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EXECUTIVE REORGANIZATION ORDER NO. 46

Executive Reorganization Order (ERO) No. 46 establishes the Kansas Energy Office (Energy Office) as an independent entity, effective July 1, 2020, rather than continue it within the Kansas Corporation Commission (Commission). The ERO states the Energy Office will be under the direction of the Director of the Kansas Energy Office (Director). The Director is to be appointed by the Governor.

The ERO transfers the balances of all funds and accounts appropriated to the Commission for activities related to the Energy Office from the Commission to the Energy Office.

The ERO states all the Commission's powers, duties, records, property, rules and regulations, and functions related to the Energy Office are transferred to and conferred and imposed upon the Energy Office. The Energy Office shall be the successor to the powers, duties, and functions of the Commission concerning the Energy Office.

The ERO states that whenever the Commission is referred to or designated by a contract, grant, or other document regarding the Commission's powers, duties, and functions related to the Energy Office, such reference shall apply to the Energy Office. All awards or grants made by the Commission regarding the Commission's powers, duties, and functions related to the Energy Office that 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 by law. All contracts entered into by the Commission prior to July 1, 2020, regarding the Commission's powers, duties, and functions relating to the Energy Office shall remain in full effect until such contract is fully executed or terminated.

The ERO also states employees engaged in duties relating to the Energy Office and who are necessary to perform those duties in the opinion of the Director are moved to the Energy Office. The Director shall appoint employees to carry out the powers, duties, and functions of the Kansas Energy Office.

Any conflict that arises regarding the transfers described above will be resolved by the Governor, whose decision will be final.

Finally, the ERO states lawsuits, criminal actions, or other proceedings by or against any state agency or program or by or against any officer of the state in such officer's official duties will not be affected by reason of governmental reorganization.

Background

ERO No. 46 was submitted by the Governor to the Kansas House of Representatives and the Kansas Senate on January 30, 2020. On January 31, 2020, the ERO was referred separately to the House Committee on Energy, Utilities and Telecommunications and to the Senate Committee on Utilities.

In the House Committee hearing on February 11, 2020, a representative of the Office of the Governor provided an overview of ERO No. 46. The House Committee voted to recommend the ERO unfavorably and to introduce a resolution to disapprove it.

Effective July 1, 1983, the Energy Office was abolished as an independent agency and its duties were transferred to the Commission (KSA 74-622).

Any fiscal effects of ERO 46 are not reflected in *The FY 2021 Governor's Budget Report*.