

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 319

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO STATE EMPLOYEE LOYALTY; AMENDING TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 7, TITLE 74, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING STATE EMPLOYEE LOYALTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 74, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 7, Title 74, Idaho Code, and to read as follows:

CHAPTER 7

STATE EMPLOYEE LOYALTY

74-701. STATE EMPLOYEE LOYALTY. (1) A state employee shall not assist any person or entity in any legal matter against the state of Idaho.

(2) As used in this chapter:

(a) "Assist" means acting as a paid or unpaid agent, consultant, expert, or attorney in any claim against the state of Idaho, receiving any share of or interest in any such claim, or receiving any compensation or gratuity in consideration of assistance in the pursuit of such claim.

(b) "Legal matter" means any:

(i) Litigation or any quasi-judicial proceeding;

(ii) Administrative hearing;

(iii) Alternative dispute resolution, including arbitration or mediation; or

(iv) The development or resolution of legal claims or potential legal claims, including through litigation, an administrative hearing process, or alternative dispute resolution.

(c) "State employee" means a nonclassified state officer or employee pursuant to chapter 16, title 59, Idaho Code, or a classified state employee pursuant to chapter 53, title 67, Idaho Code.

(3) The provisions of this chapter shall not apply to:

(a) Work performed by a state employee in the course of his duties as a state employee; or

(b) Matters covered by section 6-2104, Idaho Code.

(4) Nothing in this chapter shall limit a state employee's rights with respect to such employee's own claims against the state of Idaho.

(5) Nothing in this section shall prohibit an employee from serving as a fact witness when properly served with a subpoena issued pursuant to an applicable statute, court rule, or administrative rule.

(6) The attorney general may bring a civil action against any person who engages in conduct constituting a violation under this section upon proof of such conduct by a preponderance of the evidence. A person who violates the provisions of this section shall be subject to a civil penalty of not more

1 than ten thousand dollars (\$10,000) for each violation or the amount of com-  
2 pensation that the person received while engaging in the prohibited conduct,  
3 whichever is greater. The imposition of a civil penalty under this subsec-  
4 tion shall not preclude any other criminal or civil statutory, common law, or  
5 administrative remedy available under the law to the state or any other per-  
6 son. A person found to have violated this section shall be terminated from  
7 state employment.

8 SECTION 2. An emergency existing therefor, which emergency is hereby  
9 declared to exist, this act shall be in full force and effect on and after its  
10 passage and approval.