

# Journal of the Senate

ELEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, January 26, 2021, 2:30 p.m.

The Senate was called to order by Vice President Rick Wilborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 73**, AN ACT concerning the attorney general; relating to corruption committed by a public officer or public employee; requiring the attorney general to carry out certain duties related to inquiry and investigation; requiring the attorney general to request an inquisition or state grand jury under certain circumstances; amending K.S.A. 2020 Supp. 22-3001 and repealing the existing section, by Senator Holland.

**SB 74**, AN ACT concerning the attorney general; relating to sexual abuse committed by a minister of religion; requiring the attorney general to carry out certain duties related to inquiry and investigation; requiring the attorney general to request an inquisition or state grand jury under certain circumstances; amending K.S.A. 2020 Supp. 22-3001 and repealing the existing section, by Senator Holland.

**SB 75**, AN ACT concerning children and minors; relating to reporting of certain abuse and neglect; requiring a duly ordained minister of religion to report certain abuse and neglect; amending K.S.A. 2020 Supp. 38-2223 and repealing the existing section, by Senator Holland.

**SB 76**, AN ACT concerning taxation; relating to income taxation; establishing the golden years homestead property tax freeze act; providing residential property tax refunds, by Senators Holland, Corson, Faust-Goudeau, Haley, Peck, Petersen, Pettey, Pittman and Ware.

**SB 77**, AN ACT concerning health professions and practices; relating to audiologists and speech-language pathologists; licensure; enacting the audiology and speech-language pathology interstate compact, by Committee on Public Health and Welfare.

**SB 78**, AN ACT concerning insurance; relating to the regulation of the business thereof; granting the commissioner the power to subpoena witnesses and order depositions when conducting certain investigations; updating certain definitions relating to service contracts and surplus lines insurance; interest rate calculations relating to nonforfeiture law for individual deferred annuities; application requirements for certification of utilization review organizations; requirements for out-of-state risk retention groups to do business in state; applications for registration of professional employer organizations; repealing the automobile club services act; amending K.S.A. 40-103, 40-22a04, 40-22a06 and 40-4103 and K.S.A. 2020 Supp. 40-201a, 40-246i, 40-4, 104, 40-22a05 and 44-1704 and repealing the existing sections; also repealing K.S.A. 40-2405, 40-2501, 40-2502, 40-2503, 40-2504, 40-2505, 40-2506, 40-2507, 40-2508,

40-2509, 40-2510, 40-2511, 40-2512 and 40-2513, by Committee on Insurance.

**SB 79**, AN ACT concerning the state fire marshal; relating to law enforcement powers thereof; fire equipment standards; requiring investigation of fire deaths; amending K.S.A. 31-158 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 80**, AN ACT concerning electric public utilities; relating to the state corporation commission; approval of electric rates, transmission costs; prohibiting transmission delivery charges, exceptions; amending K.S.A. 66-1237 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 81**, AN ACT concerning the state corporation commission; relating to electric public utilities; regional electric rates; report to the legislature; amending K.S.A. 66-117b and repealing the existing section, by Committee on Federal and State Affairs.

**SB 82**, AN ACT concerning insurance; relating to coverage of mental illness and substance use disorders; limiting utilization review under certain circumstances; enacting the Kristi L. Bennett mental health parity act; amending K.S.A. 2020 Supp. 40-2,105 and 40-2,105a and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 83**, AN ACT concerning the state child death review board; relating to confidentiality of records; exceptions; amending K.S.A. 2020 Supp. 22a-243 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 84**, AN ACT concerning gaming; relating to the Kansas expanded lottery act; Kansas lottery and Kansas racing and gaming commission, rules and regulations; authorizing sports wagering; creating the sports wagering receipts fund, executive director of the Kansas lottery; white collar crime fund, governor; amending K.S.A. 46-2301, 74-8702, 74-8710, 74-8711, 74-8716, 74-8718, 74-8733, 74-8734, 74-8751, 74-8752, 74-8757, 74-8758, 74-8760, 74-8772 and 79-4806 and K.S.A. 2020 Supp. 21-6403, 21-6507 and 21-6508 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 85**, AN ACT concerning children and minors; relating to foster care; requiring notification by a foster care case management contractor and the Kansas department for children and families of certain situations involving children, by Committee on Public Health and Welfare.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 70, SB 71, SB 72.**

Commerce: **SB 65, SB 66.**

Education: **SB 62, SB 63, SB 64.**

Transportation: **SB 67, SB 68, SB 69, SCR 1603.**

## MESSAGES FROM THE GOVERNOR

January 25, 2021

### Message to the Kansas Senate

#### Executive Reorganization Order No. 47

Pursuant to Article 1, Section 6, of the Constitution of the State of Kansas, today I

transmit Executive Reorganization Order No. 47 to the Kansas Legislature along with this message to the Senate.

Effective July 1, 2021, this reorganization creates the Kansas Department of Human Services (“KDHS”), which will be responsible for all current programs, responsibilities, functions, and duties of the Department for Children and Families (“DCF”) and the Department for Aging and Disability Services (“KDADS”). Unlike Executive Reorganization Order 44, which was submitted last year, this order does not affect the juvenile services division of the Department of Corrections. DCF and KDADS will be dissolved, but no current responsibilities, duties, or functions will be abolished.

Creating the Department of Human Services ensures Kansas families and individuals have easier access to critical services and improves engagement among our service centers, clients, and local stakeholders by creating a single point of entry for those accessing a variety of critical services. The new KDHS will allow us to focus on prevention, so that we can identify and serve Kansans in need before their situation becomes a crisis that is more costly to both themselves and our communities. Through partnering with communities across the state, KDHS will establish a one-stop-shop for Kansans in need of such services and will ensure that our government delivers those services in the most efficient and effective manner.

I look forward to working with the Senate to improve our ability to serve Kansans in need and to build healthy communities across our State.

Respectfully,  
Governor Laura Kelly

#### **EXECUTIVE REORGANIZATION ORDER No. 47**

**By Governor Laura Kelly**

Section 1. (a) The Kansas department for children and families is hereby renamed the Kansas department of human services. Except as otherwise provided by this order, whenever the department for children and families, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department of human services. Except as otherwise provided by this order, whenever the secretary for children and families, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary of human services.

(b) It is intended that the Kansas department of human services and the secretary of human services shall have authority to administer all programs and services which are currently being administered by the Kansas department for children and families when this order becomes effective, including any programs, services and grants for which the Kansas department for children and families is serving as an operating agency or grants manager for another state agency or federal agency at the time this order becomes effective.

(c) On the effective date of this order, the Kansas department of human services shall

succeed to whatever right, title or interest the Kansas department for children and families has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the Kansas department for children and families or the secretary for children and families to acquire, hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

(d) The Kansas department of human services shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to it by this order from the department for children and families and the secretary for children and families. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

(e) The secretary of human services may adopt rules and regulations for the government, regulation and operation of programs and services administered by the Kansas department of human services.

Sec. 2. (a) The Kansas department for aging and disability services created by K.S.A. 75-5902 et seq. and Executive Reorganization Order No. 41, is hereby abolished.

(b) Except as otherwise provided by this order, all of the jurisdiction, powers, functions and duties of the Kansas department for aging and disability services and the secretary of the Kansas department for aging and disability services are hereby transferred to and conferred and imposed upon the Kansas department of human services and the secretary of human services.

(c) Except as otherwise provided by this order, the Kansas department of human services and the secretary of human services shall be the successor in every way to the jurisdiction, powers, duties and functions of the Kansas department for aging and disability services and the secretary for aging and disability services in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such jurisdiction, powers, duties and functions by or under the authority of the Kansas department of human services and the secretary of human services shall be deemed to have the same force and effect as if performed by the Kansas department for aging and disability services or the secretary for aging and disability services, respectively, in which such jurisdiction, powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided by this order, whenever the department for aging and disability services, 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 Kansas department of human services.

(e) Except as otherwise provided by this order, whenever the secretary for aging and disability services, 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 secretary of human services.

(f) All rules and regulations, policies and procedures of the Kansas department for aging and disability services or the secretary for aging and disability services which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and

regulations, policies and procedures of the Kansas department of human services or the secretary of human services until revised, amended, revoked, or nullified pursuant to law.

(g) All orders and directives of the Kansas department for aging and disability services or the secretary for aging and disability services in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the Kansas department of human services or the secretary of human services until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the Kansas department for aging and disability services has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the Kansas department for aging and disability services or the secretary for aging and disability services to acquire, hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

(i) The Kansas department of human services and the secretary of human services shall be continuations of the Kansas department for aging and disability services and the secretary for aging and disability services.

(j) The secretary of human services shall determine the manner in which the office of the secretary of aging and disability services is organized within the Kansas department of human services.

(k) The secretary of human services shall determine the manner in which aging, disability and behavioral health programs are organized within the Kansas department of human services.

(l) The secretary of human services shall determine the manner in which programs provided by the institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, are organized within the Kansas department of human services.

(m) The secretary of human services shall determine the manner in which survey, certification and credentialing programs are organized within the Kansas department of human services.

(n) The secretary of human services shall determine the manner in which financial and information services programs are organized within the Kansas department of human services.

Sec. 3. (a) The secretary of human services shall appoint such officers and employees as may be needed to carry out the powers and duties which the secretary assigns to the office of the secretary, aging, disability and behavioral health functions, institution functions, survey, certification and credentialing functions, and office of the financial and information services commission of the Kansas department of human services.

(b) All officers and employees in the Kansas department for aging and disability services who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the Kansas department of human services unless the secretary of human services determines that some officers or employees are not performing necessary services. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary of human services may convert vacant

classified positions to positions in the unclassified service under the Kansas civil service act.

(c) Officers and employees in the Kansas department for aging and disability services transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder.

(d) The Memorandum of Agreement between the State of Kansas and the Kansas Organization of State Employees that is in existence on the effective date of this order shall continue to be effective until revised, amended or nullified pursuant to the terms of the Memorandum of Agreement.

Sec. 4. (a) The aging and disability community services and programs commission and the behavioral health services commission of the Kansas department for aging and disability services is hereby transferred to the Kansas department of human services and shall be a part thereof. The aging and disability community and services programs commission and the behavioral health services commission transferred to the Kansas department of human services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which programs and services provided by the aging and disability community services and programs commission and the behavioral health services commission shall be organized within the Kansas department of human services.

(c) The programs transferred from the aging and disability community services and programs commission and the behavioral services commission of the Kansas department for aging and disability services are:

- (1) Mental health and substance abuse;
- (2) serious emotionally disturbed, intellectual and developmental disability, physical disability, brain injury, autism, technology assistance, and frail and elderly Medicaid waivers and programs;
- (3) licensure and regulation of community mental health centers, as defined by K.S.A. 39-2002, and amendments thereto;
- (4) regulation of community developmental disability organizations, as defined by K.S.A. 39-1801 et seq., and amendments thereto;
- (5) licensure of private psychiatric hospitals, as defined by K.S.A. 39-2001 et seq., and amendments thereto;
- (6) licensure of psychiatric residential treatment facilities under subsection (c) of K.S.A. 65-503, and amendments thereto, and subsection (k) of K.A.R. 28-4-1200 on the effective date of this order, and subsection (g)(3) of K.S.A. 72-1173, and amendments thereto;
- (7) licensure and regulation of facilities and providers of residential and day supports services, as defined by K.S.A. 39-2001 et seq., and amendments thereto;
- (8) licensure and regulation of residential care facilities, as defined by K.S.A. 39-2001 et seq., and amendments thereto;
- (9) licensure and regulation of crisis intervention centers, as defined by K.S.A. 39-2001 et seq., and amendments thereto;

(10) licensure and regulation of providers of addiction and prevention services, as defined by K.S.A. 75-5375, et. seq; and;

(11) licensure and regulation of providers of services and administration of grants for the older Americans act (OAA), senior care act (SCA), and Medicare programs including the senior health insurance counseling for Kansas (SHICK), the senior Medicare patrol (SMP), and the Medicare improvements for patients and providers act (MIPPA), the client assessment, referral and evaluation program (CARE), the respite for caregivers program, and the program of all-inclusive care for the elderly (PACE);

(12) any other programs and related grants administered by the aging and disability community services and programs commission and the behavioral health services commission of the Kansas department for aging and disability services prior to the effective date of this order.

(d) Except as otherwise provided by this order, all powers, duties, and functions of the secretary for aging and disability services pertaining to the aging and disability community services and programs commission and the behavioral health services commission transferred by this order, including that agency's designation as the Medicaid single state authority for substance abuse and for mental health, are hereby transferred to and imposed upon the secretary of human services.

(e) The Kansas department of human services shall be the successor in every way to the powers, duties, and functions of the Kansas department for aging and disability services pertaining to the aging and disability community services and supports commission and the behavioral health services commission transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if performed by the Kansas department for aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 5. (a) The state hospitals commission of the Kansas department for aging and disability services is hereby transferred to the Kansas department of human services and shall be a part thereof. All institutions, as defined by subsection

(b) of K.S.A. 76-12a01, and amendments thereto, and the programs operated by such institutions are hereby transferred from the Kansas department for aging and disability services to the Kansas department of human services. All such institutions shall be administered by the secretary of human services. (b) Except as otherwise provided by this order, all powers, duties, and functions of the secretary for aging and disability services pertaining to the programs and operation of the institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, are hereby transferred to and imposed upon the secretary of human services.

(c) The secretary of human services shall determine the manner in which programs and services provided by the state hospitals commission and institutions shall be organized within the Kansas department of human services.

(d) The Kansas department of human services shall be the successor in every way to the powers, duties, and functions of the Kansas department for aging and disability services pertaining to the programs and operation of the state hospital commission and the institutions that are transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if

performed by the Kansas department for aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 6. (a) The survey, certification and credentialing commission of the Kansas department for aging and disability services is hereby transferred to the Kansas department of human services and shall be a part thereof. The survey, certification and credentialing commission transferred to the Kansas department of human services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which programs and services provided by the survey, certification and credentialing commission shall be organized within the Kansas department of human services. (c) The programs to be transferred by this commission are the Kansas act on credentialing, K.S.A. 65-5001 through 65-5011, and amendments thereto, including the following programs:

(1) Licensure of adult care home administrators, as defined by subsection (c) of K.S.A. 65-3501, and amendments thereto; (2) licensure of dietitians, as defined by subsection (f) of K.S.A. 65-5902, and amendments thereto;

(3) certification of residential care facility operators, as defined by subsection (a)(21) of K.S.A. 39-923, and amendments thereto;

(4) certification of activity directors, as defined by subsection (a) of K.A.R. 26-39-100 on the effective date of this order;

(5) certification of social service designees, as defined by subsection (sss) of K.A.R. 26-39-100 on the effective date of this order;

(6) certification of nurse aides, as defined by subsection (qq) of K.A.R. 26-39-100 on the effective date of this order;

(7) certification of medication aides as defined by subsection (nn) of K.A.R. 26-39-100 on the effective date of this order;

(8) certification of home health aides as defined by subsection (e) of K.S.A. 65-5101, and amendments thereto; and

(9) maintenance of the Kansas nurse aide registry under subsection (c) of K.S.A. 39-936, and amendments thereto, and K.S.A. 39-1411, and amendments thereto;

(10) survey and licensure of adult care home facilities under the adult care home licensure act under K.S.A. 39-923 et seq., and amendments thereto.

(d) The criminal history record check program, as authorized by individual credentialing statutes or rules and regulations, K.S.A. 39-969, and amendments thereto, K.S.A. 39-970, and amendments thereto, K.S.A. 39-2009, and amendments thereto, and subsection (b) of K.S.A. 22-4707, and amendments thereto, is hereby transferred from the Kansas department of aging and disability services to the Kansas department of human services and shall be a part thereof.

(e) The licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the maintenance of the Kansas nurse aide registry, the survey and licensure of adult care home facilities, and the criminal history record check program shall be administered by the secretary of human services. Nothing in this order shall change or diminish the authority of the board of adult care home administrators established by K.S.A. 65-3506, and amendments thereto.

(f) Except as otherwise provided by this order, all powers, duties, and functions of the

secretary of aging and disability services pertaining to the licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the Kansas nurse aide registry, the survey and licensure of adult care home facilities, and the criminal record check program transferred by this order are hereby transferred to and imposed upon the secretary of human services.

(g) The Kansas department of human services shall be the successor in every way to the powers, duties, and functions of the Kansas department of aging and disability services pertaining to those portions of the survey, certification and credentialing program transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if performed by the Kansas department of aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 7. (a) The financial and information services commission of the Kansas department for aging and disability services, including agency-specific information technology and financial oversight programs and services, is hereby transferred to the Kansas department of human services and shall be a part thereof. The financial and information services commission transferred to the Kansas department of human services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which programs and services provided by the financial and information services commission shall be organized within the Kansas department of human services.

(c) Except as otherwise provided by this order, all powers, duties, and functions of the secretary of aging and disability services pertaining to the programs and services administered by the financial and information services commission transferred by this order are hereby transferred to and imposed upon the secretary of human services.

(d) The Kansas department human services shall be the successor in every way to the powers, duties, and functions of the Kansas department of aging and disability services pertaining to those portions of the financial and information services programs transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if performed by the Kansas department of aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 8. (a) The powers, duties, and functions of the Kansas department for aging and disability services and the secretary for aging and disability services pertaining to any and all receiverships of adult care homes filed pursuant to K.S.A. 39-954 et seq., amendments thereto, is hereby transferred to the Kansas department of human services and shall be a part thereof. The powers, duties, and functions of the receiver transferred to the Kansas department of human services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which the receivership program administered under K.S.A. 39-954 et seq., and amendments thereto, shall be organized within the Kansas department of human services.

(c) The Kansas department of human services and the secretary of human services shall be the successor in every way to the receiver's powers, duties, and functions of the Kansas department for aging and disability services and the secretary for aging and disability services pertaining to any and all receiverships of adult care homes filed pursuant to K.S.A. 39-954 et seq., and amendments thereto, pending on the effective date of this order.

(d) Whenever the Kansas department for aging and disability services, the secretary for aging and disability services, or words of like effect, is referred to or designated by a statute, contract, order or other document and such reference is in regard to any of the powers, duties, or functions of the receiver under K.S.A. 39-954 et seq., and amendments thereto, transferred to the Kansas department of human services from the Kansas department for aging and disability services by this order, such reference or designation shall be deemed to apply to the Kansas department of human services or the secretary of human services.

(e) All rules and regulations, orders, and directives of the Kansas department for aging and disability services and the secretary for aging and disability services, or words of like effect, which relate to the powers, duties and functions of the receiver under K.S.A. 39-954 et seq., and amendments thereto, on the effective date of this order, shall be effective and shall be deemed to be rules and regulations, orders, and directives of the Kansas department of human services and the secretary of human services until revised, amended, revoked, or nullified pursuant to law.

Sec. 9. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas department for aging and disability services relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the Kansas department of human services and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the Kansas department of human services under this order shall be assumed and paid by the Kansas department of human services.

(c) Subject to the acts of the legislature, all fees, grant funds, and loan repayment funds of the Kansas department for aging and disability services dedicated to programs transferred by this order shall be transferred to the Kansas department of human services.

Sec. 10. (a) The Kansas department of human services shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to it by this order from the department of aging and disability services and the secretary of aging and disability services. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

(b) When any conflict arises as to any power, duty, or function transferred from the department of aging and disability services and the secretary of aging and disability services resulting from any transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

Sec. 11. (a) Except as otherwise provided by this order, whenever the department of social and rehabilitation services, which was the predecessor to the department for children and families under Executive Reorganization No. 41, or words of like effect, is referred to or designated by any statute, rule and regulation, contract, internal policy or

procedure, order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department of human services. Except as otherwise provided by this order, whenever the secretary of social and rehabilitation services, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, internal policy or procedure, order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary of human services.

(b) On the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the department of social and rehabilitation services has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the department of social and rehabilitation services to acquire, hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

Sec. 12. (a) Except as otherwise provided by this order, whenever the department aging, which was the predecessor to the department for aging and disability services under Executive Reorganization No. 41, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, internal policy or procedure, order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department of human services. Except as otherwise provided by this order, whenever the secretary of aging, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, internal policy or procedure, order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary of human services.

(b) On the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the department on aging has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the department on aging to acquire, hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

Sec. 13. The Kansas department of human services and the secretary of human services shall have authority to administer all programs and services previously administered by the Kansas department for social and rehabilitation services, the Kansas department on aging, and the Kansas department for aging and disability services regardless of whether such programs and services are specifically mentioned in this order as being transferred to the Kansas department of human services. For purposes of this order, all programs and services intended to be transferred to the Kansas department of human services is intended to include all programs and services for which the Kansas department for aging and disability services or the secretary for

aging and disability services provides administration services, serves as the operating agency or serves as the manager of grant funds pursuant to an existing delegation of authority or memorandum of understanding between a predecessor of the Kansas department of human services and another state or federal agency on the effective date of this order.

Sec. 14. The secretary of human services may adopt rules and regulations for the government, regulation and operation of and all programs and services previously administered by the Kansas department for children and families, the Kansas department of social and rehabilitation services, the Kansas department for aging and disability services and the Kansas department on aging.

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

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

Sec. 16. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2021, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT the Capitol in Topeka  
Under the Great Seal of the  
State of Kansas  
this 25th day of January 2021.

BY THE GOVERNOR:  
LAURA KELLY

SCOTT SCHWAB  
Secretary of State of Kansas

CATHERINE GUNSALUS  
Assistant Secretary of State of Kansas

**Message to the Kansas Senate**

**Executive Reorganization Order No. 48**

Pursuant to Article 1, Section 6, of the Constitution of the State of Kansas, today I transmit Executive Reorganization Order No. 48 to the Kansas Legislature along with this message to the Senate.

Effective July 1, 2021, this reorganization moves the Division of Tourism out of the Kansas Department of Wildlife, Parks, and Tourism and relocates the Division of Tourism in the Kansas Department of Commerce. This move will more closely align

our state's efforts to increase tourism with the economic development efforts of the Department of Commerce. None of the Division of Tourism's current responsibilities, duties, or functions will be abolished.

This reorganization is the product of consultation and discussion with businesses, destination marketing organizations, and other key industry partners, including the Travel Industry Association of Kansas, the Kansas Restaurant & Hospitality Association, and the Kansas Economic Development Alliance. The move will send a clear message to our industry partners and prospective companies that Kansas will use every tool at its disposal to spur new economic development.

Kansas is not just a great place to live and work, it's a great place to visit. I look forward to working with the Senate to build on our efforts to support and increase tourism as we help our economy recover.

Respectfully,  
Governor Laura Kelly

#### **EXECUTIVE REORGANIZATION ORDER No. 48**

Section 1. (a) There is hereby established, within the department of commerce the division of tourism. The head of the division of tourism shall be the director of tourism, who shall be appointed by and serve at the pleasure of the secretary of commerce. The director of tourism shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of commerce.

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

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

Section 2. (a) The division of tourism of the Kansas department of wildlife, parks and tourism and the office of the director of tourism of the Kansas department of wildlife, parks and tourism that were created by K.S.A. 32-812 and 32-1402, and amendments thereto, are hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties and functions of the division of tourism and the director of tourism under K.S.A. 32-812, et seq. and K.S.A. 32-1401 through 32-1438 and amendments thereto, are hereby transferred to and imposed upon the division of tourism and the director of tourism of the department of commerce.

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

(d) Except as otherwise provided by this order, the Kansas department of wildlife and parks and the secretary of wildlife and parks shall be the successor in every way to the powers, duties and functions of the Kansas department of wildlife, parks and tourism and the secretary of wildlife, parks and tourism in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the Kansas department of wildlife and

parks or the secretary of wildlife and parks shall be deemed to have the same force and effect as if performed by the Kansas department of wildlife, parks and tourism or the secretary of wildlife, parks and tourism in which such powers, duties and functions were vested prior to the effective date of this order.

(e) Except as otherwise provided by this order, whenever the Kansas department of wildlife, parks and tourism, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the Kansas department of wildlife, parks and tourism, such reference or designation shall be deemed to apply to the Kansas department of wildlife and parks .

(f) Except as otherwise provided by this order, whenever the secretary of wildlife, parks and tourism, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the secretary of wildlife, parks and tourism, such reference or designation shall be deemed to apply to the secretary of wildlife and parks.

(g) Except as otherwise provided by this order, all rules and regulations, orders and directives of the secretary of wildlife, parks and tourism that are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of wildlife and parks until revised, amended, revoked or nullified pursuant to law.

(h) The secretary of wildlife and parks shall appoint an assistant secretary for operations. The assistant secretary for operations shall serve at the pleasure of the secretary of wildlife and parks. The assistant secretary for operations shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of wildlife and parks. The assistant secretary for operations shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. The assistant secretary for operations shall act for and exercise the powers of the secretary of wildlife and parks to the extent authority to do so is delegated by the secretary of wildlife and parks.

(i) The positions of assistant secretary for parks and tourism and assistant secretary of wildlife, fisheries and boating as established by K.S.A. 32-802 are hereby abolished.

Section 3. (a) Except as otherwise provided by this order, the division of tourism and the director of tourism of the Kansas department of commerce shall be the successor in every way to the powers, duties and functions of the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the division of tourism and the director of tourism of the department of commerce shall be deemed to have the same force and effect as if performed by the division of tourism and the director of tourism of the Kansas department of wildlife, parks and tourism in which such powers, duties and functions were vested prior to the effective date of this order.

(b) Except as otherwise provided by this order, whenever the division of tourism of the Kansas department of wildlife, parks and tourism, or words of like effect, is referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the division of tourism of the department of wildlife, parks and tourism, such reference or designation shall be

deemed to apply to the division of tourism of the Kansas department of commerce.

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

(d) All rules and regulations, orders and directives of the secretary of wildlife, parks and tourism, that are in effect on the effective date of this order and that relate to any function, power or duty of the director of tourism of the Kansas department of wildlife, parks and tourism, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of commerce until revised, amended, revoked or nullified pursuant to law. All orders and directives of the division of tourism or the director of tourism of the Kansas department of wildlife, parks and tourism, that are in effect on the effective date of this order and that relate to any function, power or duty of the division of tourism or the director of tourism of the department of wildlife, parks and tourism, shall continue to be effective and shall be deemed to be orders and directives of the division of tourism or the director of tourism of the department of commerce until revised, amended, revoked or nullified pursuant to law.

Section 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas department of wildlife, parks and tourism relating to the power, duties and functions transferred by this order are hereby transferred within the state treasury to the department of commerce and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the division of tourism of the department of commerce under this order shall be assumed and paid by the department of commerce.

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

(b) The department of commerce shall succeed to all property, property rights and records that were used for or pertain to the performance of powers, duties and functions transferred to the division of tourism of the department of commerce. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.

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

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

Section 7. (a) All officers and employees of the Kansas department of wildlife, parks

and tourism who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the Kansas department of wildlife, parks and tourism who are determined by the secretary of commerce to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of tourism of the department of commerce. All classified officers and employees so transferred shall retain their status as classified employees.

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

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

Section 8. (a) Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2021, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of the state of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT the Capitol in Topeka  
Under the Great Seal of the  
State of Kansas  
this 25th day of January 2021.

BY THE GOVERNOR:  
Laura Kelly

SCOTT SCHWAB  
Secretary of State of Kansas

CATHERINE GUNSALUS  
Assistant Secretary of State of Kansas

#### **COMMUNICATIONS FROM STATE OFFICERS**

The following reports were submitted to the Senate and are on file with the Secretary of the Senate:

Kansas State Employees Health Care Commission Annual Report (Plan year 2020)

Kansas Board of Regents Annual Report on Exceptions to the Minimum Admission Standards at State Universities (January 2021)

Kansas Water Office Water Authority Annual report (2021)

**REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **SB 21, SB 47** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 33** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Suellentrop, the Senate adjourned Pro Forma until 2:30 p.m., Wednesday, January 27, 2021.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

