

Executive Reorganization Order No. 35

By Governor Sam Brownback

1-25

1 Section 1. The commission on disability concerns is hereby
2 transferred from the department of commerce to the office of governor
3 and shall be a part thereof. The commission shall be advisory to the
4 governor. The governor shall appoint an executive director of the
5 commission. The office of governor shall provide office space and such
6 clerical and other personnel as may be necessary for the efficient
7 performance of the commission.

8 Sec. 2. Except as otherwise provided by this order, all powers,
9 duties, and functions of the commission on disability concerns under
10 K.S.A. 74-6701 *et seq.* and amendments thereto are hereby transferred to
11 and imposed upon the commission.

12 Sec. 3. (a) The commission shall be the successor in every way to
13 the powers, duties, and functions of the commission in which the same
14 were vested prior to the effective date of this order and that are
15 transferred pursuant to section 2. Every act performed in the exercise of
16 such transferred powers, duties, and functions by or under the authority of
17 the commission shall be deemed to have the same force and effect as if
18 performed by the commission in which such powers, duties, and
19 functions were vested prior to the effective date of this order.

20 (b) Whenever the commission or words of like effect are referred to or
21 designated by a statute, contract, or other document and such reference is
22 in regard to any of the powers, duties, or functions transferred to the
23 office of governor, such reference or designation shall be deemed to apply
24 to the commission attached to the office of governor.

25 (c) All rules and regulations, orders, and directives of the commission
26 which relate to the functions transferred by this order and which are in
27 effect on the effective date of this order shall continue to be effective and
28 shall be deemed to be rules and regulations, orders, and directives of the
29 commission until revised, amended, revoked, or nullified pursuant to law.

30 Sec. 4. (a) The balances of all funds or accounts thereof
31 appropriated or reappropriated for the commission relating to the powers,
32 duties, and functions transferred by this order are hereby transferred
33 within the state treasury to the office of governor and shall be used only
34 for the purpose for which the appropriation was originally made.

35 (b) Liability for all accrued compensation or salaries of officers and
36 employees who are transferred to the commission under this order shall

1 be assumed and paid by the commission attached to the office of
2 governor.

3 Sec. 5. (a) When any conflict arises as to the disposition of any
4 property, power, duty, or function or the unexpended balance of any
5 appropriation as a result of any abolition or transfer made by or under the
6 authority of this order, such conflict shall be resolved by the governor,
7 whose decision shall be final.

8 (b) The commission attached to the office of governor shall succeed to
9 all property, property rights, and records which were used for or pertain to
10 the performance of powers, duties, and functions transferred to the
11 commission attached to the office of governor. Any conflict as to the
12 proper disposition of property, personnel, or records arising under this
13 order shall be determined by the governor, whose decision shall be final.

14 Sec. 6. (a) No suit, action, or other proceeding, judicial or
15 administrative, lawfully commenced, or which could have been
16 commenced, by or against any state agency or program mentioned in this
17 order, or by or against any officer of the state in such officer's official
18 duties, shall abate by reason of the governmental reorganization effected
19 under the provisions of this order. The court may allow any such suit,
20 action, or other proceeding to be maintained by or against the successor
21 of any such state agency or any officer affected.

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

24 Sec. 7. (a) All officers and employees of the commission who,
25 immediately prior to the effective date of this order, are engaged in the
26 exercise and performance of the powers, duties, and functions transferred
27 by this order, as well as all officers and employees of the commission
28 who are determined by the executive director of the commission attached
29 to the office of governor to be engaged in providing administrative,
30 technical, or other support services that are essential to the exercise and
31 performance of the powers, duties, and functions transferred by this order,
32 are hereby transferred to the commission attached to the office of
33 governor. All classified employees so transferred shall retain their status
34 as classified employees.

35 (b) Officers and employees of the commission transferred by this
36 order shall retain all retirement benefits and leave balances and rights
37 which had accrued or vested prior to the date of transfer. The service of
38 each such officer and employee so transferred shall be deemed to have
39 been continuous. Any subsequent transfers, layoffs, or abolition of
40 classified service positions under the Kansas civil service act shall be
41 made in accordance with the civil service laws and any rules and
42 regulations adopted thereunder. Nothing in this order shall affect the
43 classified status of any transferred person employed by the commission

1 prior to the date of transfer.

2 Sec. 8. Except as otherwise provided by this order, all of the
3 provisions of this order shall take effect and have the force of general law
4 on July 1, 2011, unless disapproved by either house of the Kansas
5 legislature as provided by subsection (c) of section 6 of article 1 of the
6 constitution of Kansas, and unless so disapproved, this order is to be
7 published as and with the acts of the legislature and the statutes of this
8 state.

9
10 DONE AT The Capitol in Topeka
11 Under the Great Seal of the
12 State of Kansas this 3rd day
13 of February, 2011.

14 BY THE GOVERNOR
15 SAM BROWNBAC

16
17 Kris W. Kobach
18 *Secretary of State*

19
20 Eric Rucker
21 *Assistant Secretary of State*