

SENATE BILL No. 220

By Senator Haley

2-12

AN ACT transferring the offices of the state treasurer and the commissioner of insurance to the department of administration; amending K.S.A. 25-101b, 25-4001 and 40-106 and repealing the existing sections; also repealing K.S.A. 75-601.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 25-101b is hereby amended to read as follows: 25-101b. At the general election held in 1978 and each four (4) years thereafter, there shall be elected a treasurer for the state of Kansas, whose term of office shall be four (4) years beginning on the second Monday in January next succeeding such treasurer's election, *except that no such election shall be held after 2002*. In case of a vacancy in such office, the governor shall appoint some suitable person to serve for the unexpired term and until a successor is elected and qualified.

Sec. 2. K.S.A. 25-4001 is hereby amended to read as follows: 25-4001. *On and after July 1, 2003*, the governor, lieutenant governor, secretary of state; *and attorney general*, ~~state treasurer and commissioner of insurance~~ shall be elected for terms of four (4) years, to begin on the second Monday of January next after their election, and until their successors are elected and qualified.

Sec. 3. K.S.A. 40-106 is hereby amended to read as follows: 40-106. At the general election held in 1978 and each four (4) years thereafter, there shall be elected a commissioner of insurance for the state of Kansas, whose term of office shall be four (4) years beginning on the second Monday in January next succeeding such commissioner's election, *except that no such election shall be held after 2002*. In case of a vacancy in such office the governor shall appoint some suitable person to serve for the unexpired term and until a successor is elected and qualified.

New Sec. 4. On and after January 8, 2007, there is hereby established within and as a part of the department of administration, the division of treasury. The secretary of administration shall appoint a director of such division and such director shall be in the unclassified service of the Kansas civil service act. Subject to and in accordance with appropriations acts, the division of treasury shall include all powers, duties and functions of the state treasurer which are hereby transferred.

1 New Sec. 5. On and after January 8, 2007: (a) The state treasurer
2 created by K.S.A. 75-601, and amendments thereto, is hereby abolished.

3 (b) Except as otherwise provided by this act, all of the powers, duties
4 and functions of the existing state treasurer are hereby transferred to and
5 conferred and imposed upon, the department of administration and the
6 division of treasury established by this act.

7 (c) Except as otherwise provided by this act, the department of ad-
8 ministration and the division of treasury established by this act shall be
9 the successor in every way to the powers, duties and functions of the state
10 treasurer in which the same were vested prior to the effective date of this
11 act. Every act performed in the exercise of such powers, duties and func-
12 tions by or under the authority of the department of administration or
13 the division of treasury established by this act shall be deemed to have
14 the same force and effect as if performed by the state treasurer, in which
15 such powers, duties and functions were vested prior to January 8, 2007.

16 (d) Except as otherwise provided by this act, whenever the state trea-
17 surer, or words of like effect, is referred to or designated by a statute,
18 contract or other document, such reference or designation shall be
19 deemed to apply to the division of treasury established by this act.

20 (e) All rules and regulations of the state treasurer in existence on
21 January 8, 2007, shall continue to be effective and shall be deemed to be
22 duly adopted rules and regulations of the secretary of administration on
23 behalf of the division of treasury established by this act until revised,
24 amended, revoked or nullified pursuant to law.

25 (f) All orders and directives of the state treasurer in existence on
26 January 8, 2007, shall continue to be effective and shall be deemed to be
27 orders and directives of the secretary of administration on behalf of the
28 division of treasury established by this act, until revised, amended or
29 nullified pursuant to law.

30 (g) The secretary of administration shall succeed to whatever right,
31 title or interest the state treasurer has acquired in any real property in
32 this state, and the secretary shall hold the same for and in the name of
33 the state of Kansas. On and after January 8, 2007, whenever any statute,
34 contract, deed or other document concerns the power or authority of the
35 state treasurer to acquire, hold or dispose of real property or any interest
36 therein, the secretary of administration shall succeed to such power or
37 authority.

38 (h) The secretary of administration's division of treasury established
39 by this act shall be continuations of the state treasurer.

40 New Sec. 6. On and after January 8, 2007, the secretary of admin-
41 istration may organize the division of treasury in the manner the secretary
42 deems most efficient, so long as the same is not in conflict with the pro-
43 visions of this act or with the provisions of law, and the secretary may

1 establish policies governing the transaction of business of the division of
2 treasury within the department.

3 New Sec. 7. On and after January 8, 2007, there is hereby established
4 within and as a part of the department of administration, the division of
5 insurance. The secretary of administration shall appoint a director of such
6 division and such director shall be in the unclassified service of the Kansas
7 civil service act. Subject to and in accordance with appropriations acts,
8 the division of insurance shall include all powers, duties and functions of
9 the commissioner of insurance, which are hereby transferred.

10 New Sec. 8. On and after January 8, 2007: (a) The commissioner of
11 insurance created by K.S.A. 40-102, and amendments thereto, is hereby
12 abolished.

13 (b) Except as otherwise provided by this act, all of the powers, duties
14 and functions of the existing commissioner of insurance and the existing
15 department of insurance are hereby transferred to and conferred and
16 imposed upon, the department of administration and the division of in-
17 surance established by this act.

18 (c) Except as otherwise provided by this act, the department of ad-
19 ministration and the division of insurance established by this act shall be
20 the successor in every way to the powers, duties and functions of the
21 commissioner of insurance and the insurance department in which the
22 same were vested prior to January 8, 2007. Every act performed in the
23 exercise of such powers, duties and functions by or under the authority
24 of the department of administration or division of insurance established
25 by this act shall be deemed to have the same force and effect as if per-
26 formed by the commissioner of insurance or the insurance department
27 respectively, in which such powers, duties and functions were vested prior
28 to the effective date of this act.

29 (d) Except as otherwise provided by this act, whenever the terms
30 “commissioner of insurance” or “insurance department”, or words of like
31 effect, are referred to or designated by a statute, contract or other doc-
32 ument, such reference or designation shall be deemed to apply to the
33 division of insurance established by this act.

34 (e) All rules and regulations of the commissioner of insurance in ex-
35 istence on January 8, 2007, shall continue to be effective and shall be
36 deemed to be duly adopted rules and regulations of the secretary of ad-
37 ministration on behalf of the division of insurance established by this act
38 until revised, amended, revoked or nullified pursuant to law.

39 (f) All orders and directives of the commissioner of insurance in ex-
40 istence on January 8, 2007, shall continue to be effective and shall be
41 deemed to be orders and directives of the secretary of administration on
42 behalf of the division of insurance established by this act, until revised,
43 amended or nullified pursuant to law.

1 (g) The secretary of administration shall succeed to whatever right,
2 title or interest the commissioner of insurance has acquired in any real
3 property in this state, and the secretary shall hold the same for and in the
4 name of the state of Kansas. On and after January 8, 2007, whenever any
5 statute, contract, deed or other document concerns the power or author-
6 ity of the commissioner of insurance to acquire, hold or dispose of real
7 property or any interest therein, the secretary of administration shall suc-
8 ceed to such power or authority.

9 (h) The secretary of administration's division of insurance established
10 by this act shall be continuations of the commissioner of insurance and
11 the insurance department.

12 New Sec. 9. On and after January 8, 2007, the secretary of admin-
13 istration may organize the division of insurance in the manner the sec-
14 retary deems most efficient, so long as the same is not in conflict with
15 the provisions of this act or with the provisions of law, and the secretary
16 may establish policies governing the transaction of business of the division
17 of insurance within the department.

18 New Sec. 10. Except as otherwise provided in this act, on January 8,
19 2007, officers and employees who, immediately prior to such date, were
20 engaged in the performance of powers, duties or functions of any state
21 agency or office which is abolished by this act, or which becomes a part
22 of the department of administration, or the powers, duties and functions
23 of which are transferred to the secretary of administration, and who, in
24 the opinion of the secretary of administration, are necessary to perform
25 the powers, duties and functions of the department of administration,
26 shall be transferred to, and shall become officers and employees of the
27 department. Any such officer or employee shall retain all retirement ben-
28 efits and all rights of civil service which had accrued to or vested in such
29 officer or employee prior to January 8, 2007. The service of each such
30 officer and employee so transferred shall be deemed to have been con-
31 tinuous. All transfers and any abolition of personnel positions in the clas-
32 sified service under the Kansas civil service act shall be in accordance
33 with civil service laws and any rules and regulations adopted thereunder.

34 New Sec. 11. On and after January 8, 2007: (a) When any conflict
35 arises as to the disposition of any power, function or duty or the unex-
36 pended balance of any appropriation as a result of any abolition, transfer,
37 attachment or change made by or under authority of this act, such conflict
38 shall be resolved by the governor, whose decision shall be final.

39 (b) The secretary of administration shall succeed to all property and
40 records which were used for or pertain to the performance of the powers,
41 duties and functions transferred to the secretary of administration. Any
42 conflict as to the proper disposition of property or records arising under
43 this section, and resulting from the transfer, attachment or abolition of

1 any state agency, or all or part of the powers, duties and functions thereof,
2 shall be determined by the governor, whose decision shall be final.

3 New Sec. 12. On and after January 8, 2007: (a) The secretary of
4 administration shall have the legal custody of all records, memoranda,
5 writings, entries, prints, representations or combinations thereof of any
6 act, transaction, occurrence or event of any agency or office abolished or
7 transferred thereto under this act.

8 (b) No suit, action or other proceeding, judicial or administrative,
9 lawfully commenced, or which could have been commenced, by or against
10 any state agency mentioned in this act, or by or against any officer of the
11 state in such officer's official capacity or in relation to the discharge of
12 such officer's official duties, shall abate by reason of the governmental
13 reorganization effected under the provisions of this act. The court may
14 allow any such suit, action or other proceeding to be maintained by or
15 against the successor of any such state agency or any officer affected.

16 (c) No criminal action commenced or which could have been com-
17 menced by the state shall abate by the taking effect of this act.

18 New Sec. 13. (a) On and after January 8, 2007, the balance of all
19 funds appropriated and reappropriated to any of the state agencies abol-
20 ished by this act is hereby transferred to the secretary of administration
21 and shall be used only for the purpose for which the appropriation was
22 originally made.

23 (b) On and after January 8, 2007, the liability for all accrued com-
24 pensation or salaries of officers and employees who, immediately prior to
25 such date, were engaged in the performance of powers, duties or func-
26 tions of any state agency or office abolished by this act, or which becomes
27 a part of the department of administration established by this act, or the
28 powers, duties and functions of which are transferred to the secretary of
29 administration provided for by this act, shall be assumed and paid by the
30 secretary of administration on behalf of the division of insurance estab-
31 lished by this act.

32 Sec. 14. K.S.A. 25-101b, 25-4001 and 40-106 are hereby repealed.

33 Sec. 15. On January 8, 2007, K.S.A. 75-601 is hereby repealed.

34 Sec. 16. This act shall take effect and be in force from and after its
35 publication in the statute book.

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