TITLE 74
TRANSPARENT AND ETHICAL GOVERNMENT

CHAPTER 5
PROHIBITIONS AGAINST CONTRACTS WITH OFFICERS

74-501. OFFICERS NOT TO BE INTERESTED IN CONTRACTS. Members of the legislature, state, county, city, district and precinct officers, must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members.

[74-501, added 2015, ch. 140, sec. 5, p. 377.]

74-502. REMOTE INTERESTS. (1) A public officer shall not be deemed to be interested in a contract, within the meaning of section 74-501, Idaho Code, if he has only a remote interest in the contract and if the fact and extent of such interest is disclosed to the body of which he is an officer and noted in the official minutes or similar records prior to the formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest. As used in this section, "remote interest" means:

(a) That of a nonsalaried officer of a nonprofit corporation; or

(b) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary; or

(c) That of a landlord or tenant of a contracting party; or

(d) That of a holder of less than one percent (1%) of the shares of a corporation or cooperative which is a contracting party.

(2) Although a public official's interest in a contract may be only remote, a public official shall not influence or attempt to influence any other officer of the board of which he is an officer to enter into the contract. Violation of the provisions of this subsection shall be a misdemeanor as provided in section 74-509, Idaho Code. Any contract created or entered into in violation of the provisions of this subsection shall be void.

[74-502, added 2015, ch. 140, sec. 5, p. 377.]

74-503. OFFICERS NOT TO BE INTERESTED IN SALES. State, county, district, precinct and city officers must not be purchasers at any sale nor vendors at any purchase made by them in their official capacity.

[74-503, added 2015, ch. 140, sec. 5, p. 377.]

74-504. PROHIBITED CONTRACTS VOIDABLE. Every contract made in violation of any of the provisions of this chapter may be avoided at the instance of any party except the officer interested therein.

[74-504, added 2015, ch. 140, sec. 5, p. 377.]

74-505. DEALING IN WARRANTS PROHIBITED. The state treasurer and state controller, the several county, city, district or precinct officers of this state, their deputies and clerks, are prohibited from purchasing or selling, or in any manner receiving to their own use or benefit, or to the use or bene-

fit of any person or persons, whatever, any state, county, or city warrants, scrip, orders, demands, claims, or other evidences of indebtedness against the state, or any county or city thereof, except evidences of indebtedness issued to or held by them for services rendered as such officer, deputy or clerk, and evidences of the funded indebtedness of such state, county, city, district or corporation.

[74-505, added 2015, ch. 140, sec. 5, p. 377.]

74-506. AFFIDAVIT OF NONVIOLATION A PREREQUISITE TO ALLOWANCE OF ACCOUNTS. Every officer whose duty it is to audit and allow the accounts of other state, county, district, city or precinct officers, must, before allowing such accounts, require each of such officers to make and file with him an affidavit that he has not violated any of the provisions of this chapter.

[74-506, added 2015, ch. 140, sec. 5, p. 377.]

74-507. PROVISIONS OF CHAPTER VIOLATED -- DISBURSING OFFICER NOT TO PAY WARRANTS. Officers charged with the disbursement of public moneys must not pay any warrant or other evidence of indebtedness against the state, county, city or district, when the same has been purchased, sold, received or transferred contrary to any of the provisions of this chapter.

[74-507, added 2015, ch. 140, sec. 5, p. 378.]

74-508. SUSPENSION OF SETTLEMENT OR PAYMENT -- PROSECUTION OF OFFENDERS. Every officer charged with the disbursement of public moneys, who is informed by affidavit that any officer whose account is to be settled, audited, or paid by him, has violated any of the provisions of this chapter, must suspend such settlement or payment, and cause such officer to be prosecuted for such violation.

[74-508, added 2015, ch. 140, sec. 5, p. 378.]

74-509. VIOLATION. A violation of the provisions of this chapter, unless otherwise provided, is a misdemeanor and shall be punished by a fine not exceeding one thousand dollars ($1,000), or incarceration in the county jail for a period not exceeding one (1) year, or by both such fine and incarceration.

[74-509, added 2015, ch. 140, sec. 5, p. 378.]

74-510. NONCOMPENSATED PUBLIC OFFICIAL -- EXCEPTION. When a person is a public official by reason of his appointment or election to a governing board of a governmental entity for which the person receives no salary or fee as compensation for his service on said board, he shall not be prohibited from having an interest in any contract made or entered into by the board of which he is a member, if he strictly observes the procedure set out in section 18-1361A, Idaho Code.

[74-510, added 2015, ch. 140, sec. 5, p. 378.]

74-511. VIOLATION RELATING TO PUBLIC CONTRACTS. Officers shall not commit any act prohibited by section 67-9230, Idaho Code, violations of which are subject to penalties as provided in section 67-9231, Idaho Code,

and which prohibitions and penalties shall be deemed to extend to all public officers governed by the provisions of this chapter.

[74-511, added 2015, ch. 140, sec. 5, p. 378; am. 2016, ch. 289, sec. 20, p. 820.]