

74-140. Abolition of certain boards, commissions and committees; references null and void; disposition of moneys; officers and employees; vested rights and pending civil and criminal actions saved; resolution of conflicts. (a) On July 1, 1992, the following state boards, commissions and committees shall be and hereby are abolished:

(1) The midwest nuclear board created by Article II of the Midwest Nuclear Compact (article 20 of chapter 48 of Kansas Statutes Annotated);

(2) the milk advisory committee established by K.S.A. 65-737b;

(3) the hazardous waste disposal facility approval board established by K.S.A. 65-3432;

(4) the advisory board on low-level radioactive waste established by K.S.A. 65-34a03;

(5) the advisory committee on podiatry established by K.S.A. 74-2807;

(6) the information systems policy board established by K.S.A. 75-4708;

(7) the corrections ombudsman board established by K.S.A. 74-7401; and

(8) the advisory commission on health and environment established by K.S.A. 75-5656.

(b) On and after July 1, 1992, whenever any board, commission or committee abolished by this act is referred to or designated by a statute, contract or other document, such reference or designation shall be null and void and of no force or effect.

(c) On July 1, 1992, all records, books, memoranda, writings and other property of any board, commission or committee abolished by this act shall be and hereby are transferred to the state agency to which such abolished board, commission or committee was advisory or attached.

(d) On July 1, 1992, all unexpended balances of appropriations made for any board, commission or committee abolished by this act shall lapse.

(e) On July 1, 1992, all moneys received by any board, commission or committee abolished by this act from private donors shall be transferred to the state agency to which such abolished board, commission or committee was advisory or attached and shall be used by such state agency for the purposes for which such moneys were donated.

(f) All officers and employees who were engaged immediately prior to July 1, 1992, in the exercise of powers or the performance of duties and functions of or on behalf of any board, commission or committee abolished by this act and who, in the opinion of the head of the state agency to which such abolished board, commission or committee was advisory or attached, are necessary to the exercise of powers or the performance of duties and functions of the state agency shall remain or become officers and employees of the state agency. Any such officer or employee shall retain all retirement benefits and rights of civil service which had accrued to or vested in such officer or employee prior to July 1, 1992, and the service of each such officer and employee shall be deemed to have been continuous. All transfers and any abolishment of positions of personnel in the classified civil service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

(g) No vested right of any person shall be affected and no lawful claim of any person against the state shall abate by reason of the abolition by this act of any board, commission or committee, nor shall any lawful claim or right of the state abate by reason of abolition of any such board, commission or committee. Responsibility for litigation or other reconciliation of such rights and claims is hereby transferred to and imposed upon the state agencies, respectively, to which such boards, commissions or committees were advisory or attached.

(h) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any board, commission or committee abolished by this act, or by or against any officer or employee of any such board, commission or committee in relation to the discharge of duties imposed on such officer or employee by law, shall abate by reason of the abolition of such board, commission or committee. The court may allow any such suit, action or other proceeding to be maintained by or against the state agencies, respectively, to which such boards, commissions or committees were advisory or attached.

(i) No criminal action commenced or which could have been commenced by the state shall abate by reason of the abolition by this act of any board, commission or committee.

(j) When any conflict arises as to the disposition of any power, duty or function or the unexpended balance of any appropriation or any unexpended moneys received from private persons or organizations as a result of the abolition by this act of any board, commission or committee, such conflict shall be resolved by the governor, and the decision of the governor shall be final.

(k) When any conflict arises as to the proper disposition of any property or records as a result of the abolition by this act of any board, commission or committee, such conflict shall be resolved by the governor, and the decision of the governor shall be final.

(l) As used in this section with respect to abolition by this act of the midwest nuclear board, the term "state agency to which such abolished board, commission or committee was advisory or attached" means the office of the governor.

History: L. 1992, ch. 192, § 1; July 1.