

IN THE SENATE

SENATE BILL NO. 1037

BY MALEPEAI, BOCK, STENNETT, WERK, BILYEU, LEFAVOUR, SCHMIDT

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 des-  
11 ignated 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 busi-  
16 ness, or from any individual if the former public official, during the two  
17 (2) years prior to the date of termination of his or her employment from pub-  
18 lic service, personally and directly participated in or advised a decision  
19 maker on a discretionary action affecting the negotiation, issuance or award  
20 on behalf of the government entity of one (1) or more contract(s), lease(s)  
21 or other agreement(s) awarded to that business or individual for services,  
22 or property having a total value of more than twenty-five thousand dollars  
23 (\$25,000), excluding contracts otherwise permitted in accordance with sec-  
24 tion 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 commis-  
34 sion or board described in section 59-704(6), Idaho Code.

35 (2) The penalty prescribed in subsection (1) of this section does not  
36 limit the power of either house of the legislature to discipline its own mem-  
37 bers, nor limit the power of governmental entities, including occupational  
38 or professional licensing bodies, to discipline their members or personnel.  
39 A violation of the provisions of this chapter shall not preclude prosecution  
40 and conviction for any criminal violation that may have been committed.