

45A.340 Conflicts of interest of public officers and employees.

- (1) No officer or employee of the General Assembly, or officer or employee of an agency as defined in KRS 45A.335, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services to be rendered, either by himself or another, in negotiations with the state or an agency for the purchase by the state or an agency of an interest in real property. This section shall not apply to appearances before any court, except that negotiations shall be prohibited as aforesaid at any time.
- (2) No officer or employee of an agency or member of a state board or commission, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust, or corporation, in any contract for the performance of any work in the making or letting or administration of which such officer or employee may be called upon to act or vote. No such officer or employee may represent, either as agent or otherwise, any person, association, trust, or corporation, with respect to any application or bid for any contract or work in regard to which such officer or employee may be called upon to act or vote. Nor may any such officer or employee take, solicit, or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void. For the purposes of this section the holding of less than five percent (5%) of the stock of a corporation is not considered an interest.
- (3) No officer or employee of the General Assembly or officer or employee of any agency shall, for compensation, appear before an agency as an expert witness.
- (4) No officer or employee of the General Assembly, or officer or employee of any agency, shall act as officer or agent for the Commonwealth or any agency in the transaction of any business with himself, or with any corporation, company, association, or firm in which he or his spouse has any interest greater than five percent (5%) of the total value thereof.
- (5) No officer or employee of an agency or appointee shall knowingly himself or by his partners or through any corporation which he controls or in which he owns or controls more than ten percent (10%) of the stock, or by any other person for his use or benefit or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract, agreement, sale, or purchase of the value of twenty-five dollars (\$25) or more, made, entered into, awarded or granted by any agency, unless said contract, agreement, sale or purchase:
 - (a) Was made or let after public notice and competitive bidding; or
 - (b) Results from the sale of a craft item to a state park if the employee is an interim state park employee designated as a craftsperson under KRS 148.257.
- (6) No officer, employee, or appointee of an agency, including persons who serve without salary or other payment for their services, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services rendered or to be rendered, either by himself or another, in any cause, proceeding, application, or other matter which is before said agency or before the department of state government in which said agency functions.

- (7) No member of a board of trustees or regents shall have an interest in any contract with a state university unless such contract shall have been subjected to competitive bidding in compliance with KRS Chapter 45A, unless such trustee or regent shall have been the lowest bidder and unless such trustee or regent shall have first notified in writing the remaining members of the board, and to the newspaper having the largest circulation in the county in which the state university is located, of his intention to bid on such contract.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 68, sec. 2, effective July 12, 2006. -- Amended 1990 Ky. Acts ch. 496, sec. 29, effective July 13, 1990. -- Amended and reenacted as KRS 45A.340, 1978 Ky. Acts ch. 110, sec. 68, effective January 1, 1979. -- Amended 1976 Ky. Acts ch. 206, sec. 29; and ch. 262, sec. 17. -- Amended 1974 Ky. Acts ch. 261, sec. 2. -- Created 1960 Ky. Acts ch. 181, secs 3 to 9.

Formerly codified as KRS 61.096.

Legislative Research Commission Note (7/14/92). The text of subsection (7) of this statute was enacted by 1978 Ky. Acts ch. 392, sec. 2, as subsection (4) of the former KRS 61.094, which was reenacted as KRS 45A.335 by 1978 Ky. Acts ch. 110, sec. 67. In codifying the amendment to KRS 45A.335 in 1982 Ky. Acts ch. 282, sec. 3, the Reviser of Statutes acting under KRS 7.136(1) renumbered the former KRS 45A.335(4) as KRS 45A.340(7).