

Executive Reorganization Order No. 48

By Governor Laura Kelly

1-26

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

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

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

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

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

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

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

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

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

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

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

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

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

40 Section 3. (a) Except as otherwise provided by this order, the division
41 of tourism and the director of tourism of the Kansas department of
42 commerce shall be the successor in every way to the powers, duties and
43 functions of the division of tourism and the director of tourism of the

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

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

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

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

41 Section 4. (a) The balances of all funds or accounts thereof
42 appropriated or reappropriated for the Kansas department of wildlife,
43 parks and tourism relating to the power, duties and functions transferred

1 by this order are hereby transferred within the state treasury to the
2 department of commerce and shall be used only for the purpose for which
3 the appropriation was originally made.

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

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

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

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

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

29 Section 7. (a) All officers and employees of the Kansas department of
30 wildlife, parks and tourism who, immediately prior to the effective date
31 of this order, are engaged in the exercise and performance of the powers,
32 duties and functions transferred by this order, as well as all officers and
33 employees of the Kansas department of wildlife, parks and tourism who
34 are determined by the secretary of commerce to be engaged in providing
35 administrative, technical or other support services that are essential to the
36 exercise and performance of the powers, duties and functions transferred
37 by this order, are hereby transferred to the division of tourism of the
38 department of commerce. All classified officers and employees so
39 transferred shall retain their status as classified employees.

40 (b) Officers and employees of the Kansas department of wildlife,
41 parks and tourism transferred by this order shall retain all retirement
42 benefits and leave balances and rights that had accrued or vested prior to
43 the date of transfer. The service of each such officer or employee so

1 transferred shall be deemed to have been continuous. Any subsequent
2 transfers, layoffs or abolition of classified service positions under the
3 Kansas civil service act shall be made in accordance with the civil service
4 laws and any rules and regulations adopted thereunder. Nothing in this
5 order shall affect the classified status of any transferred person employed
6 by the Kansas department of wildlife, parks and tourism prior to the date
7 of transfer.

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

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