

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE SENATE

SENATE BILL NO. 1246

BY WERK, BILYEU, BOCK, LEFAVOUR, SCHMIDT

AN ACT

RELATING TO CAMPAIGN FINANCE AND LOBBYISTS; TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6607A, IDAHO CODE, TO PROHIBIT ACCEPTING CERTAIN CAMPAIGN CONTRIBUTIONS, TO PROVIDE EXCEPTIONS AND TO PROVIDE PENALTIES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6619A, IDAHO CODE, TO PROHIBIT CERTAIN GIFTS BY LOBBYISTS WITH EXCEPTIONS, TO REQUIRE A REPORT OF GIFTS MADE BY LOBBYISTS TO LEGISLATORS, CANDIDATES TO THE LEGISLATURE AND LEGISLATIVE EMPLOYEES WITH EXCEPTIONS AND TO DEFINE A TERM; AND DECLARING AN EMERGENCY.

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

SECTION 1. SHORT TITLE. This act shall be known as the "Honest Leadership and Open Government Act."

SECTION 2. That Chapter 66, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6607A, Idaho Code, and to read as follows:

67-6607A. PROHIBITION ON ACCEPTING CERTAIN CONTRIBUTIONS. (1) No member of the legislature of the state of Idaho, the governor, the lieutenant governor, nor any political treasurer working on his or her behalf, shall solicit or accept any contribution or pledge of a contribution from a lobbyist registered pursuant to section 67-6617, Idaho Code, on behalf of that member, governor or lieutenant governor's political committee, or any political committee controlled by the member, governor or lieutenant governor during any regular or special session of the legislature and, in the case of the governor, when legislation approved by the legislature is pending before the governor.

(2) If, during any regular or extraordinary session of the legislature, a member of the legislature of the state of Idaho, the governor or the lieutenant governor files a declaration of candidacy pursuant to section 34-704, Idaho Code, the prohibition of subsection (1) of this section shall no longer apply to that member of the legislature, governor or lieutenant governor.

(3) A violation of the provisions of this section shall be punishable by a civil penalty of a fine of fifty dollars (\$50.00) per occurrence. Any contribution received in violation of the provisions of this section shall be forfeited to the general fund. No other penalties pursuant to this chapter shall apply.

SECTION 3. That Chapter 66, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6619A, Idaho Code, and to read as follows:

1 67-6619A. LOBBYIST GIFT LIMIT -- REPORT. (1) A legislator or employee
2 of the legislature may not solicit, accept or receive, directly or indi-
3 rectly, a gift worth fifty dollars (\$50.00) or more, whether in the form of
4 money, services, a loan, entertainment, hospitality, promise, honoraria
5 or other form or gifts from the same person worth less than fifty dollars
6 (\$50.00) that in a calendar year aggregate to fifty dollars (\$50.00) or more
7 in value.

8 (2) The limitation provided in subsection (1) of this section shall
9 not apply to: food and beverage for immediate consumption; hospitality
10 at a social event; discounts available to the public at large; discounts
11 received when on official state business, if receipt of the discount bene-
12 fits the state of Idaho; food indigenous to the state shared as a cultural
13 or social norm; travel and hospitality to obtain information on matters of
14 legislative concern; gifts from immediate family; gifts not connected to
15 legislative status; discounts for all or part of the legislative session or
16 a gift to welcome the member of the legislature to the capital city or to rec-
17 ognize the opening of a legislative session, provided the discount or gift
18 is available to all members of the legislature; a gift of legal services in
19 a matter of legislative concern; transportation from a member of the legis-
20 lature to a member of the legislature, if it takes place in Idaho and if the
21 means of transportation is owned or controlled by one (1) of the involved
22 members of the legislature and is not for campaign purposes; a contribution
23 to a charity event from any person at any time and tickets from a lobbyist
24 to a charity event, subject to the calendar year limit on the value of gifts
25 received; volunteer services for legislative purposes, so long as the person
26 volunteering is not being paid from another source; a gift delivered on the
27 premises of a state facility and accepted on behalf of a recognized nonpo-
28 litical, charitable organization or a compassionate gift, as defined in
29 subsection (14) of this section.

30 (3) A lobbyist shall file a written report whenever the lobbyist makes a
31 gift to a member of the legislature or legislative employee that is required
32 to be included in the report under section 67-6619, Idaho Code.

33 (4) A report under this section must state the following: the name of
34 the lobbyist making the gift, a description of the gift and the amount of the
35 gift.

36 (5) A lobbyist shall file a copy of a report required by this section
37 with the secretary of state, the member of the legislature or legislative em-
38 ployee about whom the report is made, the chief clerk of the house of rep-
39 resentatives or the secretary of the senate if the person is a member of or
40 candidate for election to either body and, if the person is a legislative em-
41 ployee, to the person's appointing authority.

42 (6) A lobbyist shall file a report required by this section not later
43 than fifteen (15) business days after making the gift. A report filed under
44 the provisions of this section is confidential and exempt from disclosure
45 under chapter 3, title 9, Idaho Code, and is not available for public inspec-
46 tion or copying until ten (10) business days after the report is filed with
47 the secretary of state.

48 (7) Not later than January 7 of each year, the secretary of state shall
49 provide to each member of the legislature and candidate a written compila-
50 tion filed under this section relating to that member or candidate. The com-

1 pilation must provide the following information to the member or candidate
2 for each gift reported pursuant to subsection (4) of this section.

3 (8) If an expenditure for entertainment including meals and drink or a
4 gift can clearly and reasonably be attributed to a particular member of the
5 legislature, a candidate of the legislature or legislative employee, the ex-
6 penditure must be reported with respect to that particular legislative per-
7 son. A report of an expenditure with respect to a particular legislative
8 person must report actual amounts and may not allocate to the particular leg-
9 islative person a prorated amount derived from an expense made with respect
10 to several legislative persons to the extent practicable.

11 (9) An activity report pursuant to this section must report expendi-
12 tures for a function or activity to which all the members of a legislative
13 body or committee are invited. Expenditures reported for a function or ac-
14 tivity described in this subsection may not be allocated with respect to a
15 particular legislative person. If two (2) or more lobbyists contribute to an
16 expenditure, each lobbyist shall report the actual amount the lobbyist con-
17 tributed to the expenditure. For purposes of reporting such an expenditure,
18 the total amount of the expenditure with respect to a particular legisla-
19 tive person must be determined and not the amount each lobbyist contributed
20 to that expenditure. Each lobbyist shall report the actual amount the lob-
21 byist contributed to the expenditure even if that amount would not have been
22 reportable under this section if only one (1) lobbyist made an expenditure of
23 that amount.

24 (10) An activity report may not report expenditures or gifts relating
25 to property or services received by a legislative person if the legislative
26 person paid an amount that would be charged to any purchaser of the property
27 or services in the ordinary course of business.

28 (11) An activity report may not report expenditures or gifts made be-
29 tween close relatives unless the expenditure or gift is made in connection
30 with a legislative action.

31 (12) An activity report may not report expenditures or gifts relating
32 to the performance of a legislative person's official duties, including
33 the legislative person's service as a member of any of the following: the
34 legislative council, the joint finance-appropriations committee, the joint
35 legislative oversight committee, a standing committee or other committee
36 established by the rules of the house of representatives or the senate, a
37 study committee established by statute, concurrent resolution or by the leg-
38 islative council or a statutory board or commission.

39 (13) An activity report may not report a contribution otherwise defined
40 in this chapter.

41 (14) A person may give a compassionate gift to a legislator or legisla-
42 tive employee and a legislator or legislative employee may solicit or accept
43 a compassionate gift subject to the limitations of this subsection. A com-
44 passionate gift may not be solicited, accepted or received unless a writ-
45 ten request has been approved in writing by the cochairmen of the legisla-
46 tive council. A legislator or legislative employee may not solicit, accept
47 or receive, directly or indirectly, compassionate gifts worth less than two
48 hundred fifty dollars (\$250) that in a calendar year aggregate to two hun-
49 dred fifty dollars (\$250) or more in value and are from the same person. A
50 legislator or legislative employee who receives a compassionate gift, di-

1 rectly or indirectly, shall disclose to the secretary of state the name of
2 the gift's source and the value of the gift within thirty (30) days after re-
3 ceipt. In this subsection, the value of a gift shall be determined by the
4 fair market value of the gift to the extent that the fair market value can be
5 determined. As used in this section, "compassionate gift" means a solicited
6 or unsolicited gift intended to aid or comfort a recipient or a member of the
7 recipient's immediate family in contending with a catastrophe, a tragedy or
8 a health-related emergency.

9 SECTION 4. An emergency existing therefor, which emergency is hereby
10 declared to exist, this act shall be in full force and effect on and after its
11 passage and approval.