

EXECUTIVE REORGANIZATION ORDER No. 46

By Governor Laura Kelly

1-30

1 Section 1.

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

8 (b) The balances of all funds or accounts thereof appropriated or re-
9 appropriated to the state corporation commission for operations and
10 activities in execution of the commission's powers, duties, and functions
11 as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-
12 37,129 are hereby transferred to the Kansas energy office to be used for
13 the purpose of implementing the provisions of this order and shall be used
14 only for the purpose for which the appropriation was originally made .

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

19 (d) Whenever the state corporation commission, or words of like effect,
20 is referred to or designated by a contract, grant or other document
21 regarding the commission's powers, duties, and functions as described in
22 K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 such
23 reference or designation shall be deemed to apply to the Kansas energy
24 office. Whenever the energy program director or the energy division of the
25 state corporation commission, or words of like effect, is referred to or
26 designated by a contract, grant or other document, such reference or
27 designation shall be deemed to apply to the director of the Kansas energy
28 office. All awards or grants made by the state corporation commission
29 regarding the commission's powers, duties, and functions as described in
30 K.S.A. 74-616(a)-(d), 74-617, 74-622 , 75-37,125, or 75-37,129 which are
31 in effect on July 1, 2020, shall continue to be effective for the duration of
32 the period for which they were made, unless revised or nullified in
33 accordance with law. All contracts entered into prior to July 1, 2020, by
34 the state corporation commission in execution of the commission's
35 powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-
36 617, 74-622, 75-37,125, or 75-37,129 and not fully executed on such date,

1 shall remain in full force and effect until fully executed or until terminated
2 or revoked in the manner provided in such contract or as is otherwise
3 provided by law on the date of such contract.

4 (e) All rules and regulations and all orders and directives of the state
5 corporation commission in execution of the commission's powers, duties,
6 and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622 , 75-
7 37,125, or 75-37,129 in existence immediately prior to the effective date of
8 this order shall continue to be effective and shall be deemed to be the rules
9 and regulations and orders or directives of the Kansas energy office, until
10 revised, amended, repealed or nullified pursuant to law.

11 (f) Subject to the provisions of appropriations acts, officers and
12 employees who were officers and employees of the state corporation
13 commission engaged in the execution of the commission's powers, duties,
14 and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-
15 37,125, or 75-37,129, and who, in the opinion of the director of the Kansas
16 energy office, are necessary to perform such powers, duties, and functions,
17 shall become officers and employees of the Kansas energy office, and shall
18 retain all retirement benefits and leave balances and rights which had
19 accrued or vested prior to the date of transfer and their services shall be
20 deemed to have been continuous. All such officers and employees who
21 become officers and employees of the Kansas energy office under this
22 section shall retain their status as either unclassified or classified under the
23 Kansas civil service act.

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

28 (h) The Kansas energy office shall be the successor in every way to the
29 powers, duties, and functions of the state corporation commission's
30 powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-
31 617, 74-622, 75-37,125, or 75-37,129.

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

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

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

1 allow any such suit, action or other proceeding to be maintained by or
2 against the successor of any such state agency or any officer affected.

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

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

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

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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