

SENATE BILL No. 451

By Committee on Natural Resources

2-5

AN ACT concerning certain state agencies; transferring certain powers and duties of the secretary of wildlife and parks to the secretary of commerce; renaming the department of wildlife and parks; renaming the department of commerce.

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

Section 1. (a) On and after July 1, 2004, the Kansas department of wildlife and parks shall be and hereby is officially designated as the department of fish and game.

(b) On and after July 1, 2004, when the Kansas department of wildlife and parks or the secretary of wildlife and parks, or words of like effect, is referred to or designated by statute, contract or other document, such reference or designation shall mean and apply to the department of fish and game and to the secretary of fish and game.

(c) Nothing in this act shall be construed as abolishing the department of wildlife and parks or the office of the secretary of wildlife and parks, or as reestablishing the same.

Sec. 2. (a) On and after July 1, 2004, the department of commerce shall be and hereby is officially designated as the department of commerce and tourism.

(b) On and after July 1, 2004, when the department of commerce or the secretary of commerce, or words of like effect, is referred to or designated by statute, contract or other document, such reference or designation shall mean and apply to the department of commerce and tourism and the secretary of commerce and tourism.

(c) Nothing in this act shall be construed as abolishing the department of commerce or the office of the secretary of commerce, or as reestablishing the same.

Sec. 3. On and after July 1, 2004:

(a) Except as otherwise provided by this act, all the powers, duties and functions of the department of fish and game concerning parks and boating are hereby transferred to and conferred and imposed upon the department of commerce and tourism.

(b) Except as otherwise provided by this act, the department of commerce and tourism and the secretary of commerce and tourism shall be

1 the successor in every way to the powers, duties and functions of the
2 department of fish and game concerning parks and boating in which the
3 same were vested prior to the effective date of this section. Every act
4 performed in the exercise of such powers, duties and functions by or
5 under the authority of the department of commerce and tourism or the
6 secretary of commerce and tourism shall be deemed to have the same
7 force and effect as if performed by the department of fish and game or
8 the secretary of the department of fish and game in which such powers,
9 duties and functions were vested prior to the effective date of this section.

10 (c) Except as otherwise provided by this act, whenever the depart-
11 ment of fish and game, or words of like effect, concerning parks and
12 boating, is referred to or designated by a statute, contract or other doc-
13 ument, such reference shall be deemed to apply to the department of
14 commerce and tourism.

15 (d) Except as otherwise provided by this act, whenever the secretary
16 of the department of fish and game, or words of like effect, concerning
17 parks and boating, is referred to or designated by a statute, contract or
18 other document, such reference or designation shall be deemed to apply
19 to the secretary of the department of commerce and tourism.

20 (e) All rules and regulations of the department of fish and game or
21 the secretary of the department of fish and game concerning parks and
22 boating in existence on the effective date of this section shall continue to
23 be effective and shall be deemed to be duly adopted rules and regulations
24 of the department of commerce and tourism until revised, amended, re-
25 voked or nullified pursuant to law.

26 (f) All orders and directives of the department of fish and game or
27 the secretary of the department of fish and game concerning parks and
28 boating in existence on the effective date of this section shall continue to
29 be effective and shall be deemed to be orders and directives of the de-
30 partment of commerce and parks until revised, amended or nullified pur-
31 suant to law.

32 (g) On the effective date of this section, the department of commerce
33 and tourism shall succeed to whatever right, title or interest the depart-
34 ment of fish and game has acquired in any real property in this state
35 concerning parks and boating, and the department of commerce and tour-
36 ism shall hold the same for and in the name of the state of Kansas. On
37 and after the effective date of this section, whenever any statute, contract,
38 deed or other document concerns the power or authority of the depart-
39 ment of fish and game concerning parks and boating to acquire, hold or
40 dispose of real property or any interest therein, the department of com-
41 merce and tourism shall succeed to such power or authority.

42 (h) The department of commerce and tourism and the secretary of
43 the department of commerce and tourism shall be continuations of the

1 department of fish and game and the secretary of fish and game con-
2 cerning parks and boating.

3 Sec. 4. Except as otherwise provided in this act, on July 1, 2004,
4 officers and employees who, immediately prior to such date, were en-
5 gaged in the performance of powers, duties or functions of the depart-
6 ment of fish and game concerning parks and boating which are trans-
7 ferred by this act, or who become a part of the department of commerce
8 and tourism, or the powers, duties and functions of which are transferred
9 to the department of commerce and tourism, and who in the opinion of
10 the secretary of the department of commerce and tourism are necessary
11 to perform the powers, duties and functions of the department of com-
12 merce and tourism shall be transferred to, and shall become officers and
13 employees of the department of commerce and tourism. Any such officer
14 or employee shall retain all retirement benefits and all rights of civil serv-
15 ice which had accrued to or vested in such officer or employee prior to
16 the effective date of this section. The service of each such officer and
17 employee so transferred shall be deemed to have been continuous. All
18 transfers and any abolition of personnel positions in the classified service
19 under the Kansas civil service act shall be in accordance with civil service
20 laws and any rules and regulations adopted thereunder.

21 Sec. 5. On and after July 1, 2004:

22 (a) When any conflict arises as to the disposition of any power, func-
23 tion or duty or the unexpended balance of any appropriation as a result
24 of any abolition, transfer, attachment or change made by or under au-
25 thority of this act, such conflict shall be resolved by the governor, whose
26 decision shall be final.

27 (b) The department of commerce and tourism shall succeed to all
28 property and records which were used for or pertain to the performance
29 of the powers, duties and functions transferred to the department of com-
30 merce and tourism. Any conflict as to the proper disposition of property
31 or records arising under this section, and resulting from the transfer or
32 attachment of any state agency, or all or part of the powers, duties and
33 functions thereof, shall be determined by the governor, whose decision
34 shall be final.

35 Sec. 6. On and after July 1, 2004:

36 (a) The department of commerce and tourism shall have the legal
37 custody of all records, memoranda, writings, entries, prints, representa-
38 tions or combinations thereof of any act, transaction, occurrence or event
39 of the department of fish and game concerning parks and boating and
40 any agency or office transferred thereto under this act.

41 (b) No suit, action or other proceeding, judicial or administrative,
42 lawfully commenced, or which could have been commenced, by or against
43 any state agency mentioned in this act, or by or against any officer of the

1 state in such officer's official capacity or in relation to the discharge of
2 such officer's official duties, shall abate by reason of the governmental
3 reorganization effected under the provisions of this act. The court may
4 allow any such suit, action or other proceeding to be maintained by or
5 against the successor of any such state agency or any officer affected.

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

8 Sec. 7. (a) On and after July 1, 2004, the balance of all funds appro-
9 priated and reappropriated to the department of fish and game concern-
10 ing parks and boating is hereby transferred to the department of com-
11 merce and tourism and shall be used only for the purpose for which the
12 appropriation was originally made.

13 (b) On and after July 1, 2004, the liability for all accrued compensa-
14 tion or salaries of officers and employees who, immediately prior to such
15 date, were engaged in the performance of powers, duties or functions of
16 the department of fish and game concerning parks and boating, or who
17 become a part of the department of commerce and tourism, or the pow-
18 ers, duties and functions of which are transferred to the department of
19 commerce and tourism, shall be assumed and paid by the department of
20 commerce and tourism, as renamed by this act.

21 Sec. 8. This act shall take effect and be in force from and after its
22 publication in the statute book.

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