



STATE OF KANSAS

Office of the Attorney General

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Subject

FILE
Lehar
Employment Security
Division

Copy to

VERN MILLER
Attorney General

November 25, 1974

Opinion No. 74- 371

Mr. John W. Henderson, Chairman
Governmental Ethics Commission
State House
Topeka, Kansas 66612

Dear Chairman Henderson:

Section 7(a), ch. 353, L. 1974, states thus:

"'State officer or employee' means (1) any individual who is an elected or appointed state officer, (2) any individual who is in the classified service, unclassified service or classified exempt service of the Kansas civil service act...."

You advise that a question has arisen concerning applicability of the foregoing to members of the Kansas Employment Security Division Advisory Council, which is appointed pursuant to K.S.A. 44-714, as amended by ch. 348, § 16(d), L. 1974:

"The commissioner shall appoint a state advisory council....composed....of men and women which shall include an equal number of employer representatives and employee representatives who may fairly be regarded as representatives because of their vocation, employment, or affiliations and of such members representing the general public as the commissioner may designate. Such councils shall aid the commissioner in formulating policies and discussing problems related to the administration of this act and in securing impartiality and freedom from political influence in the solution of such problems. *Members of the state advisory council attending meetings of such council, or attending a subcommittee meeting thereof authorized by such council, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in section 1 of this act.*"

John W. Henderson
November 25, 1974
page two

You inquire, specifically, whether

"members of the Kansas Employment Security Division Advisory Council [are] in the unclassified service of the Kansas Civil Service Act pursuant to K.S.A. 75-2935(1)(b) or some other relevant provision of the Kansas statutes."

K.S.A. 75-2935(1) states in pertinent part thus:

"The unclassified service comprises positions held by state officers or employees who are:

* * *
(b) members of boards and commissions...."

The duties of the advisory council are, of course, purely advisory in nature, unlike the affirmative substantive regulatory powers commonly associated with state boards and commissioners. It is, nonetheless, a body duly constituted under state law, and its members are, in our opinion, members of the unclassified service under K.S.A. 75-2935(1)(b).

Yours very truly,


VERN MILLER
Attorney General

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