EXECUTIVE REORGANIZATION ORDER No. 46

By Governor Laura Kelly

1-30

Section 1.

(a) There is hereby established the Kansas energy office, which shall be administered under the direction and supervision of the director of the Kansas energy office, who shall be appointed by and serve under the direction of the governor. The director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the governor.

(b) The balances of all funds or accounts thereof appropriated or re-appropriated to the state corporation commission for operations and activities in execution of the commission’s powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 are hereby transferred to the Kansas energy office to be used for the purpose of implementing the provisions of this order and shall be used only for the purpose for which the appropriation was originally made.

(c) All records and property of the state corporation commission regarding the commission’s powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 are hereby transferred to and conferred and imposed upon the Kansas energy office.

(d) Whenever the state corporation commission, or words of like effect, is referred to or designated by a contract, grant or other document regarding the commission’s powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 such reference or designation shall be deemed to apply to the Kansas energy office. Whenever the energy program director or the energy division of the state corporation commission, or words of like effect, is referred to or designated by a contract, grant or other document, such reference or designation shall be deemed to apply to the director of the Kansas energy office. All awards or grants made by the state corporation commission regarding the commission’s powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 which are in effect on July 1, 2020, shall continue to be effective for the duration of the period for which they were made, unless revised or nullified in accordance with law. All contracts entered into prior to July 1, 2020, by the state corporation commission in execution of the commission’s powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 and not fully executed on such date,
shall remain in full force and effect until fully executed or until terminated
or revoked in the manner provided in such contract or as is otherwise
provided by law on the date of such contract.

(e) All rules and regulations and all orders and directives of the state
corporation commission in execution of the commission’s powers, duties,
and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-
37,125, or 75-37,129 in existence immediately prior to the effective date of
this order shall continue to be effective and shall be deemed to be the rules
and regulations and orders or directives of the Kansas energy office, until
revised, amended, repealed or nullified pursuant to law.

(f) Subject to the provisions of appropriations acts, officers and
employees who were officers and employees of the state corporation
commission engaged in the execution of the commission’s powers, duties,
and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-
37,125, or 75-37,129, and who, in the opinion of the director of the Kansas
energy office, are necessary to perform such powers, duties, and functions,
shall become officers and employees of the Kansas energy office, and shall
retain all retirement benefits and leave balances and rights which had
accrued or vested prior to the date of transfer and their services shall be
deemed to have been continuous. All such officers and employees who
become officers and employees of the Kansas energy office under this
section shall retain their status as either unclassified or classified under the
Kansas civil service act.

(g) The director of the Kansas energy office shall appoint, in
accordance with the provisions of the Kansas civil service act, such
employees as may be needed, in the judgment of the director, to carry out
the power, duties, and functions of the Kansas energy office.

(h) The Kansas energy office shall be the successor in every way to the
powers, duties, and functions of the state corporation commission’s
powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-
617, 74-622, 75-37,125, or 75-37,129.

(i) Liability for all accrued compensation or salaries of officers and
employees who are transferred to the Kansas energy office pursuant to this
order shall be assumed and paid by the Kansas energy office.

(j) When any conflict arises as to the disposition of any property,
power, duty or function or the unexpended balance of any appropriation as
a result of any abolition or transfer made by or under this order, such
conflict shall be resolved by the governor, whose decision shall be final.

(k) No suit, action or other proceeding, judicial or administrative,
lawfully commenced, or that could have been commenced, by or against
any state agency or program or by or against any officer of the state in
such officer's official duties, shall abate by reason of the governmental
reorganization effected under the provisions of this order. The court may
allow any such suit, action or other proceeding to be maintained by or
against the successor of any such state agency or any officer affected.

(l) No criminal action commenced or that could have been commenced
by the state shall abate by the taking effect of this order.

(m) Notwithstanding the effective date of this order, the provisions of
this order prescribing the transfer of officers and employees from the state
corporation commission to the Kansas energy office shall commence at the
start of a payroll period.

(n) All provisions of this order shall take effect and have force of
general law on July 1, 2020, unless disapproved by either house of the
Kansas legislature as provided by subsection (c) of section 6 of article 1 of
the constitution of Kansas, and unless so disapproved, this order is to be
published as and with the acts of the legislature and statutes of this state.

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