

Executive Reorganization Order No. 34

By Governor Sam Brownback

1-24

1 Section 1. There is hereby established, within the Kansas
2 department of corrections, the prisoner review board. The prisoner review
3 board shall be administered under the supervision of the secretary of
4 corrections. The prisoner review board shall consist of three members
5 appointed by the secretary of corrections and all members shall serve at
6 the pleasure of the secretary. The members of the prisoner review board
7 shall be existing employees of the department of corrections.

8 Sec. 2. (a) The Kansas parole board established by K.S.A. 22-
9 3707 is hereby abolished. The prisoner review board shall be a
10 continuation of the Kansas parole board.

11 (b) All of the powers, duties and functions of the existing
12 Kansas parole board are hereby transferred to and imposed upon the
13 prisoner review board.

14 Sec. 3. (a) The prisoner review board shall be the successor in
15 every way to the powers, duties and functions of the Kansas parole board
16 in which the same were vested prior to the effective date of this order.
17 Every act performed in the exercise of such transferred powers, duties
18 and functions by or under the authority of the prisoner review board shall
19 be deemed to have the same force and effect as if performed by the
20 Kansas parole board in which such powers, duties and functions were
21 vested prior to the effective date of this order.

22 (b) Whenever the Kansas parole board, or words of like effect,
23 are referred to or designated by a statute, contract, memorandum of
24 understanding, plan, grant, waiver or other document, such reference or
25 designation shall be deemed to apply to the prisoner review board.

26 (c) All rules and regulations, orders and directives of the
27 Kansas parole board that are in effect on the effective date of this order
28 shall continue to be effective and shall be deemed to be rules and
29 regulations, orders and directives of the secretary of corrections until
30 revised, amended, revoked or nullified pursuant to law.

31 Sec. 4. The balances of all funds or accounts thereof
32 appropriated or reappropriated for the Kansas parole board are hereby
33 transferred within the state treasury to the Kansas department of
34 corrections and shall be used only for the purpose for which the
35 appropriation was originally made.

36 Sec. 5. (a) When any conflict arises as to the disposition of

1 any property, power, duty, or function or the unexpended balance of any
2 appropriation as a result of any abolition or transfer made by or under the
3 authority of this order, such conflict shall be resolved by the governor,
4 whose decision shall be final.

5 (b) The department of corrections shall succeed to all property,
6 property rights, and records which were used for or pertain to the
7 performance of powers, duties, and functions of the Kansas parole board
8 transferred to the prisoner review board. Any conflict as to the proper
9 disposition of property, personnel, or records arising under this order shall
10 be determined by the governor, whose decision shall be final.

11 Sec. 6. (a) No suit, action, or other proceeding, judicial or
12 administrative, lawfully commenced, or which could have been
13 commenced, by or against any state agency mentioned in this order, or by
14 or against any officer of the state in such officer's official duties, shall
15 abate by reason of the governmental reorganization effected under the
16 provisions of this order. The court may allow any such suit, action, or
17 other proceeding to be maintained by or against the successor of any such
18 state agency or any officer affected.

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

21 Sec. 7. Except as otherwise provided by this order, all of the
22 provisions of this order shall take effect and have the force of general law
23 on July 1, 2011, unless disapproved by either house of the Kansas
24 legislature as provided by subsection (c) of section 6 of article 1 of the
25 constitution of Kansas, and unless so disapproved, this order is to be
26 published as and with the acts of the legislature and the statutes of this
27 state.

28 DONE AT The Capitol in Topeka
29 Under the Great Seal of the
30 State of Kansas this 21st day
31 of January, 2011.

32
33 BY THE GOVERNOR
34 SAM BROWNBACK

35
36 Kris W. Kobach
37 *Secretary of State*

38
39 Eric Rucker
40 *Assistant Secretary of State*