

SENATE BILL No. 262

By Committee on Ways and Means

3-17

AN ACT transferring the powers and duties of the division of accounts and reports from the department of administration to the state treasurer; repealing K.S.A. 75-3727a and 75-3727b.

Be it enacted by the Legislature of the State of Kansas:

Section 1. There is hereby established within and as a part of the office of the state treasurer, a division of accounts and reports. The state treasurer shall appoint a director of such division and such director shall be in the unclassified service of the Kansas civil service act. Under the supervision of the state treasurer, the director of accounts and reports shall administer the division of accounts and reports. Subject to and in accordance with appropriations acts, the division of accounts and reports shall include all powers, duties and functions of the division of accounts and reports pursuant to K.S.A. 75-3727b, and amendments thereto, which are hereby transferred.

Sec. 2. (a) The division of accounts and reports created by K.S.A. 75-3727b, and amendments thereto, is hereby abolished.

(b) Except as otherwise provided by this act, all of the powers, duties and functions of the existing division of accounts and reports are hereby transferred to and conferred and imposed upon, the state treasurer and the division of accounts and reports established by this act.

(c) Except as otherwise provided by this act, the state treasurer and the division of accounts and reports established by this act shall be the successor in every way to the powers, duties and functions of the division of accounts and reports in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the state treasurer or the division of accounts and reports established by this act shall be deemed to have the same force and effect as if performed by the division of accounts and reports, in which such powers, duties and functions were vested prior to the effective date of this act.

(d) Except as otherwise provided by this act, whenever the division of accounts and reports, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the division of accounts and reports

1 established by this act.

2 (e) Except as otherwise provided by this act, whenever the director
3 of accounts and reports, or words of like effect, is referred to or desig-
4 nated by a statute, contract or other document, such reference or desig-
5 nation shall be deemed to apply to the director of accounts and reports
6 established by this act.

7 (f) All rules and regulations of the division of accounts and reports in
8 existence on the effective date of this act shall continue to be effective
9 and shall be deemed to be duly adopted rules and regulations of the
10 secretary of state on behalf of the division of accounts and reports estab-
11 lished by this act until revised, amended, revoked or nullified pursuant
12 to law.

13 (g) All orders and directives of the division of accounts and reports
14 or the director of accounts and reports in existence on the effective date
15 of this act shall continue to be effective and shall be deemed to be orders
16 and directives of the state treasurer on behalf of the division of accounts
17 and reports established by this act, until revised, amended or nullified
18 pursuant to law.

19 (h) On the effective date of this act, the state treasurer shall succeed
20 to whatever right, title or interest the division of accounts and reports or
21 the director of accounts and reports has acquired in any real property in
22 this state, and the state treasurer shall hold the same for and in the name
23 of the state of Kansas. On and after the effective date of this act, whenever
24 any statute, contract, deed or other document concerns the power or
25 authority of the division of accounts and reports or the director of ac-
26 counts and reports to acquire, hold or dispose of real property or any
27 interest therein, the state treasurer shall succeed to such power or
28 authority.

29 (i) The division of accounts and reports in the office of the state trea-
30 surer established by this act shall be a continuation of the division of
31 accounts and reports created by K.S.A. 75-3727a, and amendments
32 thereto.

33 Sec. 3. The state treasurer may organize the division of accounts and
34 reports in the manner the state treasurer deems most efficient, so long
35 as the same is not in conflict with the provisions of this act or with the
36 provisions of law. The state treasurer may establish policies governing the
37 transaction of business of the division of accounts and reports within the
38 office of the state treasurer.

39 Sec. 4. Except as otherwise provided in this act, on the effective date
40 of this act, officers and employees who, immediately prior to such date,
41 were engaged in the performance of powers, duties or functions of any
42 state agency or office which is abolished by this act, or which becomes a
43 part of the division of accounts and reports, or the powers, duties and

1 functions of which are transferred to the state treasurer, and who, in the
2 opinion of the state treasurer, are necessary to perform the powers, duties
3 and functions of the division of accounts and reports, shall be transferred
4 to, and shall become officers and employees of the state treasurer. Any
5 such officer or employee shall retain all retirement benefits and all rights
6 of civil service which had accrued to or vested in such officer or employee
7 prior to the effective date of this act. The service of each such officer and
8 employee so transferred shall be deemed to have been continuous. All
9 transfers and any abolition of personnel positions in the classified service
10 under the Kansas civil service act shall be in accordance with civil service
11 laws and any rules and regulations adopted thereunder.

12 Sec. 5. (a) When any conflict arises as to the disposition of any power,
13 function or duty or the unexpended balance of any appropriation as a
14 result of any abolition, transfer, attachment or change made by or under
15 authority of this act, such conflict shall be resolved by the governor, whose
16 decision shall be final.

17 (b) The state treasurer shall succeed to all property and records which
18 were used for or pertain to the performance of the powers, duties and
19 functions transferred to the secretary of state. Any conflict as to the
20 proper disposition of property or records arising under this section, and
21 resulting from the transfer, attachment or abolition of any state agency,
22 or all or part of the powers, duties and functions thereof, shall be deter-
23 mined by the governor, whose decision shall be final.

24 Sec. 6. (a) The state treasurer shall have the legal custody of all re-
25 cords, memoranda, writings, entries, prints, representations or combi-
26 nations thereof of any act, transaction, occurrence or event of the division
27 of accounts and reports and any agency or office abolished or transferred
28 thereto under this act.

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

37 (c) No criminal action commenced or which could have been com-
38 menced by the state shall abate by the taking effect of this act.

39 Sec. 7. (a) On the effective date of this act, the balance of all funds
40 appropriated and reappropriated to any of the state agencies abolished
41 by this act is hereby transferred to the state treasurer and shall be used
42 only for the purpose for which the appropriation was originally made.

43 (b) On the effective date of this act, the liability for all accrued com-

1 pensionation or salaries of officers and employees who, immediately prior to
2 such date, were engaged in the performance of powers, duties or func-
3 tions of any state agency or office abolished by this act, or which becomes
4 a part of the division of accounts and reports established by this act, or
5 the powers, duties and functions of which are transferred to the state
6 treasurer as provided for by this act, shall be assumed and paid by the
7 state treasurer on behalf of the division of accounts and reports estab-
8 lished by this act.

9 Sec. 8. K.S.A. 75-3727a and 75-3727b are hereby repealed.

10 Sec. 9. This act shall take effect and be in force from and after its
11 publication in the statute book.

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