutions administered by the
9 department of corrections and the secretary of corrections who,
10 immediately prior to the effective date of this order, are engaged in the
11 exercise and performance of the powers, duties, and functions transferred
12 by this order, are hereby transferred to the Kansas department of human
13 services unless the secretary of human services determines that some
14 officers or employees are not performing necessary services. All classified
15 employees so transferred shall retain their status as classified employees.
16 Thereafter, the secretary of human services may convert vacant classified
17 positions to positions in the unclassified service under the Kansas civil
18 service act.

19 (b) Officers and employees in the juvenile services programs and
20 juvenile facilities and institutions administered by the department of
21 corrections and the secretary of corrections transferred by this order shall
22 retain all retirement benefits and leave balances and rights which had
23 accrued or vested prior to the date of transfer. The service of each such
24 employee so transferred shall be deemed to have been continuous. Any
25 subsequent transfers, layoffs, or abolition of classified service positions
26 under the Kansas civil service act shall be made in accordance with the
27 civil service laws and any rules and regulations adopted thereunder.

28 (c) The Memorandum of Agreement between the department of
29 corrections and Kansas Department of Administration and Teamsters
30 Union Local #696 that is in existence on the effective date of this order
31 shall continue to be effective until revised, amended or nullified pursuant
32 to the terms of the Memorandum of Agreement.

33 (d) The Memorandum of Agreement between the State of Kansas and
34 the Kansas Organization of State Employees that is in existence on the
35 effective date of this order shall continue to be effective until revised,
36 amended or nullified pursuant to the terms of the Memorandum of
37 Agreement.

38 Sec. 17. (a) When any conflict arises as to the disposition of any
39 jurisdiction, power, function or duty or the unexpended balance of any
40 appropriation from the department of corrections to the Kansas department
41 of human services as a result of any transfer of the juvenile services
42 programs and juvenile facilities and institutions made by or under
43 authority of this order, such conflict shall be resolved by the governor,

1 whose decision shall be final.

2 (b) The Kansas department of human services shall succeed to all
3 property and records which were used for or pertain to the performance of
4 the powers, duties and functions of the juvenile services programs and
5 juvenile facilities and institutions transferred to the Kansas department of
6 human services from the department of corrections. Any conflict as to the
7 proper disposition of property or records arising under this section, and
8 resulting from the transfer of the powers, duties and functions of the
9 juvenile services programs and juvenile facilities and institutions, shall be
10 determined by the governor, whose decision shall be final.

11 Sec. 18. The Kansas department of human services shall have the legal
12 custody of all records, memoranda, writings, entries, prints,
13 representations or combinations thereof of any act, transaction, occurrence
14 or event of the juvenile services programs and juvenile facilities and
15 institutions and any agency or office transferred thereto under this order or
16 previous law with the exception of records relating to the maintenance and
17 management of the Larned Juvenile Correctional Facility which shall
18 remain with the Kansas department of corrections.

19 Sec. 19. (a) On and after the effective date of this order, the balance of
20 all funds appropriated and reappropriated to the department of corrections
21 for juvenile services programs and juvenile facilities and institutions, is
22 hereby transferred to the Kansas department of human services and shall
23 be used only for the purpose for which the appropriation was originally
24 made with the exception of funds related to the maintenance and
25 management of the Larned Juvenile Correctional Facility which shall
26 remain with the Kansas department of corrections.

27 (b) Subject to the acts of the legislature, all fees, grant funds, advisory
28 group funds, and loan repayment funds in the department of corrections
29 dedicated to the juvenile services programs and juvenile facilities and
30 institutions affected by this order shall be transferred to the Kansas
31 department of human services.

32 (c) On and after the effective date of this order, the liability for all
33 accrued compensation or salaries of officers and employees from the
34 juvenile services programs and juvenile facilities and institutions who are
35 transferred to the Kansas department of human services under this order
36 shall be assumed and paid by the Kansas department of human services.

37 Sec. 20. (a) All jurisdiction, powers, functions and duties relating to all
38 juvenile facilities and institutions defined in K.S.A. 38-2302, and
39 amendments thereto, are transferred from the department of corrections to
40 the Kansas department of human services and shall be under the
41 supervision and control of the secretary of human services as provided by
42 this order.

43 (b) The secretary of human services may adopt rules and regulations

1 relating to all persons admitted to juvenile facilities and institutions and
2 the safe and secure operations of such facilities and institutions.

3 Sec. 21. The secretary of human services shall administer all grants
4 under K.S.A. 75-7038 through 75-7053, and amendments thereto.

5 Sec. 22. The secretary of human services shall administer community
6 graduated sanctions and prevention programs and the community advisory
7 committee in accordance with K.S.A. 75-7056, and amendments thereto.

8 Sec. 23. The Kansas advisory group on juvenile justice and
9 delinquency prevention will report to the secretary of human services in
10 accordance with K.S.A. 75-7007, and amendments thereto.

11 Sec. 24. After the effective date of this order, the Kansas Correctional
12 Industries is authorized to continue to provide canteen services to the
13 juvenile facilities and institutions administered by the Kansas department
14 of human services or the secretary of human services. Commencing on the
15 effective date of this order, the Kansas Correctional Industries is
16 authorized to provide canteen services to the institutions, as defined by
17 subsection (b) of K.S.A. 76-12a01, and amendments thereto, administered
18 by the Kansas department of human services or the secretary of human
19 services.

20 Sec. 25. The Kansas department of human services shall participate in
21 the Interstate Compact for Juveniles. The secretary of human services and
22 the secretary of corrections shall execute a memorandum of understanding
23 for transferring representation on the Interstate Compact for Juveniles and
24 to share staffing and other agency resources for the administration of
25 interstate compacts to economically meet the needs of juvenile services
26 programs administered by the Kansas department of human services and
27 the needs of adult services programs administered by the department of
28 corrections subsequent to the effective date of this order.

29 Sec. 26. (a) No suit, action, or other proceeding, judicial or
30 administrative, lawfully commenced, or which could have been
31 commenced, by or against any state agency or program mentioned in this
32 order, or by or against any officer of the state in such officer's official
33 duties, shall abate by reason of the governmental reorganization effected
34 under the provisions of this order. The court may allow any such suit,
35 action, or other proceeding to be maintained by or against the successor of
36 any such state agency or any officer affected.

37 (b) No criminal action commenced, or which could have been
38 commenced, by the state shall abate by the taking effect of this order.

39 Sec. 27. Except as otherwise provided by this order, all of the
40 provisions of this order shall take effect and have the force of general law
41 on July 1, 2020, unless disapproved by either house of the Kansas
42 legislature as provided by subsection (c) of section 6 of article 1 of the
43 constitution of Kansas, and unless so disapproved, this order is to be

1 published as and with the acts of the legislature and the statutes of this
2 state.

3
4
5
6
7
8
9
10
11
12
13
14
15
16

DONE AT the Capitol in Topeka
Under the Great Seal of the State
of Kansas this _____ day
of _____ 2020.

BY THE GOVERNOR:

Laura Kelly

Secretary of State of Kansas

Asst. Secretary of State of Kansas