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DRELB051

LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature Second Regular Session - 2016

IN THE _____

BILL NO. _____

BY _____

AN ACT

1 RELATING TO STATE PROCUREMENT; AMENDING CHAPTER 92, TITLE 67, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 67-9230, IDAHO CODE, TO PROVIDE LEGISLA-
3 TIVE INTENT AND APPLICABILITY, TO PROVIDE THAT CERTAIN CONDUCT RELATING
4 TO STATE PROCUREMENT SHALL CONSTITUTE AN UNETHICAL BREACH OF THE PUBLIC
5 TRUST, TO PROVIDE SANCTIONS FOR STATE EMPLOYEES WHO COMMIT AN UNETHICAL
6 BREACH OF THE PUBLIC TRUST, TO PROVIDE THAT STATE OFFICERS WHO COMMIT
7 AN UNETHICAL BREACH OF THE PUBLIC TRUST MAY BE IMPEACHED AND TO PROVIDE
8 THAT VENDORS WHO COMMIT AN UNETHICAL BREACH OF THE PUBLIC TRUST MAY BE
9 DISQUALIFIED.
10

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

12 SECTION 1. That Chapter 92, Title 67, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 67-9230, Idaho Code, and to read as follows:

15 67-9230. ETHICS IN PROCUREMENT. (1) It is the intent of the legisla-
16 ture that all persons involved in the process of procuring property for the
17 state conduct themselves in a manner that protects the public interest and
18 fosters confidence in the integrity of the process. To that end, this sec-
19 tion shall apply to all such persons, including:

20 (a) State officers, even if the officer or the officer's employer is
21 excluded from the definition of "agency" under section 67-9203, Idaho
22 Code;

23 (b) State employees, even if the employee works for an officer, insti-
24 tution or entity that is excluded from the definition of "agency" under
25 section 67-9203, Idaho Code; and

26 (c) Vendors or any person acting on behalf of a vendor.

27 (2) In any matter relating to state procurement, it is an unethical
28 breach of the public trust to:

29 (a) Act in a manner contrary to the provisions of chapter 4 or 5, title
30 74, Idaho Code;

31 (b) Act in a manner that constitutes a felony or misdemeanor under chap-
32 ter 13, title 18, Idaho Code;

33 (c) Attempt to realize personal gain through state office or employment
34 by any conduct inconsistent with this chapter or any other applicable
35 law or rule;

36 (d) Attempt to influence a state officer or employee to violate the pol-
37 icy or provisions of this chapter or any other applicable law or rule; or

38 (e) Knowingly violate an applicable law or rule.

39 (3) Subject to due process requirements, and in addition to any other
40 administrative, civil or criminal sanctions provided by law or rule, a state
41 employee's supervisor may impose the following sanctions on the employee for
42 an unethical breach of the public trust:

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- 1 (a) A reprimand or warning, either oral or written;
- 2 (b) Suspension with or without pay for a specified period of time; or
- 3 (c) Termination of employment.
- 4 (4) In addition to any other administrative, civil or criminal sanc-
- 5 tions provided by law or rule, a state officer may be impeached pursuant to
- 6 the provisions of chapter 40, title 19, Idaho Code, for an unethical breach
- 7 of the public trust.
- 8 (5) In addition to any other administrative, civil or criminal sanc-
- 9 tions provided by law or rule, a vendor who commits an unethical breach of
- 10 the public trust, or whose advocate or representative commits an unethical
- 11 breach of the public trust, may be disqualified pursuant to section 67-9215,
- 12 Idaho Code.