

IN THE SENATE

SENATE BILL NO. 1262

BY KELLY

AN ACT

1 RELATING TO PUBLIC OFFICIALS; AMENDING CHAPTER 7, TITLE 59, IDAHO CODE,  
2 BY THE ADDITION OF A NEW SECTION 59-704B, IDAHO CODE, TO PROVIDE FOR  
3 A COOLING-OFF PERIOD OF ONE YEAR UNDER CERTAIN CONDITIONS FOR PUBLIC  
4 OFFICIALS WHEN THEY LEAVE PUBLIC OFFICE; AND AMENDING SECTION 59-705,  
5 IDAHO CODE, TO PROVIDE A CIVIL PENALTY FOR VIOLATING THE COOLING-OFF  
6 PERIOD BY FORMER PUBLIC OFFICIALS.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 7, Title 59, Idaho Code, be, and the same is  
10 hereby amended by the addition thereto of a NEW SECTION, to be known and  
11 designated as Section 59-704B, Idaho Code, and to read as follows:

12 59-704B. COOLING-OFF PERIOD. No public official shall, prior to or  
13 within a period of one (1) year from the date of termination of his or her  
14 public office, request or accept employment with, compensation for services  
15 from, or economic gain from any business or any majority owner of such  
16 business, or from any individual if the former public official, during  
17 the two (2) years prior to the date of termination of his or her employment  
18 from public service, personally and directly participated in or advised  
19 a decision-maker on a discretionary action affecting the negotiation,  
20 issuance or award on behalf of the government entity of one (1) or more  
21 contract(s), lease(s) or other agreement(s) awarded to that business or  
22 individual for services, or property having a total value of more than  
23 twenty-five thousand dollars (\$25,000), excluding contracts otherwise  
24 permitted in accordance with section 18-1361, Idaho Code.

25 SECTION 2. That Section 59-705, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 59-705. CIVIL PENALTY. (1) Any public official who intentionally  
28 fails to disclose a conflict of interest as provided for in section 59-704,  
29 Idaho Code, or who violates the provisions of section 59-704B, Idaho Code,  
30 shall be guilty of a civil offense, the penalty for which may be a fine not  
31 to exceed five hundred dollars (\$500), provided that the provisions of this  
32 subsection shall not apply to any public official where the governmental  
33 entity on which said official serves has put into operation an ethics  
34 commission or board described in section 59-704(6), Idaho Code.

35 (2) The penalty prescribed in subsection (1) of this section does  
36 not limit the power of either house of the legislature to discipline its  
37 own members, nor limit the power of governmental entities, including  
38 occupational or professional licensing bodies, to discipline their members  
39 or personnel. A violation of the provisions of this chapter shall not

1 preclude prosecution and conviction for any criminal violation that may have  
2 been committed.