

75-4305

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 43.--PUBLIC OFFICERS AND EMPLOYEES

75-4305. Same; filing of report of interest if statement of substantial interest not filed; abstaining from action. (a) Any local governmental officer or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of the interest with the county election officer of the county in which is located all or the largest geographical part of the officer's or employee's governmental subdivision.

(b) A local governmental officer or employee does not pass or act upon any matter if the officer or employee abstains from any action in regard to the matter.

History: L. 1970, ch. 366, § 5; L. 1974, ch. 397, § 2; L. 1990, ch. 306, § 18; May 31.

Source or prior law:

L. 1967, ch. 464, § 5.

Revisor's Note:

Former 75-4305 repealed, L. 1970, ch. 366, § 22.

Governmental Standards and Conduct Comm. Opinions:

Member of board of community college whose spouse is faculty member thereof; no conflict of interest. 80-10.

City treasurer serving as officer of bank doing business with city; no conflict of interest under circumstances stated in opinion. 80-15.

No conflict of interest arises because candidate for county has a spouse who is a teacher in local school under hypotheticals stated in opinion. 80-16.

City council member engaged in extended negotiations to purchase real estate, the plat for which is subject to final approval; obligations to comply with statutes. 80-17.

Mayor who is private contractor involved in IRB issue for construction of building by contracting company; requirements to comply with statutes. 80-18.

Action required to comply with statutes where city commissioner is president of local bank making loans on property involved in rezoning. 80-31.

Mayor whose spouse is candidate for city council and operates solid waste business under contract with city; no conflict of interest under certain conditions. 83-6.

Nursing home administrator elected as city councilman; substantial interests; conflicts of interest under certain circumstances. 83-11.

City council member who is an insurance agent doing business with city; no conflict of interest under certain conditions. 83-16.

Person appointed to fill unexpired term to board of public utilities who has had past business relation with board does not violate conflict of interests provisions. 84-14.

City commission member who is engaged in real estate sales business; sales involving city mortgage revenue bonds; possible conflict of interests. 85-5.

City councilperson also serving as chairperson of hospital board may vote on zoning and other matters pertaining to hospital so long as proper disclosure is made. 90-13.

Unified school district teacher may also serve as school board member; school district is not a business or person as defined. 90-21.

County hospital board member whose spouse is physician directly involved in hospital related items may not participate in any board decisions pertaining to such spouse. Disclosure statement is required. 91-14.

School board member who made personal contribution to fund to provide legal efforts to preserve old school building must either abstain or file disclosure statement if participating in school board action on this fund. 91-29.

Limitations on sheriff who operates a private security and investigations agency. 92-16.

County attorney with part-time private practice may accept part-time position with corporation contracting with county if proper disclosure statement is filed. 92-27.

City commissioner, in such commissioner's private capacity, may sign petition to create a benefit district for downtown improvements; other factors considered. 93-17.

City mayor may accept free airline ticket from "sister city" in Republic of China for visit to that city. 93-27.

Limitations and restrictions on city council member's participation in contracts between city and council member's business interests. 93-44.

Limitations and restrictions on city council member's participation in litigation involving real estate sold by such council member to city. 94-4.

Permissible extent of city council member's participation in city's development of project that such council member's spouse may possibly receive construction contract. 94-14.

Watershed districts; contracting officers; duties; qualifications; restrictions; definitions; watershed district is not a state agency but is a governmental subdivision. 94-29.

Local governmental agency may contract with private enterprise in which local official has substantial interest if such official abstains from any official action on such contract. 94-31.

Local real estate agency president also serves on city/county joint planning commission and board of zoning appeals; possible conflicts of interest problems discussed. 94-38.

City planning commission; rezoning residential development; commission member who is member of real estate agency which will sell lots in development. 95-10.

Attorney General's Opinions:

Public officers and employees; conflict of interests; reporting substantial interests. 81-170.

Public officers and employees; conflict of interests. 83-98.

CASE ANNOTATIONS

Annotation to L. 1967, ch. 464, § 5:

1. Section held unconstitutional as a violation of equal protection of the law and because of vagueness. *State v. Bogert*, District Court of Shawnee County, Kansas, No. 27,121, filed Jan. 29, 1970.

75-4305.

Governmental Ethics Commission Opinions:

City council member participation and voting on matters in which spouse's firm appears on behalf of client or is considered for work for city. 1998-20.

Kansas department of wildlife and parks owns land in drainage district; area manager of department elected secretary of board of district. 1998-21.

County commissioner participating in amendment of sanitation code; commissioner owns and plans to develop land benefiting from such amendment. 1999-5.

Employee of engineering firm dealing regularly with board of public utilities; election to membership on board. 1999-6.

City council member contracting for sale of ownership in land to private individual; sale dependent upon development of land which must have approval of city council. 1999-22.

Ability of city councilman to participate as councilman in affairs involving a sister corporation of his employer for which wife's law firm is counsel. 1999-28.

City council member employed by company providing services to city; voting on matters providing funds to company; filing of statement of substantial interest. 1999-51.

Person hired by city while person's company has executory contract with city; filing of statement of substantial interests. 2000-19.