

1 AN ACT relating to state procurement.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 45A IS CREATED TO  
4 READ AS FOLLOWS:

5 ***No contract shall be awarded to a business under this chapter if:***

6 ***(1) The business was awarded an original, subsequent, or similar contract in the past***  
7 ***five (5) years; and***

8 ***(2) The business procured the original, subsequent, or similar contract through the***  
9 ***use of an executive agency lobbyist who was convicted of a crime related to the***  
10 ***original, subsequent, or similar contract.***

11 ➔Section 2. KRS 45A.340 is amended to read as follows:

12 (1) No officer or employee of the General Assembly, or officer or employee of an  
13 agency as defined in KRS 45A.335, shall knowingly receive or agree to receive,  
14 directly or indirectly, compensation for any services to be rendered, either by  
15 himself or another, in negotiations with the state or an agency for the purchase by  
16 the state or an agency of an interest in real property. This section shall not apply to  
17 appearances before any court, except that negotiations shall be prohibited as  
18 aforesaid at any time.

19 (2) No officer or employee of an agency or member of a state board or commission,  
20 may be in any manner interested, either directly or indirectly, in his own name or in  
21 the name of any other person, association, trust, or corporation, in any contract for  
22 the performance of any work in the making or letting or administration of which  
23 such officer or employee may be called upon to act or vote. No such officer or  
24 employee may represent, either as agent or otherwise, any person, association, trust,  
25 or corporation, with respect to any application or bid for any contract or work in  
26 regard to which such officer or employee may be called upon to act or vote. Nor  
27 may any such officer or employee take, solicit, or receive, either directly or

1 indirectly, any money or other thing of value as a gift or bribe or means of  
2 influencing his vote or action in his official character. Any contract made and  
3 procured in violation hereof is void. For the purposes of this section the holding of  
4 less than five percent (5%) of the stock of a corporation is not considered an  
5 interest.

6 (3) No officer or employee of the General Assembly or officer or employee of any  
7 agency shall, for compensation, appear before an agency as an expert witness.

8 (4) No officer or employee of the General Assembly, or officer or employee of any  
9 agency, shall act as officer or agent for the Commonwealth or any agency in the  
10 transaction of any business with himself, or with any corporation, company,  
11 association, or firm in which he or his spouse has any interest greater than five  
12 percent (5%) of the total value thereof.

13 (5) No officer or employee of an agency or appointee shall knowingly himself or by his  
14 partners or through any corporation which he controls or in which he owns or  
15 controls more than ten percent (10%) of the stock, or by any other person for his use  
16 or benefit or on his account, undertake, execute, hold, or enjoy, in whole or in part,  
17 any contract, agreement, sale, or purchase of the value of twenty-five dollars (\$25)  
18 or more, made, entered into, awarded or granted by any agency, unless said contract,  
19 agreement, sale or purchase:

20 (a) Was made or let after public notice and competitive bidding; or

21 (b) Results from the sale of a craft item to a state park if the employee is an  
22 interim state park employee designated as a craftsperson under KRS 148.257.

23 (6) No officer, employee, or appointee of an agency, including persons who serve  
24 without salary or other payment for their services, shall knowingly receive or agree  
25 to receive, directly or indirectly, compensation for any services rendered or to be  
26 rendered, either by himself or another, in any cause, proceeding, application, or  
27 other matter which is before said agency or before the department of state

1 government in which said agency functions.

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

9 (8) No officer, employee, or appointee of an agency, including persons who serve  
10 without salary or other payment for their services, may participate in procuring a  
11 contract under this chapter that relates to his or her prior employment until one  
12 (1) year after his or her termination with that employer.