

Executive Reorganization Order No. 36

By Governor Sam Brownback

1-27

1 Section 1. (a) The Kansas department of wildlife and parks as
2 established by K.S.A. 32-801 et seq. is hereby renamed the Kansas
3 department of wildlife, parks and tourism and the secretary of wildlife
4 and parks is hereby renamed the secretary of wildlife, parks and tourism.

5 (b) Except as otherwise provided by this order, the Kansas
6 department of wildlife, parks and tourism and the secretary of wildlife,
7 parks and tourism shall be the successor in every way to the powers,
8 duties and functions of the Kansas department of wildlife and parks and
9 the secretary of wildlife and parks in which the same were vested prior to
10 the effective date of this order. Every act performed in the exercise of
11 such powers, duties and functions by or under the authority of the Kansas
12 department of wildlife, parks and tourism or the secretary of wildlife,
13 parks and tourism shall be deemed to have the same force and effect as if
14 performed by the Kansas department of wildlife and parks or the
15 secretary of wildlife and parks in which such powers, duties and
16 functions were vested prior to the effective date of this order.

17 (c) Whenever the Kansas department of wildlife and parks, or words
18 of like effect, are referred to or designated by a statute, contract or other
19 document, and such reference or designation is in regard to any function,
20 power or duty of the Kansas department of wildlife and parks, such
21 reference or designation shall be deemed to apply to the Kansas
22 department of wildlife, parks and tourism.

23 (d) Whenever the secretary of wildlife and parks, or words of like
24 effect, are referred to or designated by a statute, contract or other
25 document, and such reference or designation is in regard to any function,
26 power or duty of the secretary of wildlife and parks, such reference or
27 designation shall be deemed to apply to the secretary of wildlife, parks
28 and tourism.

29 (e) All rules and regulations, orders and directives of the secretary
30 of wildlife and parks that are in effect on the effective date of this order
31 shall continue to be effective and shall be deemed to be rules and
32 regulations, orders and directives of the secretary of wildlife, parks and
33 tourism until revised, amended, revoked or nullified pursuant to law.

34 Sec. 2. (a) The secretary of wildlife, parks and tourism shall appoint
35 an assistant secretary for wildlife, fisheries and boating and an assistant
36 secretary for parks and tourism. The assistant secretaries shall serve at

1 the pleasure of the secretary of wildlife, parks and tourism. The assistant
2 secretaries shall be in the unclassified service under the Kansas civil
3 service act and shall receive an annual salary fixed by the secretary of
4 wildlife, parks and tourism with the approval of the governor. The
5 assistant secretaries shall have such powers, duties and functions as are
6 assigned to them by the secretary or are prescribed by law. The assistant
7 secretaries shall act for and exercise the powers of the secretary of
8 wildlife, parks and tourism to the extent authority to do so is delegated by
9 the secretary of wildlife, parks and tourism.

10 (b) The position of assistant secretary for operations as established
11 by K.S.A. 32-802 is hereby abolished.

12 Sec. 3. (a) There is hereby established, within the Kansas department
13 of wildlife, parks and tourism, the division of tourism. The head of the
14 division of tourism shall be the director of tourism, who shall be
15 appointed by and serve at the pleasure of the secretary of wildlife, parks
16 and tourism. The director of tourism shall be in the unclassified service
17 under the Kansas civil service act and shall receive an annual salary fixed
18 by the secretary of wildlife, parks and tourism.

19 (b) (1) The director of tourism shall appoint, in accordance with
20 the provisions of the Kansas civil service act, such employees as may be
21 needed, in the judgment of the director, to carry out the powers and duties
22 of the division of tourism.

23 (2) All officers and employees of the division of tourism shall act
24 for and exercise the powers of the director of tourism to the extent that
25 authority to do so is delegated by the director. Subject to the provisions of
26 this order, the director of tourism may organize the division of tourism in
27 the manner the director of tourism deems most efficient.

28 Sec. 4. (a) The division of travel and tourism development of the
29 department of commerce and the office of the director of travel and
30 tourism development of the department of commerce that were created by
31 K.S.A. 74-5032, and amendments thereto, are hereby abolished.

32 (b) Except as otherwise provided by this order, all powers, duties
33 and functions of the division of travel and tourism development and the
34 director of travel and tourism development under K.S.A. 74-5032 and 74-
35 5032a, and amendments thereto, are hereby transferred to and imposed
36 upon the division of tourism and the director of tourism of the Kansas
37 department of wildlife, parks and tourism.

38 Sec. 5. (a) Except as otherwise provided by this order, the division
39 of tourism and the director of tourism of the Kansas department of
40 wildlife, parks and tourism shall be the successor in every way to the
41 powers, duties and functions of the division of travel and tourism
42 development and the director of travel and tourism development of the
43 department of commerce in which the same were vested prior to the

1 effective date of this order and that are transferred pursuant to section 4
2 of this order. Every act performed in the exercise of such transferred
3 powers, duties and functions by or under the authority of the division of
4 tourism and the director of tourism of the Kansas department of wildlife,
5 parks and tourism shall be deemed to have the same force and effect as if
6 performed by the division of travel and tourism development and the
7 director of travel and tourism development of the department of
8 commerce in which such powers, duties and functions were vested prior
9 to the effective date of this order.

10 (b) Except as otherwise provided by this order, whenever the
11 division of travel and tourism development of the department of
12 commerce, or words of like effect, is referred to or designated by a
13 statute, contract or other document, and such reference or designation is
14 in regard to any function, power or duty of the division of travel and
15 tourism development of the department of commerce, such reference or
16 designation shall be deemed to apply to the division of tourism of the
17 Kansas department of wildlife, parks and tourism.

18 (c) Except as otherwise provided by this order, whenever the
19 director of travel and tourism development of the department of
20 commerce, or words of like effect, are referred to or designated by a
21 statute, contract, or other document, and such reference or designation is
22 in regard to any function, power or duty of the director of travel and
23 tourism development of the department of commerce, such reference or
24 designation shall be deemed to apply to the director of tourism of the
25 Kansas department of wildlife, parks and tourism.

26 (d) All rules and regulations, orders and directives of the secretary
27 of commerce, that are in effect on the effective date of this order and that
28 relate to any function, power or duty of the director of travel and tourism
29 development of the department of commerce, shall continue to be
30 effective and shall be deemed to be rules and regulations, orders and
31 directives of the secretary of wildlife, parks and tourism until revised,
32 amended, revoked or nullified pursuant to law. All orders and directives
33 of the division of travel and tourism development or the director of travel
34 and tourism development of the department of commerce, that are in
35 effect on the effective date of this order and that relate to any function,
36 power or duty of the division of travel and tourism development or the
37 director of travel and tourism development of the department of
38 commerce, shall continue to be effective and shall be deemed to be orders
39 and directives of the division of tourism or the director of tourism of the
40 Kansas department of wildlife, parks and tourism until revised, amended,
41 revoked or nullified pursuant to law.

42 Sec. 6. (a) The balances of all funds or accounts thereof
43 appropriated or reappropriated for the department of commerce relating

1 to the powers, duties and functions transferred by this order are hereby
2 transferred within the state treasury to the Kansas department of wildlife,
3 parks and tourism and shall be used only for the purpose for which the
4 appropriation was originally made.

5 (b) Liability for all accrued compensation or salaries of officers and
6 employees who are transferred to the division of tourism of the Kansas
7 department of wildlife, parks and tourism under this order shall be
8 assumed and paid by the Kansas department of wildlife, parks and
9 tourism.

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

15 (b) The Kansas department of wildlife, parks and tourism shall
16 succeed to all property, property rights and records which were used for
17 or pertain to the performance of powers, duties and functions transferred
18 to the division of tourism of the Kansas department of wildlife, parks and
19 tourism. Any conflict as to the proper disposition of property, personnel
20 or records arising under this order shall be determined by the governor,
21 whose decision shall be final.

22 Sec. 8. (a) No suit, action or other proceeding, judicial or
23 administrative, lawfully commenced, or which could have been
24 commenced, by or against any state agency or program mentioned in this
25 order, or by or against any officer of the state in such officer's official
26 duties, shall abate by reason of the governmental reorganization effected
27 under the provisions of this order. The court may allow any such suit,
28 action or other proceeding to be maintained by or against the successor of
29 any such state agency or any officer affected.

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

32 Sec. 9. (a) All officers and employees of the department of
33 commerce who, immediately prior to the effective date of this order, are
34 engaged in the exercise and performance of the powers, duties and
35 functions transferred by this order, as well as all officers and employees
36 of the department of commerce who are determined by the secretary of
37 wildlife, parks and tourism to be engaged in providing administrative,
38 technical or other support services that are essential to the exercise and
39 performance of the powers, duties and functions transferred by this order,
40 are hereby transferred to the division of tourism of the Kansas department
41 of wildlife, parks and tourism. All classified officers and employees so
42 transferred shall retain their status as classified employees.

43 (b) Officers and employees of the department of commerce

1 transferred by this order shall retain all retirement benefits and leave
2 balances and rights which had accrued or vested prior to the date of
3 transfer. The service of each such officer or employee so transferred shall
4 be deemed to have been continuous. Any subsequent transfers, layoffs or
5 abolition of classified service positions under the Kansas civil service act
6 shall be made in accordance with the civil service laws and any rules and
7 regulations adopted thereunder. Nothing in this order shall affect the
8 classified status of any transferred person employed by the department of
9 commerce prior to the date of transfer.

10 (c) Notwithstanding the effective date of this order, the provisions of
11 this order prescribing the transfer of officers and employees from the
12 department of commerce to the division of tourism of the Kansas
13 department of wildlife, parks and tourism established by this order, the
14 date of transfer of each such officer or employee shall commence at the
15 start of a payroll period.

16 Sec. 10. Except as otherwise provided by this order, all of the
17 provisions of this order shall take effect and have the force of general law
18 on July 1, 2011, unless disapproved by either house of the Kansas
19 legislature as provided by subsection (c) of section 6 of article 1 of the
20 constitution of Kansas, and unless so disapproved, this order is to be
21 published as and with the acts of the legislature and the statutes of this
22 state.

23
24 DONE AT The Capitol in Topeka
25 Under the Great Seal of the
26 State of Kansas this 3rd day
27 of February, 2011.
28

29 BY THE GOVERNOR
30 SAM BROWNBACK

31
32 Kris W. Kobach
33 *Secretary of State*

34
35 Eric Rucker
36 *Assistant Secretary of State*