

IN THE SENATE

SENATE BILL NO. 1245

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

AN ACT

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

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

SECTION 1. SHORT TITLE. This act shall be known as the "Idaho Public Official Accountability Act."

SECTION 2. That Chapter 7, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-704B, Idaho Code, and to read as follows:

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

SECTION 3. That Section 59-705, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) The penalty prescribed in subsection (1) of this section does not limit the power of either house of the legislature to discipline its own members, nor limit the power of governmental entities, including occupational or professional licensing bodies, to discipline their members or personnel.

1 A violation of the provisions of this chapter shall not preclude prosecution
2 and conviction for any criminal violation that may have been committed.