

Executive Reorganization Order No. 37

By Governor Sam Brownback

1-27

1 Sec. 1. Kansas, Inc., its board, the office of chief executive officer,
2 and the president of Kansas, Inc., along with their powers, duties, and
3 functions, as created pursuant to K.S.A. 74-8001 et seq., and amendments
4 thereto, are hereby abolished.

5 Sec. 2. (a) The secretary of administration, for the sole purpose of
6 efficiently wrapping up and concluding the affairs of Kansas, Inc. and
7 satisfying any outstanding liabilities or commitments of Kansas, Inc.,
8 shall be the successor in every way to the powers, duties, and functions of
9 the Kansas, Inc., and its chief executive officer and president, hereinafter
10 referred to as president, in which the same were vested prior to the
11 effective date of this order. Every act performed in the exercise of such
12 abolished powers, duties, and functions by or under the authority of the
13 secretary of administration shall be performed by the existing employees
14 of the department of administration and shall be deemed to have the same
15 force and effect as if performed by Kansas, Inc., or its president in which
16 such powers, duties, and functions were vested prior to the effective date
17 of this order.

18 (b) In furtherance of the sole purpose set forth in Section 2(a) above,
19 whenever Kansas, Inc., or words of like effect are referred to or
20 designated by a statute, contract, memorandum of agreement or other
21 document, such reference or designation shall be deemed to apply to the
22 secretary of administration.

23 (c) In furtherance of the sole purpose set forth in Section 2(a) above,
24 whenever the president of Kansas Inc., or words of like effect are referred
25 to or designated by a statute, contract, memorandum of agreement or
26 other document, such reference or designation shall be deemed to apply
27 to the secretary of administration.

28 (d) In furtherance of the sole purpose set forth in Section 2(a) above,
29 all rules and regulations, orders, and directives of Kansas, Inc., or its
30 president which are in effect on the effective date of this order, shall
31 continue to be effective and shall be deemed to be rules and regulations,
32 orders, and directives of the secretary of administration, until revised,
33 amended, revoked or nullified pursuant to law.

34 (e) In furtherance of the sole purpose set forth in Section 2(a) above,
35 all orders and directives of the Kansas, Inc., or its president in existence
36 on the effective date of this act shall continue to be effective and shall be

1 deemed to be orders and directives of the secretary of administration,
2 until revised, amended or nullified pursuant to law.

3 Sec. 3. (a) The secretary of administration shall succeed to whatever
4 right, title or interest that Kansas, Inc., has acquired in any real property
5 in this state, and the secretary of administration shall hold the same for
6 and in the name of the state of Kansas.

7 (b) Whenever any statute, contract, deed or other document concerns
8 the power or authority of Kansas, Inc., or its president to acquire, hold or
9 dispose of real property or any interest therein, the secretary of
10 administration shall succeed to such power or authority.

11 Sec. 4. The secretary of administration shall have the legal custody of
12 all records, memoranda, writings, entries, prints, representations,
13 electronic data or combinations thereof of any act, transaction, occurrence
14 or event of Kansas Inc., or its president.

15 Sec. 5. (a) The balances of all funds or accounts thereof appropriated
16 or reappropriated for Kansas, Inc., relating to the powers, duties, and
17 functions abolished by this order are hereby transferred within the state
18 treasury to the department of administration and shall be used only for the
19 purpose for which the appropriation was originally made.

20 (b) Liability for all accrued compensation or salaries of officers and
21 employees who are employees of Kansas, Inc., during the period
22 commencing on the first day of the first payroll period chargeable to
23 fiscal year 2012 and ending in on June 30, 2011, shall be assumed and
24 paid by the department of administration.

25 Sec. 6. When any conflict arises as to the disposition of any records,
26 property, power, duty, or function or the unexpended balance of any
27 appropriation as a result of any abolition made by or under the authority
28 of this order, such conflict shall be resolved by the governor, whose
29 decision shall be final.

30 Sec. 7. (a) No suit, action, or other proceeding, judicial or
31 administrative, lawfully commenced, or which could have been
32 commenced, by or against any state agency or program mentioned in this
33 order, or by or against any officer of the state in such officer's official
34 duties, shall abate by reason of the governmental reorganization effected
35 under the provisions of this order. The court may allow any such suit,
36 action, or other proceeding to be maintained by or against the successor
37 of any such state agency or any officer affected.

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

40 Sec. 8. Except as otherwise provided by this order, all of the
41 provisions of this order shall take effect and have the force of general law
42 on July 1, 2011, unless disapproved by either house of the Kansas
43 legislature as provided by subsection (c) of section 6 of article 1 of the

1 Constitution of Kansas, and unless so disapproved, this order is to be
2 published as and with the acts of the legislature and the statutes of this
3 state.

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DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 4th day
of February, 2011.

BY THE GOVERNOR
SAM BROWNBACK

Kris W. Kobach
Secretary of State

Kathy M. Sachs
Assistant Secretary of State