

# Journal of the Senate

THIRTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, January 30, 2020, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Taylor was excused.

President Wagle introduced Father John Pilcher, Assumption Catholic Church, Topeka, to deliver the invocation:

Lord, our God, we thank You for this day and the opportunity to serve You. You have taught us to love You with all of our hearts, with all of our minds, with all of our souls and to love our neighbor as ourselves. We love You by loving everything that You have made. We thank You for the gift of life for You have made all things and every creature. You have made us for Yourself to be happy with You forever. You behold what we are doing and call us to be a better people. We need Your help in guiding us to appreciate what You have made.

We pray for our constituents; for their health and well being. We pray that the decisions we make for our state will be to glorify You as the maker of all things, seen and unseen. Inspire us to make good decisions.

We pray for our Chaplain, Cecil, that he may get better. For all the doctors and nurses that care for him.

We ask this through You who love us beyond what we can even imagine. Amen

The Pledge of Allegiance was led by President Wagle.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 345**, AN ACT concerning industrial hemp; relating to the effective disposal thereof by the department of agriculture in coordination with state or local law enforcement, by Committee on Agriculture and Natural Resources.

**SB 346**, AN ACT concerning surplus real estate of state agencies; relating to the insurance department surplus real estate; authorizing the department to retain the sale proceeds in the insurance department service regulation fund; amending K.S.A. 75-6609 and repealing the existing section, by Committee on Ways and Means.

**SB 347**, AN ACT concerning insurance; relating to financial examinations; pertaining to requirements for contracts with consultants, specialists or other professionals for the purpose of conducting an examination; examination fees; examiner compensation; amending K.S.A. 2019 Supp. 40-222 and 40-223 and repealing the existing sections, by Committee on Ways and Means.

**SB 348**, AN ACT concerning home and community-based services; increasing provider reimbursement rates; relating to the intellectual or developmentally disabled waiver; making and concerning appropriations for the fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023, for the Kansas department for aging and disability services; directing the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight to study the waiting list for such services, by Committee on Ways and Means.

**SB 349**, AN ACT concerning health and healthcare; relating to oral health; establishing a state oral health plan; medical assistance dental benefits; revising the dental practices act; amending K.S.A. 65-1456 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 350**, AN ACT concerning the healthcare stabilization fund; relating to coverage requirements; changing membership on the board of governors; providing for the dissolution of the fund under certain circumstances; amending K.S.A. 40-3606 and K.S.A. 2019 Supp. 40-3402, 40-3403 and 40-3408 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 351**, AN ACT concerning elections; relating to counting provisional ballots; amending K.S.A. 2019 Supp. 25-2316c and repealing the existing section, by Committee on Ethics, Elections and Local Government.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Education: **SB 336**, **SB 337**.

Ethics, Elections and Local Government: **SB 338**.

Judiciary: **SB 344**.

Public Health and Welfare: **SB 340**, **SB 341**.

Transportation: **SB 342**.

Utilities: **SB 339**.

Ways and Means: **SB 343**.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator Hensley introduced the following Senate resolution, which was read:  
SENATE RESOLUTION No. 1753—

A RESOLUTION recognizing Dolores Huerta for her accomplishments and contributions as an American civil rights and labor leader.

WHEREAS, Dolores Huerta was born Dolores Clara Fernández on April 10, 1930, in Dawson, New Mexico; and

WHEREAS, Dolores Huerta began her career as a teacher, and witnessing her students come to school with empty stomachs and bare feet became unbearable; and

WHEREAS, She continued her lifelong journey of serving others by working to correct economic injustice; and

WHEREAS, In 1960, Dolores Huerta founded the Agricultural Workers Association, set up voter registration drives, and persuaded local governments to implement barrio improvements; and

WHEREAS, In 1962, she continued her work by co-founding the National Farm

Workers Association with César Chávez. The association would later become the United Farm Workers of America; and

WHEREAS, Through her work with the United Farm Workers of America, Dolores Huerta became one of the most prominent Mexican-American female labor leaders in the United States; and

WHEREAS, In 1993, Dolores Huerta received the Ellis Island Medal of Freedom Award and was inducted into the National Women's Hall of Fame, which recognized her extraordinary work to improve human rights; and

WHEREAS, In 1998, Dolores Huerta also received the Eleanor Roosevelt Award for Human Rights for her lifelong passion for social justice, civil rights, and community organizing; and

WHEREAS, On May 29, 2012, Dolores Huerta was awarded the Presidential Medal of Freedom, the highest civilian award in the United States, by President Barack Obama at the White House in Washington, D.C.; and

WHEREAS, As a leader in the fight for equal rights, Dolores Huerta has worked her entire life to improve working conditions for farmworkers and fight against discrimination; and

WHEREAS, Dolores Huerta has made positive contributions to the advancement of the Latino community in Kansas and all over the country, and her accomplishments should be properly acknowledged within the history and culture of the United States: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize Dolores Huerta for her significant achievements and congratulate her on her 90<sup>th</sup> birthday on April 10, 2020; and

*Be it further resolved:* That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1753** was adopted unanimously.

## MESSAGES FROM THE GOVERNOR

January 30, 2020

### **Message to the Kansas Senate** **Executive Reorganization Order No. 44**

Pursuant to Article 1, Section 6, of the Constitution of the State of Kansas, today I transmit Executive Reorganization Order No. 44 to the Kansas Legislature along with this message to the Senate.

Effective July 1, 2020, this reorganization creates the Kansas Department of Human Services (“KDHS”), which will be responsible for all current programs, responsibilities, functions, and duties of the Department for Children and Families (“DCF”), the Department for Aging and Disability Services (“KDADS”), and the juvenile services division of the Department of Corrections. DCF and KDADS will be dissolved, but no current responsibilities, duties, or functions will be abolished.

The creation of this new, combined agency reinforces our commitment to our children, families, and seniors in need and improves their access to critical services. The new KDHS will allow us to focus on prevention, so that we can identify and serve

Kansans in need before their situation becomes a crisis that is more costly to both themselves and our communities. Through partnering with communities across the state, KDHS will establish a one-stop-shop for Kansans in need of such services and will ensure that our government delivers those services in the most efficient and effective manner.

I look forward to working with the Senate to improve our ability to serve Kansans in need and to build healthy communities across our State.

Respectfully,  
*Governor Laura Kelly*

#### **EXECUTIVE REORGANIZATION ORDER No. 44**

Section 1. (a) The Kansas department for children and families is hereby renamed the Kansas department of human services. Except as otherwise provided by this order, whenever the department for children and families, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department of human services. Except as otherwise provided by this order, whenever the secretary for children and families, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary of human services.

(b) It is intended that the Kansas department of human services and the secretary of human services shall have authority to administer all programs and services which are currently being administered by the Kansas department for children and families when this order becomes effective, including any programs, services and grants for which the Kansas department for children and families is serving as an operating agency or grants manager for another state agency or federal agency at the time this order becomes effective.

(c) On the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the Kansas department for children and families has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the Kansas department for children and families or the secretary for children and families to acquire, hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

(d) The Kansas department of human services shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to it by this order from the department for children and families and the secretary for children and families. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

(e) The secretary of human services may adopt rules and regulations for the government, regulation and operation of programs and services administered by the Kansas department of human services.

Sec. 2. (a) The Kansas department for aging and disability services created by K.S.A. 75-5902 et seq. and Executive Reorganization Order No. 41, is hereby abolished.

(b) Except as otherwise provided by this order, all of the jurisdiction, powers, functions and duties of the Kansas department for aging and disability services and the secretary of the Kansas department for aging and disability services are hereby transferred to and conferred and imposed upon the Kansas department of human services and the secretary of human services. (c) Except as otherwise provided by this order, the Kansas department of human services and the secretary of human services shall be the successor in every way to the jurisdiction, powers, duties and functions of the Kansas department for aging and disability services and the secretary for aging and disability services in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such jurisdiction, powers, duties and functions by or under the authority of the Kansas department of human services and the secretary of human services shall be deemed to have the same force and effect as if performed by the Kansas department for aging and disability services or the secretary for aging and disability services, respectively, in which such jurisdiction, powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided by this order, whenever the department for aging and disability services, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas department of human services.

(e) Except as otherwise provided by this order, whenever the secretary for aging and disability services, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of human services.

(f) All rules and regulations, policies and procedures of the Kansas department for aging and disability services or the secretary for aging and disability services which relate to the functions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, policies and procedures of the Kansas department of human services or the secretary of human services until revised, amended, revoked, or nullified pursuant to law.

(g) All orders and directives of the Kansas department for aging and disability services or the secretary for aging and disability services in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the Kansas department of human services or the secretary of human services until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the Kansas department for aging and disability services has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the Kansas department for aging and disability services or the secretary for aging and disability services to acquire,

hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

(i) The Kansas department of human services and the secretary of human services shall be continuations of the Kansas department for aging and disability services and the secretary for aging and disability services.

(j) The secretary of human services shall determine the manner in which the office of the secretary of aging and disability services is organized within the Kansas department of human services.

(k) The secretary of human services shall determine the manner in which aging, disability and behavioral health programs are organized within the Kansas department of human services.

(l) The secretary of human services shall determine the manner in which programs provided by the institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, are organized within the Kansas department of human services.

(m) The secretary of human services shall determine the manner in which survey, certification and credentialing programs are organized within the Kansas department of human services.

Sec. 3. (a) The secretary of human services shall appoint such officers and employees as may be needed to carry out the powers and duties which the secretary assigns to the office of the secretary, aging, disability and behavioral health functions, institution functions, survey, certification and credentialing functions, and office of the financial and information services commission of the Kansas department of human services.

(b) All officers and employees in the Kansas department for aging and disability services who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the Kansas department of human services unless the secretary of human services determines that some officers or employees are not performing necessary services. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary of human services may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(c) Officers and employees in the Kansas department for aging and disability services transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder.

(d) The Memorandum of Agreement between the State of Kansas and the Kansas Organization of State Employees that is in existence on the effective date of this order shall continue to be effective until revised, amended or nullified pursuant to the terms of the Memorandum of Agreement.

Sec. 4. (a) The aging and disability community services and programs commission and the behavioral health services commission of the Kansas department for aging and disability services is hereby transferred to the Kansas department of human services and shall be a part thereof. The aging and disability community and services programs commission and the behavioral health services commission transferred to the Kansas

department of human services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which programs and services provided by the aging and disability community services and programs commission and the behavioral health services commission shall be organized within the Kansas department of human services.

(c) The programs transferred from the aging and disability community services and programs commission and the behavioral services commission of the Kansas department for aging and disability services are:

- (1) Mental health and substance abuse;
- (2) serious emotionally disturbed, intellectual and developmental disability, physical disability, brain injury, autism, technology assistance, and frail and elderly Medicaid waivers and programs;
- (3) licensure and regulation of community mental health centers, as defined by K.S.A. 39-2002, and amendments thereto;
- (4) regulation of community developmental disability organizations, as defined by K.S.A. 39-1801 et seq., and amendments thereto;
- (5) licensure of private psychiatric hospitals, as defined by K.S.A. 39-2001 et seq., and amendments thereto;
- (6) licensure of psychiatric residential treatment facilities under subsection (c) of K.S.A. 65-503, and amendments thereto, and subsection (k) of K.A.R. 28-4-1200 on the effective date of this order, and subsection (g)(3) of K.S.A. 72-1173, and amendments thereto;
- (7) licensure and regulation of facilities and providers of residential services, as defined by K.S.A. 39-2001 et seq., and amendments thereto;
- (8) licensure and regulation of providers of addiction and prevention services, as defined by K.S.A. 75-5375, et. seq; and;
- (9) licensure and regulation of providers of services and administration of grants for the older Americans act (OAA), senior care act (SCA), and Medicare programs including the senior health insurance counseling for Kansas (SHICK), the senior Medicare patrol (SMP), and the Medicare improvements for patients and providers act (MIPPA), the client assessment, referral and evaluation program (CARE), the respite for caregivers program, and the program of all-inclusive care for the elderly (PACE);
- (10) any other programs and related grants administered by the aging and disability community services and programs commission and the behavioral health services commission of the Kansas department for aging and disability services prior to the effective date of this order.

(d) Except as otherwise provided by this order, all powers, duties, and functions of the secretary for aging and disability services pertaining to the aging and disability community services and programs commission and the behavioral health services commission transferred by this order, including that agency's designation as the Medicaid single state authority for substance abuse and for mental health, are hereby transferred to and imposed upon the secretary of human services.

(e) The Kansas department of human services shall be the successor in every way to the powers, duties, and functions of the Kansas department for aging and disability services pertaining to the aging and disability community services and supports commission and the behavioral health services commission transferred by this order.

Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if performed by the Kansas department for aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 5. (a) The state hospitals commission of the Kansas department for aging and disability services is hereby transferred to the Kansas department of human services and shall be a part thereof. All institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, and the programs operated by such institutions are hereby transferred from the Kansas department for aging and disability services to the Kansas department of human services. All such institutions shall be administered by the secretary of human services.

(b) Except as otherwise provided by this order, all powers, duties, and functions of the secretary for aging and disability services pertaining to the programs and operation of the institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, are hereby transferred to and imposed upon the secretary of human services.

(c) The secretary of human services shall determine the manner in which programs and services provided by the state hospitals commission and institutions shall be organized within the Kansas department of human services.

(d) The Kansas department of human services shall be the successor in every way to the powers, duties, and functions of the Kansas department for aging and disability services pertaining to the programs and operation of the state hospital commission and the institutions that are transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if performed by the Kansas department for aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 6. (a) The survey, certification and credentialing commission of the Kansas department for aging and disability services is hereby transferred to the Kansas department of human services and shall be a part thereof. The survey, certification and credentialing commission transferred to the Kansas department of human services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which programs and services provided by the survey, certification and credentialing commission shall be organized within the Kansas department of human services. (c) The programs to be transferred by this commission are the Kansas act on credentialing, K.S.A. 65-5001 through 65-5011, and amendments thereto, including the following programs:

(1) Licensure of adult care home administrators, as defined by subsection (c) of K.S.A. 65-3501, and amendments thereto;

(2) licensure of dietitians, as defined by subsection (f) of K.S.A. 65-5902, and amendments thereto;

(3) certification of residential care facility operators, as defined by subsection (a)(21) of K.S.A. 39-923, and amendments thereto;

(4) certification of activity directors, as defined by subsection (a) of K.A.R. 26-39-100 on the effective date of this order;

(5) certification of social service designees, as defined by subsection (sss) of K.A.R. 26-39-100 on the effective date of this order;



(6) certification of nurse aides, as defined by subsection (qq) of K.A.R. 26-39-100 on the effective date of this order;

(7) certification of medication aides as defined by subsection (nn) of K.A.R. 26-39-100 on the effective date of this order;

(8) certification of home health aides as defined by subsection (e) of K.S.A. 65-5101, and amendments thereto; and

(9) maintenance of the Kansas nurse aide registry under subsection (c) of K.S.A. 39-936, and amendments thereto, and K.S.A. 39-1411, and amendments thereto;

(10) survey and licensure of adult care home facilities under the adult care home licensure act under K.S.A. 39-923 et seq., and amendments thereto.

(d) The criminal history record check program, as authorized by individual credentialing statutes or rules and regulations, K.S.A. 39-969, and amendments thereto, K.S.A. 39-970, and amendments thereto, K.S.A. 39-2009, and amendments thereto, and subsection (b) of K.S.A. 22-4707, and amendments thereto, is hereby transferred from the Kansas department of aging and disability services to the Kansas department of human services and shall be a part thereof.

(e) The licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the maintenance of the Kansas nurse aide registry, the survey and licensure of adult care home facilities, and the criminal history record check program shall be administered by the secretary of human services. Nothing in this order shall change or diminish the authority of the board of adult care home administrators established by K.S.A. 65-3506, and amendments thereto.

(f) Except as otherwise provided by this order, all powers, duties, and functions of the secretary of aging and disability services pertaining to the licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the Kansas nurse aide registry, the survey and licensure of adult care home facilities, and the criminal record check program transferred by this order are hereby transferred to and imposed upon the secretary of human services.

(g) The Kansas department of human services shall be the successor in every way to the powers, duties, and functions of the Kansas department of aging and disability services pertaining to those portions of the survey, certification and credentialing program transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if performed by the Kansas department of aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 7. (a) The financial and information services commission of the Kansas department for aging and disability services, including agency-specific information technology and financial oversight programs and services, is hereby transferred to the Kansas department of human services and shall be a part thereof. The financial and information services commission transferred to the Kansas department of human

services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which programs and services provided by the financial and information services commission shall be organized within the Kansas department of human services.

(c) Except as otherwise provided by this order, all powers, duties, and functions of the secretary of aging and disability services pertaining to the programs and services administered by the financial and information services commission transferred by this order are hereby transferred to and imposed upon the secretary of human services.

(d) The Kansas department human services shall be the successor in every way to the powers, duties, and functions of the Kansas department of aging and disability services pertaining to those portions of the financial and information services programs transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department of human services shall be deemed to have the same force and effect as if performed by the Kansas department of aging and disability services in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 8. (a) The powers, duties, and functions of the Kansas department for aging and disability services and the secretary for aging and disability services pertaining to any and all receiverships of adult care homes filed pursuant to K.S.A. 39-954 et seq., amendments thereto, is hereby transferred to the Kansas department of human services and shall be a part thereof. The powers, duties, and functions of the receiver transferred to the Kansas department of human services by this order shall be administered by the secretary of human services.

(b) The secretary of human services shall determine the manner in which the receivership program administered under K.S.A. 39-954 et seq., and amendments thereto, shall be organized within the Kansas department of human services.

(c) The Kansas department of human services and the secretary of human services shall be the successor in every way to the receiver's powers, duties, and functions of the Kansas department for aging and disability services and the secretary for aging and disability services pertaining to any and all receiverships of adult care homes filed pursuant to K.S.A. 39-954 et seq., and amendments thereto, pending on the effective date of this order.

(d) Whenever the Kansas department for aging and disability services, the secretary for aging and disability services, or words of like effect, is referred to or designated by a statute, contract, order or other document and such reference is in regard to any of the powers, duties, or functions of the receiver under K.S.A. 39-954 et seq., and amendments thereto, transferred to the Kansas department of human services from the Kansas department for aging and disability services by this order, such reference or designation shall be deemed to apply to the Kansas department of human services or the secretary of human services.

(e) All rules and regulations, orders, and directives of the Kansas department for aging and disability services and the secretary for aging and disability services, or words of like effect, which relate to the powers, duties and functions of the receiver under K.S.A. 39-954 et seq., and amendments thereto, on the effective date of this order, shall be effective and shall be deemed to be rules and regulations, orders, and directives of the Kansas department of human services and the secretary of human services until revised, amended, revoked, or nullified pursuant to law.

Sec. 9. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas department for aging and disability services relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the Kansas department of human services and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the Kansas department of human services under this order shall be assumed and paid by the Kansas department of human services.

(c) Subject to the acts of the legislature, all fees, grant funds, and loan repayment funds of the Kansas department for aging and disability services dedicated to programs transferred by this order shall be transferred to the Kansas department of human services.

Sec. 10. (a) The Kansas department of human services shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to it by this order from the department of aging and disability services and the secretary of aging and disability services. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

(b) When any conflict arises as to any power, duty, or function transferred from the department of aging and disability services and the secretary of aging and disability services resulting from any transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

Sec. 11. (a) Except as otherwise provided by this order, whenever the department of social and rehabilitation services, which was the predecessor to the department for children and families under Executive Reorganization No. 41, or words of like effect, is referred to or designated by any statute, rule and regulation, contract, internal policy or procedure, order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department of human services. Except as otherwise provided by this order, whenever the secretary of social and rehabilitation services, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, internal policy or procedure, order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary of human services.

(b) On the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the department of social and rehabilitation services has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the department of social and rehabilitation services to acquire, hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

Sec. 12. (a) Except as otherwise provided by this order, whenever the department aging, which was the predecessor to the department for aging and disability services under Executive Reorganization No. 41, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, internal policy or procedure,

order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department of human services. Except as otherwise provided by this order, whenever the secretary of aging, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, internal policy or procedure, order or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary of human services.

(b) On the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the department on aging has acquired in any real property in this state, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the department on aging to acquire, hold or dispose of real property or any interest therein, the Kansas department of human services shall succeed to such power or authority.

Sec. 13. The Kansas department of human services and the secretary of human services shall have authority to administer all programs and services previously administered by the Kansas department for social and rehabilitation services, the Kansas department on aging, and the Kansas department for aging and disability services regardless of whether such programs and services are specifically mentioned in this order as being transferred to the Kansas department of human services. For purposes of this order, all programs and services intended to be transferred to the Kansas department of human services is intended to include all programs and services for which the Kansas department for aging and disability services or the secretary for aging and disability services provides administration services, serves as the operating agency or serves as the manager of grant funds pursuant to an existing delegation of authority or memorandum of understanding between a predecessor of the Kansas department of human services and another state or federal agency on the effective date of this order.

Sec. 14. The secretary of human services may adopt rules and regulations for the government, regulation and operation of and all programs and services previously administered by the Kansas department for children and families, the Kansas department of social and rehabilitation services, the Kansas department for aging and disability services and the Kansas department on aging.

Sec. 15. (a) Except as otherwise provided by this order, all of the jurisdiction, powers, functions and duties for the juvenile services programs and juvenile facilities and institutions administered by the department of corrections and the secretary of corrections pursuant to Executive Reorganization Order No. 42 and K.S.A. 38-2301 et seq., are hereby transferred to and conferred and imposed upon the Kansas department of human services and the secretary of human services.

(b) Except as otherwise provided by this order, the Kansas department of human services and the secretary of human services shall be the successor in every way to the jurisdiction, powers, duties and functions of the juvenile services programs and juvenile facilities and institutions of the department of corrections and the secretary of corrections in which the same were vested prior to the effective date of this order. Every

act performed in the exercise of such jurisdiction, powers, duties and functions by or under the authority of the Kansas department of human services and the secretary of human services for the juvenile services programs and juvenile facilities and institutions shall be deemed to have the same force and effect as if performed by the department of corrections or the secretary of corrections, in which such jurisdiction, powers, duties and functions were vested prior to the effective date of this order.

(c) Except as otherwise provided by this order, whenever the juvenile services programs and juvenile facilities and institutions operated under the jurisdiction, powers, duties and functions of the department of corrections or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas department of human services.

(d) Except as otherwise provided by this order, whenever the juvenile services programs and juvenile facilities and institutions operated under the jurisdiction, powers, duties and functions of the secretary of corrections, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of human services.

(e) The secretary of human services may adopt rules and regulations for the government, regulation and operation of juvenile services programs and juvenile facilities and institutions.

(f) All rules and regulations, internal management policies and procedures (IMPP), standards, facility orders and post orders of the department of corrections which relate to the juvenile services programs and juvenile facilities and institutions transferred by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, internal management policies and procedures (IMPP), standards, facility orders and post orders of the Kansas department of human services until revised, amended, revoked, or nullified pursuant to law.

(g) All orders and directives for the juvenile services programs and juvenile facilities and institutions of the department of corrections or the secretary of corrections in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the Kansas department of human services or secretary of human services until revised, amended or nullified pursuant to law.

(h) Except as provided further, on the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the department of corrections has acquired in any real property in this state for juvenile services programs and juvenile facilities and institutions, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the department of corrections or the secretary of corrections to acquire, hold or dispose of real property or any interest therein for juvenile services programs and juvenile facilities and institutions, the Kansas department of human services shall succeed to such power or authority. The right, title or interest of Larned Juvenile Correctional Facility shall not be transferred to the department of human services and shall remain with the department of corrections.

(i) Whenever a statute, contract or other document, rules and regulations, internal management policies and procedures (IMPP), standards, facility orders and post orders, and orders and directives for the juvenile services programs and juvenile facilities and

institutions transferred by this order refers in any way to the juvenile justice authority, which was the predecessor to the department of corrections or the secretary of corrections under Executive Reorganization No. 42, such references which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be the statute, contract or other document, rules and regulations, internal management policies and procedures (IMPP), standards, facility orders and post orders, and orders and directives of the Kansas department of human services until revised, amended, revoked, or nullified pursuant to law.

(j) Except as provided further, on the effective date of this order, the Kansas department of human services shall succeed to whatever right, title or interest the juvenile justice authority, which was the predecessor to the department of corrections under Executive Reorganization No. 42, has acquired in any real property in this state for juvenile services programs and juvenile facilities and institutions, and the Kansas department of human services shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the juvenile justice authority to acquire, hold or dispose of real property or any interest therein for juvenile services programs and juvenile facilities and institutions, the Kansas department of human services shall succeed to such power or authority. The right, title or interest of Larned Juvenile Correctional Facility shall not be transferred to the department of human services and shall remain with the department of corrections.

Sec. 16. (a) All officers and employees in the juvenile services programs and juvenile facilities and institutions administered by the department of corrections and the secretary of corrections who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the Kansas department of human services unless the secretary of human services determines that some officers or employees are not performing necessary services. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary of human services may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees in the juvenile services programs and juvenile facilities and institutions administered by the department of corrections and the secretary of corrections transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder.

(c) The Memorandum of Agreement between the department of corrections and Kansas Department of Administration and Teamsters Union Local #696 that is in existence on the effective date of this order shall continue to be effective until revised, amended or nullified pursuant to the terms of the Memorandum of Agreement.

(d) The Memorandum of Agreement between the State of Kansas and the Kansas Organization of State Employees that is in existence on the effective date of this order shall continue to be effective until revised, amended or nullified pursuant to the terms of the Memorandum of Agreement.

Sec. 17. (a) When any conflict arises as to the disposition of any jurisdiction, power, function or duty or the unexpended balance of any appropriation from the department of corrections to the Kansas department of human services as a result of any transfer of the juvenile services programs and juvenile facilities and institutions made by or under authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The Kansas department of human services shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions of the juvenile services programs and juvenile facilities and institutions transferred to the Kansas department of human services from the department of corrections. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer of the powers, duties and functions of the juvenile services programs and juvenile facilities and institutions, shall be determined by the governor, whose decision shall be final.

Sec. 18. The Kansas department of human services shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the juvenile services programs and juvenile facilities and institutions and any agency or office transferred thereto under this order or previous law with the exception of records relating to the maintenance and management of the Larned Juvenile Correctional Facility which shall remain with the Kansas department of corrections.

Sec. 19. (a) On and after the effective date of this order, the balance of all funds appropriated and reappropriated to the department of corrections for juvenile services programs and juvenile facilities and institutions, is hereby transferred to the Kansas department of human services and shall be used only for the purpose for which the appropriation was originally made with the exception of funds related to the maintenance and management of the Larned Juvenile Correctional Facility which shall remain with the Kansas department of corrections.

(b) Subject to the acts of the legislature, all fees, grant funds, advisory group funds, and loan repayment funds in the department of corrections dedicated to the juvenile services programs and juvenile facilities and institutions affected by this order shall be transferred to the Kansas department of human services.

(c) On and after the effective date of this order, the liability for all accrued compensation or salaries of officers and employees from the juvenile services programs and juvenile facilities and institutions who are transferred to the Kansas department of human services under this order shall be assumed and paid by the Kansas department of human services.

Sec. 20. (a) All jurisdiction, powers, functions and duties relating to all juvenile facilities and institutions defined in K.S.A. 38-2302, and amendments thereto, are transferred from the department of corrections to the Kansas department of human services and shall be under the supervision and control of the secretary of human services as provided by this order.

(b) The secretary of human services may adopt rules and regulations relating to all persons admitted to juvenile facilities and institutions and the safe and secure operations of such facilities and institutions.

Sec. 21. The secretary of human services shall administer all grants under K.S.A. 75-7038 through 75-7053, and amendments thereto.

Sec. 22. The secretary of human services shall administer community graduated sanctions and prevention programs and the community advisory committee in accordance with K.S.A. 75-7056, and amendments thereto.

Sec. 23. The Kansas advisory group on juvenile justice and delinquency prevention will report to the secretary of human services in accordance with K.S.A. 75-7007, and amendments thereto.

Sec. 24. After the effective date of this order, the Kansas Correctional Industries is authorized to continue to provide canteen services to the juvenile facilities and institutions administered by the Kansas department of human services or the secretary of human services. Commencing on the effective date of this order, the Kansas Correctional Industries is authorized to provide canteen services to the institutions, as defined by subsection

(b) of K.S.A. 76-12a01, and amendments thereto, administered by the Kansas department of human services or the secretary of human services.

Sec. 25. The Kansas department of human services shall participate in the Interstate Compact for Juveniles. The secretary of human services and the secretary of corrections shall execute a memorandum of understanding for transferring representation on the Interstate Compact for Juveniles and to share staffing and other agency resources for the administration of interstate compacts to economically meet the needs of juvenile services programs administered by the Kansas department of human services and the needs of adult services programs administered by the department of corrections subsequent to the effective date of this order.

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

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

Sec. 27. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2020, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT the Capitol in Topeka  
Under the Great Seal  
of the State of Kansas this 30th day  
of January 2020.

BY THE GOVERNOR:  
LAURA KELLY

SCOTT SCHWAB  
*Secretary of State of Kansas*



SANDY TOMPKINS  
*Asst. Secretary of State*

January 30, 2020

**Message to the Kansas Senate**  
**Executive Reorganization Order No. 45**

Pursuant to Article 1, Section 6, of the Constitution of the State of Kansas, today I transmit Executive Reorganization Order No. 45 to the Kansas Legislature along with this message to the Senate.

Effective July 1, 2020, this reorganization moves the State Employee Health Plan (“SEHP”) and the State Self Insurance Fund (“SSIF”) from the Department of Health and Environment to the Department of Administration. The new reporting structure will align the office with other employee-focused services and will improve administrative efficiencies and support. Current management at the SEHP and SSIF will continue to manage those programs under the leadership of the Secretary of Administration. None of the responsibilities, duties, or functions of the SEHP or SSIF will be abolished.

Through this reorganization we can better coordinate and support the missions of SEHP and SSIF, which will allow us to focus on delivering more affordable, higher quality health care for employees across the state and will also increase our ability to effectively manage and deliver workers compensation benefits for state employees.

I look forward to working with the Senate to continue to improve important benefits and support for our state employees.

Respectfully,  
*Governor Laura Kelly*

**EXECUTIVE REORGANIZATION ORDER No. 45**

Section 1. (a) There is hereby established, within the department of administration, the division of the state employee health benefits plan. The head of the division shall be the director of the state employee health benefits plan, who shall be appointed by and serve under the direction of the secretary of administration. The director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of administration and approved by the governor.

(b)(1) The secretary of administration shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as maybe needed, in the judgment of the secretary and director, to carry out the powers and duties of the state employee health benefits plan.

(2) All officers and employees of the division of the state employee health benefits plan shall act for and exercise the powers of the director of the state employee health benefits plan to the extent that authority to do so is delegated by the secretary and director. Subject to the provisions of K.S.A. 75-3702j, and amendments thereto, the secretary and director may organize the division of the state employee health benefits plan in the manner deemed most efficient.

Sec. 2. All powers, duties and functions of the staff of the division of health care

finance of the department of health and environment established in K.S.A. 65-1,252 through 65-1,258, and amendments thereto, K.S.A. 75-7405(c)(7) and (8), and K.S.A. 75-6501 through 75-6523 and amendments thereto involving the administration of the state employee health benefits plan are hereby transferred to and imposed upon the department of administration, under the direction of the secretary of administration, and its division of the state employee health benefits plan, under the direction of the director of the state employee health benefits plan.

Sec. 3. (a) The department of administration and the division of the state employee health benefits plan shall be the successor in every way to the powers, duties and functions of the division of health care finance of the department of health and environment involving the administration of the state employee health benefits plan in which the same were vested pursuant to K.S.A. 65-1,252 through 65-1,258, and amendments thereto, and that are transferred pursuant to this order.

(b) Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the department of administration and the division of the state employee health benefits plan, the secretary of administration or the director of the state employee health benefits plan, involving the administration of the state employee health benefits plan, shall be deemed to have the same force and effect as if performed by the division of health care finance of the department of health and environment in which the same were vested pursuant to K.S.A. 65-1,252 through 65-1,258, and amendments thereto, in which such powers, duties and functions were vested prior to the effective date of this order.

(c) Whenever the division of health care finance of the department of health and environment or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document and such reference is in regard to any of the powers, duties or functions transferred to the department of administration and its division of the state employee health benefits plan, such reference or designation shall be deemed to apply to the department of administration and the division of the state employee health benefits plan.

(d) All rules and regulations, orders and directives of the division of health care finance of the department of health and environment that relate to the functions transferred by this order and that are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of administration until revised, amended, repealed or nullified pursuant to law.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or re-appropriated for the division of health care finance of the department of health and environment or any state agency, department, board, commission or council, relating to the powers, duties and functions involving the administration of the state employee health benefits plan by K.S.A. 65-1,252 through 65-1,258, and amendments thereto, are hereby transferred within the state treasury to the department of administration for the division of the state employee health benefits plan and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the department of administration and the division of the state employee health benefits plan pursuant to this order shall be assumed and paid by the division of the state employee health benefits plan of the department of administration.

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

(b) The division of the state employee health benefits plan in the department of administration shall succeed to all property, property rights, contracts and records that were used for or pertain to the performance of powers, duties and functions involving the administration of the state employee health benefits plan that were transferred to the division of health care finance in the department of health and environment pursuant to K.S.A. 65-1,252 through 65-1,258, and amendments thereto. Any conflict as to the proper disposition of property, personnel or records arising under the provisions of this order, shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or that could have been commenced, by or against any state agency or program mentioned in K.S.A. 65-1,252 through 65-1,258, and amendments thereto, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

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

Sec. 7. (a) All officers and employees of the division of health care finance of the department of health and environment who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions involving the administration of the state employee health benefits plan and transferred by this order, as well as all officers and employees of the department of health and environment who are determined by the secretary of administration to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of the state employee health benefits plan of the department of administration. All classified officers and employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the division of health care finance of the department of health and environment transferred by this order shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the division of health care finance of the department of health and environment prior to the date of transfer.

(c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the division of health care finance of the department of health and environment to the division of the state employee health benefits plan of the department of administration shall commence at the start of a payroll period.

Sec. 8. (a) All powers, duties and functions of the staff of the department of health

and environment established in K.S.A. 44-575 through 44-580, and amendments thereto, involving the administration of the state workers compensation self-insurance fund are hereby transferred to and imposed upon the department of administration, under the direction of the secretary of administration, and its division of the state employee health benefits plan, under the direction of the director of the state employee health benefits plan.

(b) The secretary of administration shall administer the state workers compensation self-insurance fund and all payments from such fund shall be upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or a person or persons designated by the secretary. The director of accounts and reports may issue warrants pursuant to vouchers approved by the secretary for payments from the state workers compensation self-insurance fund notwithstanding the fact that claims for such payments were not submitted or processed for payment from money appropriated for the fiscal year in which the state workers compensation self-insurance fund first became liable to make such payments.

(c) The secretary of administration shall remit all moneys received by or for the secretary in the capacity as administrator of the state workers compensation self-insurance fund, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state workers compensation self-insurance fund.

(d) The balances of all funds or accounts thereof appropriated or re-appropriated for the division of health care finance of the department of health and environment or any state agency, department, board, commission or council, relating to the powers, duties and functions involving the administration of the state workers compensation self-insurance fund are hereby transferred within the state treasury to the department of administration for the division of the state employee health benefits plan and shall be used only for the purpose for which the appropriation was originally made. Liability for all accrued compensation or salaries of officers and employees who are transferred to the department of administration and the division of the state employee health benefits plan pursuant to this order shall be assumed and paid by the division of the state employee health benefits plan of the department of administration.

(e) There is hereby established the state workplace health and safety program within the state workers compensation self-insurance program of the department of administration. The secretary of administration shall implement and the division of industrial health and safety of the Kansas department of labor shall assist in administering the state workplace health and safety program for state agencies. The state workplace health and safety program shall include, but not be limited to:

(1) Workplace health and safety hazard surveys in all state agencies, including onsite interviews with employees;

(2) workplace health and safety hazard prevention services, including inspection and consultation services;

(3) procedures for identifying and controlling workplace hazards;

(4) development and dissemination of health and safety informational materials, plans, rules and work procedures; and

(5) training for supervisors and employees in healthful and safe work practices.

(f) Except as provided in this order, the secretary of administration shall be the

successor in every way to the powers, duties and functions of the secretary of health and environment that relate to the state workers compensation self-insurance fund, in which the same were vested prior to the effective date of this order.

(g) All orders and directives of the secretary of health and environment that relate to the state workers compensation self-insurance fund in existence immediately prior to the effective date of this order shall continue to be effective and shall be deemed to be the orders or directives of the secretary of administration, until revised, amended, repealed or nullified pursuant to law.

(h) The secretary of administration shall succeed to all property, property rights, contracts and records that were used for or pertain to the performance of the powers, duties and functions transferred to the secretary of administration from the division of the state workers compensation self-insurance fund of the department of health and environment pursuant to this order. Any conflicts as to the proper disposition of property, property rights, contracts and records arising under this section shall be resolved by the governor, whose decision shall be final.

(i) All officers and employees of the division of the state workers compensation self-insurance fund of the department of health and environment who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions involving the administration of the state workers compensation self-insurance fund and transferred by this order, as well as all officers and employees of the department of health and environment who are determined by the secretary of administration to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the department of administration, under the direction of the secretary of administration, and its division of the state employee health benefits plan. All classified officers and employees so transferred shall retain their status as classified employees.

(j) Officers and employees of the division of the state workers compensation self-insurance fund of the department of health and environment transferred by this order shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the division of the state workers compensation self-insurance fund of the department of health and environment prior to the date of transfer.

Sec. 9. (a) All claims for compensation under the workers compensation act against any state agency for claims arising on and after July 1, 1974, and claims for compensation remaining from the self-insurance program which existed prior to July 1, 1974, for institutional employees of the commission of community services and programs of the Kansas department for aging and disability services shall be made against the state workers compensation self-insurance fund. Such claims shall be served upon the secretary of administration in the secretary's capacity as administrator of the state workers compensation self-insurance fund in the manner provided for claims against other employers under the workers compensation act. The chief attorney for the department administration, or another attorney of the department of

administration designated by the chief attorney, shall represent and defend the state workers compensation self-insurance fund in all proceedings under the workers compensation act.

(b) The secretary of administration shall investigate, or cause to be investigated, each claim for compensation against the state workers compensation self-insurance fund. For the purposes of such investigations, the secretary of administration is authorized to obtain expert medical advice regarding the injuries, occupational diseases and disabilities involved in such claims. If, based upon such investigation and any other available information, the secretary of administration finds that there is no material dispute as to any issue involved in the claim, that the claim is valid and that the claim should be settled by agreement, the secretary of administration may proceed to enter into such an agreement with the claimant, for the state workers compensation self-insurance fund. Any such agreement may provide for lump-sum settlements subject to approval by the director and all such agreements shall be filed in the office of the director for approval as provided in K.S.A. 44-527, and amendments thereto. All other claims for compensation against such fund shall be paid in accordance with the workers compensation act pursuant to final awards or orders of an administrative law judge or the board or pursuant to orders and findings of the director under the workers compensation act.

(c) For purposes of the workers compensation act, a volunteer member of a regional emergency medical response team as provided in K.S.A. 48-928, and amendments thereto, shall be considered a person in the service of the state in connection with authorized training and upon activation for emergency response, except when such duties arise in the course of employment or as a volunteer for an employer other than the state. Sec. 10. The secretary of administration may adopt rules and regulations necessary for the administration of the state workers compensation self-insurance fund, including the processing and settling of claims for compensation made against such fund. Sec. 11. All provisions of this order shall take effect and have force of general law on July 1, 2020, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and statutes of this state.

DONE AT the Capitol in Topeka  
Under the Great Seal of the State  
of Kansas this 30th day of  
of January 2020.

BY THE GOVERNOR:  
LAURA KELLY

SCOTT SCHWAB  
*Secretary of State of Kansas*

SANDY TOMPKINS  
*Asst. Secretary of State of Kansas*

January 30, 2020

**Message to the Kansas Senate**  
**Executive Reorganization Order No. 46**

Pursuant to Article 1, Section 6, of the Constitution of the State of Kansas, today I transmit Executive Reorganization Order No. 46 to the Kansas Legislature along with this message to the Senate.

Effective July 1, 2020, this reorganization moves the Energy Office out of the Kansas Corporation Commission and establishes it as a separate, independent entity. This reorganization will preserve the Energy Office's existing programs while expanding its scope to include energy planning, policy development, and stakeholder outreach. None of the Energy Office's current responsibilities, duties, or functions will be abolished.

I am committed to unlocking the potential of Kansas' diverse energy landscape. The first step toward a comprehensive energy plan is building an infrastructure for energy policy discussions. An independent Energy Office will provide that infrastructure and facilitate an inclusive, data-driven vision for the energy future of our state.

I look forward to working with the Senate to build on Kansas' nation-leading successes in renewable energy and energy efficiency, and together we can chart a path to a sustainable and balanced energy future.

Respectfully,  
*Governor Laura Kelly*

**EXECUTIVE REORGANIZATION ORDER No. 46**

Section 1. (a) There is hereby established the Kansas energy office, which shall be administered under the direction and supervision of the director of the Kansas energy office, who shall be appointed by and serve under the direction of the governor. The director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the governor.

(b) The balances of all funds or accounts thereof appropriated or re-appropriated to the state corporation commission for operations and activities in execution of the commission's powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 are hereby transferred to the Kansas energy office to be used for the purpose of implementing the provisions of this order and shall be used only for the purpose for which the appropriation was originally made.

(c) All records and property of the state corporation commission regarding the commission's powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 are hereby transferred to and conferred and imposed upon the Kansas energy office.

(d) Whenever the state corporation commission, or words of like effect, is referred to or designated by a contract, grant or other document regarding the commission's powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 such reference or designation shall be deemed to apply to the Kansas energy office. Whenever the energy program director or the energy division of

the state corporation commission, or words of like effect, is referred to or designated by a contract, grant or other document, such reference or designation shall be deemed to apply to the director of the Kansas energy office. All awards or grants made by the state corporation commission regarding the commission's powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 which are in effect on July 1, 2020, shall continue to be effective for the duration of the period for which they were made, unless revised or nullified in accordance with law. All contracts entered into prior to July 1, 2020, by the state corporation commission in execution of the commission's powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 and not fully executed on such date, shall remain in full force and effect until fully executed or until terminated or revoked in the manner provided in such contract or as is otherwise provided by law on the date of such contract.

(e) All rules and regulations and all orders and directives of the state corporation commission in execution of the commission's powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129 in existence immediately prior to the effective date of this order shall continue to be effective and shall be deemed to be the rules and regulations and orders or directives of the Kansas energy office, until revised, amended, repealed or nullified pursuant to law.

(f) Subject to the provisions of appropriations acts, officers and employees who were officers and employees of the state corporation commission engaged in the execution of the commission's powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129, and who, in the opinion of the director of the Kansas energy office, are necessary to perform such powers, duties, and functions, shall become officers and employees of the Kansas energy office, and shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer and their services shall be deemed to have been continuous. All such officers and employees who become officers and employees of the Kansas energy office under this section shall retain their status as either unclassified or classified under the Kansas civil service act.

(g) The director of the Kansas energy office shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the director, to carry out the power, duties, and functions of the Kansas energy office.

(h) The Kansas energy office shall be the successor in every way to the powers, duties, and functions of the state corporation commission's powers, duties, and functions as described in K.S.A. 74-616(a)-(d), 74-617, 74-622, 75-37,125, or 75-37,129.

(i) Liability for all accrued compensation or salaries of officers and employees who are transferred to the Kansas energy office pursuant to this order shall be assumed and paid by the Kansas energy office.

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

(k) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or that could have been commenced, by or against any state agency or



program or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

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

(m) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the state corporation commission to the Kansas energy office shall commence at the start of a payroll period.

(n) All provisions of this order shall take effect and have force of general law on July 1, 2020, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and statutes of this state.

DONE AT the Capitol in Topeka  
Under the Great Seal of the State  
of Kansas this 20<sup>th</sup> day  
of January 2020.

BY THE GOVERNOR:

LAURA KELLY

SCOTT SCHWAB

*Secretary of State of Kansas*

SANDY TOMPKINS

*Asst. Secretary of State of Kansas*

#### **STRICKEN FROM THE CALENDAR**

On motion of Senator Jim Denning, the following bills were stricken from the Calendar under the heading General Orders: **SB 129**, **SB 136**, **SB 206**.

#### **CHANGE OF REFERENCE**

The President withdrew **SB 296** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Ethics, Elections and Local Government**.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Judiciary** recommends **SB 269** be amended on page 1, in line 12, by striking "80" and inserting "79";

On page 2, in line 14, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

JANUARY 30, 2020

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On motion of Senator Denning, the senate adjourned pro forma until 8:00 a.m., January 31, 2020.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

