

Executive Reorganization Order No. 39

By Governor Sam Brownback

2-8

1 Section 1. The Kansas arts commission created by K.S.A. 74-5202,
2 and amendments thereto, and the office of executive director of the
3 commission under K.S.A. 74-5204, and amendments thereto, are hereby
4 abolished.

5 Sec. 2. (a) The state historical society, as a state agency, as provided
6 in K.S.A. 75-2701, and amendments thereto, shall be the successor in
7 every way to the powers, duties, and functions of the Kansas arts
8 commission and the executive director of the commission in which the
9 same were vested prior to the effective date of this order. Every act
10 performed in the exercise of such transferred powers, duties, and
11 functions by or under the authority of the state historical society shall be
12 performed by existing employees of the state historical society and shall
13 be deemed to have the same force and effect as if performed by the
14 Kansas arts commission or the executive director of the commission in
15 which such powers, duties, and functions were vested prior to the
16 effective date of this order.

17 (b) Whenever the Kansas arts commission or the executive director of
18 the commission, or words of like effect, are referred to or designated by a
19 statute, contract, or other document, such reference or designation shall
20 be deemed to apply to the state historical society, as a state agency, as
21 provided in K.S.A. 75-2701, and amendments thereto.

22 (c) All rules and regulations, orders, and directives of the Kansas arts
23 commission or the executive director of the commission, which are in
24 effect on the effective date of this order, shall continue to be effective and
25 shall be deemed to be rules and regulations, orders, and directives of the
26 state historical society, as a state agency, as provided in K.S.A. 75-2701,
27 and amendments thereto, until revised, amended, revoked, or nullified
28 pursuant to law.

29 Sec. 3. (a) The state historical society, as a state agency, as provided
30 in K.S.A. 75-2701, and amendments thereto, shall succeed to all property,
31 property rights, and records which were used for or pertain to the
32 performance of powers, duties, and functions transferred to the state
33 historical society. Any conflict as to the proper disposition of property, or
34 records arising under this order shall be determined by the governor,
35 whose decision shall be final.

36 (b) Whenever any statute, contract, deed or other document concerns

1 the power or authority of Kansas arts commission, or the executive
2 director of the commission, to acquire, hold or dispose of real property or
3 any interest therein, the state historical society, as a state agency, as
4 provided in K.S.A. 75-2701, and amendments thereto, shall succeed to
5 such power or authority.

6 Sec. 4. (a) The balances of all funds or accounts thereof appropriated
7 or reappropriated for the Kansas arts commission relating to the powers,
8 duties, and functions transferred by this order are hereby transferred
9 within the state treasury to the state historical society, as a state agency, as
10 provided in K.S.A. 75-2701, and amendments thereto, and shall be used
11 only for the purpose for which the appropriation was originally made.

12 (b) Liability for all accrued compensation or salaries of officers and
13 employees who are employees of the Kansas arts commission during the
14 period commencing on the first day of the first payroll period chargeable
15 to fiscal year 2012 and ending in on June 30, 2011, shall be assumed and
16 paid by the state historical society, as a state agency, as provided in
17 K.S.A. 75-2701, and amendments thereto.

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

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

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

33 Sec. 7. Except as otherwise provided by this order, all of the
34 provisions of this order shall take effect and have the force of general law
35 on July 1, 2011, unless disapproved by either house of the Kansas
36 legislature as provided by subsection (c) of section 6 of article 1 of the
37 constitution of Kansas, and unless so disapproved, this order is to be
38 published as and with the acts of the legislature and the statutes of this
39 state.

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41
42 DONE AT The Capitol in Topeka
43 Under the Great Seal of the

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State of Kansas this 7th day
of February, 2011.

BY THE GOVERNOR
SAM BROWNBACK

Kris W. Kobach
Secretary of State
Mary Diane Minear
Assistant Secretary of State