

STATE OF KANSAS



OFFICE OF THE GOVERNOR

State Capitol
Topeka

ROBERT F. BENNETT
Governor

BENNETT EXECUTIVE ORDER NO. 75-8

Executive Department
State of Kansas
Topeka, Kansas

WHEREAS, the government of Kansas, as a representative democracy, is materially dependent upon the trust of its citizens to effectively serve the best interests of the state; and

WHEREAS, this trust is both affected and effected not only by the achievements of government but also by the conduct of public officials during the course of their tenure; and

WHEREAS, there is value to the public, to the public official and to government in the development of appropriate, workable and realistic standards of official conduct; and

WHEREAS, the conflict of interest law enacted by the 1974 Legislature attempted to create certain of these standards for all governmental officials; and

WHEREAS, the standards were amended by the 1975 Session leaving some questions in certain areas as to the propriety of a given act or course of action; and

WHEREAS, the opinion of the Attorney General on the propriety of certain conduct occurring prior to the effective

date of the conflict of interest law may be misunderstood as it affects subsequent acts of a similar nature; and

WHEREAS, it is desirable to clarify and supplement the conflict of interest law as it relates to the individuals under the jurisdiction of the Office of the Governor to avoid confusion and to provide standards for action;

NOW, THEREFORE, it is deemed proper and expedient to establish supplemental standards of conduct by this Executive Order, to-wit:

1. All public officials will comply with the minimal standards specified in the Kansas Conflict of Interest Law. If a given course of conduct is contemplated and there is doubt as to its propriety under the law, a written opinion from the Ethics Commission should be sought and followed. If after receiving such opinion doubt still exists the same should be resolved against the course of conduct in question.

2. In addition to the prohibitions and restrictions set forth in the conflicts of interest law the following rules of conduct shall apply to executive officers and employees subject to the jurisdiction of the Governor's office:

A. Gifts

i. Public officials or employees shall not accept gifts or gratuities of substantial value from persons or firms having business with or appearing before such public official or employee in quest of official action. For the purposes of this subparagraph a substantial value is a value in excess of \$10.00. These prohibitions do not include (1) gifts from relatives or from personal

friends where there is no relationship to completed or contemplated official action; (2) gifts made to or for the benefit of the state, provided that any such gift should be reported within five days after its receipt to the Secretary of Administration, and from and after its receipt such gift shall become the property of the State of Kansas; (3) commemorative plaques or gifts of recognition, suitable primarily for display.

ii. Whenever a series of gifts are made the total value shall not exceed \$10.00 in any given year.

iii. Gifts of less than \$10.00 shall not be accepted if the obvious intent is to influence official action.

B. Honorariums

i. From time to time public officers and employees may be offered honorariums from third parties for speaking engagements and seminars. A reasonable fee for time actually expended in preparation or participation in the event may be accepted so long as the official or employee is not also being compensated for such time by the state and if the person or association paying the honorarium does not have business with the public official or employee or does not appear before such public official or employee in quest of official action.

ii. If the public official or employee is being compensated by the state for the time consumed, then any honorarium shall be paid over to the state, provided, if the party offering the honorarium has official business with the public officer or employee, the honorarium shall be rejected in all events. In both cases, ordinary and necessary expenses may be retained by the recipient.

iii. Where question exists as to whether an honorarium may be accepted, the matter shall be submitted to the Secretary of Administration with a full explanation and a request for instructions.

iv. Whenever an honorarium or expense payment has been received, a full report shall be submitted to the Secretary of Administration within five days after receipt unless the recipient shall be away from his normal duty station more than five days from receipt, in which case the report shall be due within five days after return to his normal duty station.

v. In no event shall a public officer or employee accept an honorarium for the performance of any act required or legitimately expected to arise out of the discharge of his or her official duties.

C. Entertainment

i. There is no prohibition against a public official or employee being entertained by a third person or firm having business with that official or employee as long as the entertainment is reasonable and not so designed as to suggest or encourage a commitment on the part of the public official or employee. In determining whether or not entertainment is reasonable, the size of the expenditure, the distance of the place of entertainment from the place of official duty of the state official or employee, the purpose of the entertainment and common and accepted practices pertaining to entertainment should be considered. Where questions remain, the Secretary of Administration should resolve the issue of reasonableness and a request of that resolution should be directed to his office.

ii. Members of boards of commission having quasi-judicial powers should comply with the judicial canons of ethics when dealing with the parties of their representatives and should not accept gifts or honorariums nor permit themselves to be entertained by either the applicant or the respondent or their attorneys.

iii. Nothing herein contained should be construed to prohibit or limit entertainment by personal friends or relatives where there is no relationship between the entertainment and any completed or contemplated official action.

iv. For the purpose of this order entertainment means the providing of any function or activity at which the host is present.

D. Representative Cases

A public official or employee shall not accept a representative case before the agency of his employment nor permit any person with whom he is associated, as provided in K.S.A. 1974 Supp. 46-226, 227, 239, and 242 prior to amendment, to accept such employment.

E. Contracts

All laws relating to contracts are applicable to this executive order. In addition, the public official or employee shall refrain from any involvement in the making, execution or implementation of any contract with the state when such official or employee has a private interest in the contract separate and apart from his interest as a state official or employee.

F. Political Contributions

Excluded from this Executive Order and its effect are political contributions which shall be governed by applicable law, including the Kansas Campaign Finance Act, K.S.A. 1972 Supp. 25-4101, et seq., as amended.




3. All public officials and employees will be expected to comply with the provisions of this order. Failure to do so may result in termination or other disciplinary action.

This document shall be filed with the Secretary of State as Executive Order No. 75-8.

THE GOVERNOR'S OFFICE

By the Governor

June 26, 1975



Secretary of State

Assistant Secretary of State