

46-286

Chapter 46.--LEGISLATURE Article 2.--STATE GOVERNMENTAL ETHICS

46-286. Participation by state officer or employee in licensure, regulation or in any contract with any organization with which such person holds a position prohibited; exceptions. (a) No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with any outside organization with which the officer or employee holds a position.

(b) This section shall not apply to appointed or elected members of a state board, council or commission, except that no member of such board, council or commission shall participate in any license, inspection or contract on behalf of their state board, council or commission with any outside organization with which such member is associated or the holding of a position as a member of an advisory board, council or commission of an outside organization or of a position of a voluntary or charitable nature if the advisory, voluntary or charitable position is taken without any expectation or acceptance of remuneration other than reimbursement of necessary and actual expenses.

History: L. 1983, ch. 172, § 10; L. 1984, ch. 189, § 8; April 19.

Governmental Ethics Commission Opinions:

Behavioral sciences regulatory board (BSRB) member who is also board member of association of Kansas community health centers cannot represent BSRB in dealing with that association. 88-19.

Under stated circumstances, KDOT employee cannot be part owner of business selling products for KDOT projects which he inspects. 88-23.

KDOT staff attorney who is also president of sheltered living, inc., which periodically purchase vans from KDOT; no conflict exists if attorney board president is not involved in negotiations for vans. 91-3.

Executive director of Kansas state board of cosmetology may own and operate private cosmetology business so long as board's licensure, inspection and administration are conducted solely by board's other employees. 91-12.

State board of education member may serve as board member "Ag in the Classroom" if such member abstains from any official action regarding "Ag in the Classroom" program regulation. 91-13.

SRS administrator III whose spouse may be actively involved in development of home for pregnant girls; possible conflicts of interest discussed. 91-15.

Department on aging (DOA) employee may serve on advisory council of older adult's resource center (OARC) if such employee is not involved in licensure inspection or any other matters pertaining to such employee's position at DOA. 91-18.

Practicing architect, member of private corporation, may serve on state building advisory commission subject to limitations provided herein. 92-17.

SRS alcohol and drug abuse section employee may work part time for agency licensed by SRS if state duties do not conflict with licensed agency. 92-21.

Technician for emergency medical services board who is not involved in licensure procedures may hire out to write computer programs for ambulance services for pay. 92-29.

Kansas dairy commissioner owns 51% of stock in family dairy operation but receives no income and no management responsibilities does not "hold a position" in corporation. 92-31.

Board of healing arts member; speaking and writing fees; honoraria discussed; see opinion No. 91-39. 93-2.

Under conditions stated, a KDHE employee may accept employment with a consulting firm in the private sector. 93-23.

Limitations on highway patrol trooper serving as safety consultant to the private sector. 93-30.

State employee may establish part-time business to operate on off-time hours to provide service to private sector formerly provided by state, within described limitations. 94-1.

Spouse of employee of state agency may be awarded an office cleaning contract for that state agency if state employee's spouse does not participate in contract negotiation or supervise cleaning contract performance. 94-16.

Staff development specialist with emergency medical service (EMS) may teach EMS course offered exclusively at community college which had negotiated with EMS and which teacher was not involved in negotiations. 94-24.

KanWork supervisor may work part-time at Methodist Youthville if such supervisor has no licensure, regulation or inspection duties concerning Methodist Youthville. 94-27.

Wildlife and parks employee may serve as drainage district supervisor under conditions outlined in opinion. 94-28.

State employee may work as part-time independent contractor with electric utility company if employee has not previously contracted with company on behalf of the state. 95-13.

Employee of department of commerce and housing also employed by the Kansas downtown development association during off-duty hours. 96-4.

Solicitation and sale of service by private business marketing team member of employee of state bank commissioner's office to chartered bank. 96-18.

Secretary with state agency serving as secretary for non-profit foundation during off-duty hours. 96-30.

Officer of private corporation serving on Kansas performance review board; participation in making contracts, licensing, inspecting and regulation; confidential information. 96-31.

State senator serving as president of a racing association. 96-37.

State employee overseeing facilities to ensure compliance with agency regulations; overseeing facility that contracts with employee's privately owned business. 97-12.

Development of work experience site for SRS clients at business owned by employee of SRS employment preparation services; authority of employee to act as supervisor in interview and selection process. 97-14.

State employees serving on committees and boards. 97-22.

Employee of licensing agency teaching continuing education classes and being substitute instructor for persons licensed by agency. 97-33.

State employee acting as consultant during off-duty hours; providing services on in-state and out-of-state projects; use of information. 97-41.

State legislator lobbying outside of Kansas on behalf of organization of which they are member. 97-42.

State officer or employee; part-time employment during off-duty hours. 97-44.

State employee serving on advisory board of private organization which contracts with the state agency. 97-50.

Staff member of a state agency entering into a contract to provide services to an entity which in turn contracts with and is licensed by the state agency. 98-15.

Conflict of interest; employee of real estate commission; teaching required continuing education course. 1998-19.

Senior official in state agency accepting gift from such official's parents, of more than 5% of stock of holding company regulated by the state agency. 1998-31.

Employee of department on aging; acceptance of part-time job with nursing home. 1999-8.

Ability of state employee to provide instruction in courses which are subject to approval by state agency where employed. 2000-15.

Operation of private business while employed by state of Kansas. 2000-26.