



STATE OF KANSAS

Office of the Attorney General

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

CURT T. SCHNEIDER
Attorney General

April 10, 1975

Opinion No. 75- 156

Mr. W. Keith Weltmer, Secretary
Department of Administration
2nd Floor - State Capitol Building
Topeka, Kansas 66612

Dear Secretary Weltmer:

K.S.A. 75-3208 states thus:

"No claim for expenses for any trip made beyond the borders of the state by an appointive state officer or employee shall be allowed unless, prior to the making of such trip, approval therefore has been given in writing by the officer who appointed the head of the department in which such officer or employee is employed."

K.S.A. 1974 Supp. 25-4122(a) presently provides thus:

"There is hereby created the governmental ethics commission, referred to in this act as the commission. The commission shall consist of eleven (11) members of whom three (3) shall be appointed by the governor, two (2) by the president of the senate, two (2) by the speaker of the house of representatives, one (1) by the minority leader of the house of representatives, one (1) by the minority leader of the senate and two (2) by the chief justice of the supreme court. . . . One of the members appointed by the chief justice shall be designated by him to be the chairman of the commission."

You suggest that if the Commission on Governmental Ethics is a separate "department," as that term is used in K.S.A. 75-3208,

Mr. W. Keith Weltmer, Secretary

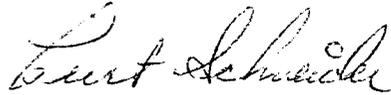
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the chairman thereof may be considered the "head of the department," with the result that approval of the Chief Justice of the Supreme Court is required by K.S.A. 75-3208 to authorize allowance of any claim for expenses for out-of-state travel by any member of the Commission or its staff. It has been suggested, alternatively, that the executive director of the Commission may be considered as "head of the department," under K.S.A. 75-3208, with the result that approval of expenses for travel by that officer and by employees of the commission may be authorized by the Commission, leaving unanswered the question of authority for approval of out-of-state travel by members of the Commission themselves.

In our view, the Commission is a "department" within the meaning of K.S.A. 75-3208. It is, for example, a "state agency" as that term is defined by K.S.A. 75-3701(3), and it is not located within the administrative structure of any other department or other state authority. The chairman of the Commission is the head of the "department." Thus, having been appointed by the Chief Justice of the Supreme Court, and designated by him to be chairman, it is our opinion that approval by the Chief Justice is required to authorize payment of expenses for out-of-state travel by members of the Commission and its staff.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

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