

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 632

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO GOVERNMENT TRANSPARENCY AND ETHICS; AMENDING SECTION 6-2105,
2 IDAHO CODE, TO REVISE A PROVISION REGARDING REMEDIES FOR EMPLOYEE AC-
3 TIONS AND PROOF REQUIRED; AMENDING CHAPTER 21, TITLE 6, IDAHO CODE, BY
4 THE ADDITION OF A NEW SECTION 6-2110, IDAHO CODE, TO ESTABLISH PROVI-
5 SIONS REGARDING PUBLIC EMPLOYEE COMMUNICATIONS WITH THE LEGISLATURE
6 AND TO PROVIDE PROTECTIONS FOR SUCH COMMUNICATIONS; AMENDING CHAPTER
7 1, TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 74-127, IDAHO
8 CODE, TO PROVIDE FOR LEGISLATIVE PUBLIC RECORDS REQUESTS AND AGENCY
9 DUTY TO RESPOND; AMENDING SECTION 74-127, IDAHO CODE, TO REDESIGNATE
10 THE SECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
11 DATE.
12

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

14 SECTION 1. That Section 6-2105, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 6-2105. REMEDIES FOR EMPLOYEE BRINGING ACTION -- PROOF REQUIRED. (1)
17 As used in this section, "damages" means damages for injury or loss caused
18 by each violation of this chapter, and includes court costs and reasonable
19 attorneys' fees.

20 (2) An employee who alleges a violation of this chapter may bring a
21 civil action for appropriate injunctive relief or actual damages, or both,
22 within one hundred eighty (180) days after the occurrence of the alleged
23 violation of this chapter.

24 (3) An action begun ~~under~~ pursuant to this section may be brought in
25 the district court for the county where the alleged violation occurred, the
26 county where the complainant resides, or the county where the person against
27 whom the civil complaint is filed resides or has his principal place of busi-
28 ness.

29 (4) To prevail in an action brought under the authority of this section,
30 the employee shall establish, by a preponderance of the evidence, that the
31 employee has suffered an adverse action because the employee, or a person
32 acting on his behalf, engaged or intended to engage in an activity protected
33 under section 6-2104 or 6-2110, Idaho Code.

34 (5) (a) In no action brought pursuant to this chapter shall a judgment
35 for noneconomic damages be entered for a claimant exceeding the limita-
36 tion on damages contained in section 6-1603(1), Idaho Code.

37 (b) The limitation contained in this subsection shall apply to the sum
38 of noneconomic damages sustained by a claimant.

39 (c) Governmental entities and their employees shall not be liable for
40 punitive damages on any claim allowed under the provisions of this sec-
41 tion.

1 SECTION 2. That Chapter 21, Title 6, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 6-2110, Idaho Code, and to read as follows:

4 6-2110. PUBLIC EMPLOYEE COMMUNICATIONS WITH THE LEGISLATURE -- PRO-
5 TECTIONS. (1) An employee may communicate in good faith with any member of
6 the Idaho legislature, any member of a legislative committee, or legisla-
7 tive staff regarding information, data, analysis, or professional exper-
8 tise, whether or not such communication constitutes a report of any type of
9 abuse or any type of waste or violation of law pursuant to section 6-2104,
10 Idaho Code. For purposes of this subsection, an employee communicates in
11 good faith if there is a reasonable basis in fact for the communication. Good
12 faith is lacking where the employee knew or reasonably ought to have known
13 that a communication is malicious, false, or frivolous.

14 (2) An employer shall not take or threaten adverse action against an em-
15 ployee because the employee:

16 (a) Communicated in good faith with any member of the Idaho legis-
17 lature, any member of a legislative committee, or legislative staff
18 regarding information, data, analysis, or professional expertise,
19 whether or not such communication constitutes a report of any type
20 of abuse or any type of waste or violation of law pursuant to section
21 6-2104, Idaho Code;

22 (b) Provided information or assistance in response to a legislative re-
23 quest made pursuant to section 74-127, Idaho Code; or

24 (c) Participated in a legislative hearing, briefing, inquiry, or pro-
25 ceeding regarding information, data, analysis, or professional exper-
26 tise, whether or not such communication constitutes a report of any type
27 of abuse or any type of waste or violation of law pursuant to section
28 6-2104, Idaho Code.

29 (3) No employer may adopt, enforce, or maintain any policy, rule, di-
30 rective, practice, or agreement, written or unwritten, that:

31 (a) Prohibits or restricts employee communication with any member of
32 the Idaho legislature, any member of a legislative committee, or leg-
33 islative staff regarding information, data, analysis, or professional
34 expertise, whether or not such communication constitutes a report of
35 any type of abuse or any type of waste or violation of law pursuant to
36 section 6-2104, Idaho Code;

37 (b) Requires prior approval, notification, or authorization before
38 such communication; or

39 (c) Subjects an employee to discipline or retaliation for such communi-
40 cation.

41 (4) Protection under this section applies only to communications made
42 in good faith and does not authorize knowingly false statements or unlawful
43 disclosure of confidential information.

44 SECTION 3. That Chapter 1, Title 74, Idaho Code, be, and the same is
45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
46 ignated as Section 74-127, Idaho Code, and to read as follows:

47 74-127. LEGISLATIVE PUBLIC RECORDS REQUESTS -- AGENCY DUTY TO RE-
48 SPOND. (1) Every agency shall respond in good faith and as provided in this

1 section to a public records request from a member of the Idaho legislature,
2 a legislative committee or subcommittee, or legislative services office
3 staff acting on behalf of the legislature. For the purposes of this section,
4 "agency" means any department, board, commission, office, or institution in
5 the executive branch of the Idaho state government.

6 (2) Unless a different deadline is specified by law or agreed to by the
7 requesting legislator or committee, the agency shall acknowledge receipt of
8 the request within three (3) working days and shall provide a substantive re-
9 sponse within ten (10) working days of receipt.

10 (3) If the agency cannot reasonably provide a substantive response
11 within ten (10) working days, it shall within that period provide written no-
12 tice explaining the reason for delay and provide a date certain for response
13 not to exceed an additional ten (10) working days, absent extraordinary cir-
14 cumstances.

15 (4) A substantive response may include records, data, explanations,
16 analysis, or other information responsive to the request, including identi-
17 fication of information not maintained by the agency.

18 (5) Nothing in this section requires disclosure of information made
19 confidential by state or federal law or otherwise exempt from disclosure
20 pursuant to this chapter. The agency shall identify the legal basis for
21 nondisclosure and provide any reasonably segregable nonconfidential infor-
22 mation.

23 SECTION 4. That Section 74-127, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 ~~74-127~~ 74-128. SEVERABILITY. The provisions of this act are hereby de-
26 clared to be severable and if any provision of this act or the application of
27 such provision to any person or circumstance is declared invalid for any rea-
28 son, such declaration shall not affect the validity of remaining portions of
29 this act.

30 SECTION 5. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after
32 July 1, 2026.