



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER
Attorney General

August 15, 1975

ATTORNEY GENERAL OPINION NO. 75- 335

Mr. Thomas W. Regan
Chief Attorney
Legal Department
State Highway Commission
State Office Building
Topeka, Kansas 66612

Attn: Mr. Elmer Hoge

Re: State Highway Commission--Department of Transportation--
Pending Litigation

Synopsis: On and after August 15, 1975, the Secretary of Transportation and his official title should be designated as party defendant or plaintiff in any litigation as successor to the State Highway Commission.

* * *

Dear Mr. Regan:

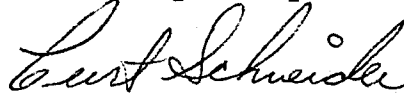
In your letter of August 12 anticipating the demise of the State Highway Commission, you advise that the State Highway Commission is a party plaintiff or defendant in numerous suits pending in various district courts throughout the State, in the name of the "State Highway Commission of Kansas." Under section 4 of ch. 426, L. 1975, on August 15, 1975, the State Highway Commission is abolished, and is succeeded by the Secretary of Transportation. By virtue of section 19(a) of the act, no pending suit is to abate as a result of this governmental reorganization.

You inquire concerning the appropriate style of the party substituted for the State Highway Commission. Under section 64 of the act, from and after August 15, 1975, the term "Commission" shall mean the "Secretary of Transportation." In my opinion,

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in lieu of the State Highway Commission as a party in any pending litigation, there should be substituted O. D. Turner, Secretary of Transportation.

Yours very truly,

A handwritten signature in cursive script that reads "Curt Schneider". The signature is written in dark ink and is positioned above the typed name.

CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj