

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 280

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PUBLIC SERVANTS; AMENDING SECTION 18-1359, IDAHO CODE, TO PRO-
2 VIDE AN EXEMPTION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN
3 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 18-1359, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 18-1359. USING PUBLIC POSITION FOR PERSONAL GAIN. (1) No public ser-
9 vant shall:

10 (a) Without the specific authorization of the governmental entity for
11 which he serves, use public funds or property to obtain a pecuniary ben-
12 efit for himself.

13 (b) Solicit, accept or receive a pecuniary benefit as payment for
14 services, advice, assistance or conduct customarily exercised in the
15 course of his official duties. This prohibition shall not include triv-
16 ial benefits not to exceed a value of fifty dollars (\$50.00) incidental
17 to personal, professional or business contacts and involving no sub-
18 stantial risk of undermining official impartiality.

19 (c) Use or disclose confidential information gained in the course of or
20 by reason of his official position or activities in any manner with the
21 intent to obtain a pecuniary benefit for himself or any other person or
22 entity in whose welfare he is interested or with the intent to harm the
23 governmental entity for which he serves.

24 (d) Be interested in any contract made by him in his official capacity,
25 or by any body or board of which he is a member, except as provided in
26 section 18-1361, Idaho Code.

27 (e) Appoint or vote for the appointment of any person related to him by
28 blood or marriage within the second degree, to any clerkship, office,
29 position, employment or duty, when the salary, wages, pay or compen-
30 sation of such appointee is to be paid out of public funds or fees of
31 office, or appoint or furnish employment to any person whose salary,
32 wages, pay or compensation is to be paid out of public funds or fees of
33 office, and who is related by either blood or marriage within the second
34 degree to any other public servant when such appointment is made on the
35 agreement or promise of such other public servant or any other public
36 servant to appoint or furnish employment to anyone so related to the
37 public servant making or voting for such appointment. Any public ser-
38 vant who pays out of any public funds under his control or who draws or
39 authorizes the drawing of any warrant or authority for the payment out
40 of any public fund of the salary, wages, pay, or compensation of any such
41 ineligible person, knowing him to be ineligible, is guilty of a misde-
42 meanor and shall be punished as provided in this chapter.

1 (f) Unless specifically authorized by another provision of law, com-
2 mit any act prohibited of members of the legislature or any officer
3 or employee of any branch of the state government by section 67-9230,
4 Idaho Code, violations of which are subject to penalties as provided in
5 section 67-9231, Idaho Code, which prohibition and penalties shall be
6 deemed to extend to all public servants pursuant to the provisions of
7 this section.

8 (2) No person related to any member of the legislature by blood or mar-
9 riage within the second degree shall be appointed to any clerkship, office,
10 position, employment or duty within the legislative branch of government
11 or otherwise be employed by the legislative branch of government when the
12 salary, wages, pay or compensation of such appointee or employee is to be
13 paid out of public funds. The provisions of this subsection shall not apply
14 to any person who participates in the legislative page program of the senate
15 or the house of representatives.

16 (3) No person related to a mayor or member of a city council by blood or
17 marriage within the second degree shall be appointed to any clerkship, of-
18 fice, position, employment or duty with the mayor's or city council's city
19 when the salary, wages, pay or compensation of such appointee or employee is
20 to be paid out of public funds.

21 (4) No person related to a county commissioner by blood or marriage
22 within the second degree shall be appointed to any clerkship, office, po-
23 sition, employment or duty with the commissioner's county when the salary,
24 wages, pay or compensation of such appointee or employee is to be paid out of
25 public funds.

26 (5) (a) An employee of a governmental entity holding a position prior to
27 the election of a local government official, who is related within the
28 second degree, shall be entitled to retain his or her position and re-
29 ceive general pay increases, step increases, cost of living increases,
30 and/or other across-the-board increases in salary or merit increases,
31 benefits and bonuses or promotions.

32 (b) Nothing in this section shall be construed as creating any property
33 rights in the position held by an employee subject to this section, and
34 all authority in regard to disciplinary action, transfer, dismissal,
35 demotion or termination shall continue to apply to the employee.

36 (6) The prohibitions contained within this section shall not include
37 conduct defined by the provisions of section 74-403(4), Idaho Code.

38 (7) The prohibitions within this section and section 18-1356, Idaho
39 Code, as it applies to part-time public servants, do not include those ac-
40 tions or conduct involving the public servant's business, profession or
41 occupation and unrelated to the public servant's official conduct, and do
42 not apply to a pecuniary benefit received in the normal course of a leg-
43 islator's business, profession or occupation and unrelated to any bill,
44 legislation, proceeding or official transaction.

45 SECTION 2. An emergency existing therefor, which emergency is hereby
46 declared to exist, this act shall be in full force and effect on and after
47 July 1, 2025.