

## SENATE BILL No. 231

By Legislative Post Audit Committee

2-6

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9 AN ACT concerning state agencies; abolishing the Kansas animal health  
10 department; creating the animal health division within the Kansas de-  
11 partment of agriculture; transferring the powers, duties and functions  
12 of the livestock commissioner and the Kansas animal health depart-  
13 ment; abolishing the state conservation commission; creating the con-  
14 servation division within the department of agriculture; transferring  
15 the powers, duties and functions of the executive director of the state  
16 conservation commission and the state conservation commission.  
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18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1. The Kansas animal health department established by  
20 K.S.A. 75-1901 is hereby abolished.

21 Sec. 2. (a) On the effective date of this act, the division of animal  
22 health is hereby established within the Kansas department of agriculture.  
23 The division of animal health shall be a continuation of the Kansas animal  
24 health department and the director of animal health shall be a continu-  
25 ation of the livestock commissioner of the Kansas animal health depart-  
26 ment. The division shall be administered under the supervision of the  
27 secretary of agriculture, by the director of the division of animal health,  
28 who shall be the chief administrative officer of the division. The director  
29 of the division of animal health shall be appointed by the secretary of  
30 agriculture and shall serve at the pleasure of the secretary. The director  
31 of the division of animal health shall be in the unclassified service under  
32 the Kansas civil service act and shall receive an annual salary fixed by the  
33 secretary of agriculture, with the approval of the governor.

34 (b) All of the powers, duties and functions of the existing Kansas  
35 animal health department and the existing livestock commissioner of the  
36 Kansas animal health department are hereby transferred to and imposed  
37 upon the Kansas department of agriculture and the secretary of agricul-  
38 ture, respectively.

39 Sec. 3. (a) The secretary of agriculture shall be the successor in every  
40 way to the powers, duties and functions of the Kansas animal health de-  
41 partment and the livestock commissioner of the Kansas animal health  
42 department in which the same were vested prior to the effective date of  
43 this act. Every act performed in the exercise of such powers, duties and

1 functions by or under the authority of the secretary of agriculture shall  
2 be deemed to have the same force and effect as if performed by the  
3 Kansas animal health department and the livestock commissioner of the  
4 Kansas animal health department in which such powers, duties and func-  
5 tions were vested prior to the effective date of this act.

6 (b) Whenever the Kansas animal health department or the livestock  
7 commissioner of the Kansas animal health department, or words of like  
8 effect, are referred to or designated by a statute, contract, memorandum  
9 of understanding, plan, grant, waiver or other document, such reference  
10 or designation shall be deemed to apply to the secretary of agriculture.

11 (c) All rules and regulations, orders and directives of the livestock  
12 commissioner of the Kansas animal health department that are in effect  
13 on the effective date of this act shall continue to be effective and shall be  
14 deemed to be rules and regulations, orders and directives of the secretary  
15 of agriculture until revised, amended, revoked or nullified pursuant to  
16 law.

17 Sec. 4. (a) The Kansas animal health board, created by K.S.A. 74-  
18 4001, and amendments thereto, is hereby continued in existence and shall  
19 be advisory to the secretary of agriculture with respect to powers, duties  
20 and functions of the Kansas animal health department that are transferred  
21 under this act. Persons who are members of the Kansas animal health  
22 board on the effective date of this act shall continue to hold such offices  
23 under the conditions and limitations provided under K.S.A. 74-4001, and  
24 amendments thereto.

25 (b) The Kansas pet animal advisory board, created by K.S.A. 47-1725,  
26 and amendments thereto, is hereby continued in existence and shall be  
27 advisory to the secretary of agriculture with respect to powers, duties and  
28 functions of the Kansas animal health department that are transferred  
29 under this act. Persons who are members of the Kansas pet animal ad-  
30 visory board on the effective date of this act shall continue to hold such  
31 offices under the conditions and limitations provided under K.S.A. 47-  
32 1725, and amendments thereto.

33 Sec. 5. The Kansas department of agriculture shall succeed to all  
34 property, property rights and records of the Kansas animal health de-  
35 partment and the livestock commissioner of the Kansas animal health  
36 department.

37 Sec. 6. (a) On the effective date of this act, the balances of all funds  
38 or accounts thereof appropriated or reappropriated for the Kansas animal  
39 health department are hereby transferred within the state treasury to the  
40 Kansas department of agriculture and shall be used only for the purpose  
41 for which the appropriation was originally made.

42 (b) Subject to acts of the legislature, all fees and grant funds dedi-  
43 cated to animal health programs prior to the effective date of this act shall

1 remain dedicated to animal health programs on and after the effective  
2 date of this act.

3 Sec. 7. (a) (1) All officers and employees of the Kansas animal health  
4 department who, immediately prior to such date, were engaged in the  
5 performance of power, duties and functions for the Kansas animal health  
6 department and who are, in the opinion of the secretary of agriculture,  
7 necessary to perform the powers, duties and functions of the Kansas an-  
8 imal health department that are transferred under this act, shall become  
9 officers and employees of the department of agriculture and are hereby  
10 transferred to the Kansas department of agriculture on the effective date  
11 of this act.

12 (2) The secretary of agriculture shall determine such officers and em-  
13 ployees as are necessary to enable the secretary to carry out the duties of  
14 the division of animal health.

15 (3) All classified employees transferred under this subsection (a) shall  
16 retain their status as classified employees. Thereafter, the secretary of  
17 agriculture may convert vacant classified positions to positions in the un-  
18 classified service under the Kansas civil service act.

19 (b) Officers and employees of the Kansas animal health department  
20 transferred by this act shall retain all retirement benefits and leave bal-  
21 ances and rights that had accrued or vested prior to the date of transfer.  
22 The service of each such officer and employee so transferred shall be  
23 deemed to have been continuous. Any subsequent transfers, layoffs or  
24 abolition of classified service positions under the Kansas civil service act  
25 shall be made in accordance with the civil service laws and any rules and  
26 regulations adopted thereunder. Nothing in this act shall affect the clas-  
27 sified status of any transferred person employed by the Kansas animal  
28 health department prior to the date of transfer.

29 (c) Liability for accrued compensation or salaries of each officer and  
30 employee who is transferred to the Kansas department of agriculture  
31 under this act shall be assumed and paid by the Kansas department of  
32 agriculture on the effective date of this act.

33 Sec. 8. (a) On the effective date of this act, the division of conser-  
34 vation is hereby established within the Kansas department of agriculture.  
35 The division of conservation shall be a continuation of the state conser-  
36 vation commission and the director of conservation shall be a continuation  
37 of the executive director of the state conservation commission. The di-  
38 vision shall be administered under the supervision of the secretary of  
39 agriculture, by the director of the division of conservation, who shall be  
40 the chief administrative officer of the division. The director of the division  
41 of conservation shall be appointed by the secretary of agriculture and  
42 shall serve at the pleasure of the secretary. The director of the division  
43 of conservation shall be in the unclassified service under the Kansas civil

1 service act and shall receive an annual salary fixed by the secretary of  
2 agriculture, with the approval of the governor.

3 (b) All of the powers, duties and functions of the existing state con-  
4 servation commission and the existing executive director of the state con-  
5 servation commission are hereby transferred to and imposed upon the  
6 Kansas department of agriculture and the secretary of agriculture,  
7 respectively.

8 Sec. 9. (a) The secretary of agriculture shall be the successor in every  
9 way to the powers, duties and functions of the state conservation com-  
10 mission and the executive director of the state conservation commission  
11 in which the same were vested prior to the effective date of this act. Every  
12 act performed in the exercise of such powers, duties and functions by or  
13 under the authority of the secretary of agriculture shall be deemed to  
14 have the same force and effect as if performed by the state conservation  
15 commission and the executive director of the state conservation commis-  
16 sion in which such powers, duties and functions were vested prior to the  
17 effective date of this act.

18 (b) Whenever the state conservation commission or the executive di-  
19 rector of the state conservation commission, or words of like effect, are  
20 referred to or designated by a statute, contract, memorandum of under-  
21 standing, plan, grant, waiver or other document, such reference or des-  
22 ignation shall be deemed to apply to the secretary of agriculture.

23 (c) All rules and regulations, orders and directives of the executive  
24 director of the state conservation commission that are in effect on the  
25 effective date of this act shall continue to be effective and shall be deemed  
26 to be rules and regulations, orders and directives of the secretary of ag-  
27 riculture until revised, amended, revoked or nullified pursuant to law.

28 Sec. 10. The state conservation commission established by K.S.A. 2-  
29 1904 is hereby continued in existence and shall be advisory to the sec-  
30 retary of agriculture with respect to the powers, duties and functions of  
31 the state conservation commission that are transferred under this act.  
32 Persons who are members of the board shall continue to hold such offices  
33 under the conditions and limitations in effect on the effective date of this  
34 act.

35 Sec. 11. The Kansas department of agriculture shall succeed to all  
36 property, property rights and records of the state conservation commis-  
37 sion and the executive director of the state conservation commission.

38 Sec. 12. (a) On the effective date of this act, the balances of all funds  
39 or accounts thereof appropriated or reappropriated for the state conser-  
40 vation commission are hereby transferred within the state treasury to the  
41 Kansas department of agriculture and shall be used only for the purpose  
42 for which the appropriation was originally made.

43 (b) Subject to acts of the legislature, all fees and grant funds dedi-

1 cated to conservation programs prior to the effective date of this act shall  
2 remain dedicated to conservation programs on and after the effective date  
3 of this act.

4 Sec. 13. (a) (1) All officers and employees of the state conservation  
5 commission who, immediately prior to such date, were engaged in the  
6 performance of power, duties and functions for the state conservation  
7 commission and who are, in the opinion of the secretary of agriculture,  
8 necessary to perform the powers, duties and functions of the state con-  
9 servation commission that are transferred under this act, shall become  
10 officers and employees of the department of agriculture and are hereby  
11 transferred to the Kansas department of agriculture on the effective date  
12 of this act.

13 (2) The secretary of agriculture shall determine such officers and em-  
14 ployees as are necessary to enable the secretary to carry out the duties of  
15 the division of conservation.

16 (3) All classified employees transferred under this subsection (a) shall  
17 retain their status as classified employees. Thereafter, the secretary of  
18 agriculture may convert vacant classified positions to positions in the un-  
19 classified service under the Kansas civil service act.

20 (b) Officers and employees of the state conservation commission  
21 transferred by this act shall retain all retirement benefits and leave bal-  
22 ances and rights that had accrued or vested prior to the date of transfer.  
23 The service of each such officer and employee so transferred shall be  
24 deemed to have been continuous. Any subsequent transfers, layoffs or  
25 abolition of classified service positions under the Kansas civil service act  
26 shall be made in accordance with the civil service laws and any rules and  
27 regulations adopted thereunder. Nothing in this act shall affect the clas-  
28 sified status of any transferred person employed by the state conservation  
29 commission prior to the date of transfer.

30 (c) Liability for accrued compensation or salaries of each officer and  
31 employee who is transferred to the Kansas department of agriculture  
32 under this act shall be assumed and paid by the Kansas department of  
33 agriculture on the effective date of this act.

34 Sec. 14. (a) No suit, action, or other proceeding, judicial or admin-  
35 istrative, that is lawfully commenced or that could have been lawfully  
36 commenced, by or against any state agency or program mentioned in this  
37 act, or by or against any officer of the state in such officer's official capacity  
38 or in relation to the discharge of such officer's official duties, shall abate  
39 by reason of the governmental reorganization effected under the provi-  
40 sions of this act. The court may allow any such suit, action or other pro-  
41 ceeding to be maintained by or against the successor of any such state  
42 agency or any officer affected.

43 (b) No criminal action that is commenced or that could have been

1 commenced by the state shall abate by the taking effect of this act.

2 Sec. 15. This act shall take effect and be in force from and after its  
3 publication in the statute book.