



SPONSOR: Rep. Bennett & Rep. Wilson-Anton & Sen. Lockman
Reps. Baumbach, Briggs King, Bush, Collins,
Michael Smith, K. Williams, Yearick; Sens. Sokola,
Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 116

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO POST-EMPLOYMENT
RESTRICTIONS ON FORMER MEMBERS OF THE GENERAL ASSEMBLY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 5805, Title 29 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 5805. Prohibitions relating to conflicts of interest.

(d)(1) Post-employment ~~restrictions~~: restrictions, generally. — No person who has served as a state employee,
state officer or honorary state official shall represent or otherwise assist any private enterprise on any matter involving the
State, for a period of 2 years after termination of employment or appointed status with the State, if the person gave an
opinion, conducted an investigation or otherwise was directly and materially responsible for such matter in the course of
official duties as a state employee, officer or official. Nor shall any former state employee, state officer or honorary state
official disclose confidential information gained by reason of public position nor shall the person otherwise use such
information for personal gain or benefit.

(2) Post-employment restrictions on former members of the General Assembly. — A former member of the
General Assembly may not accept an appointment to or employment in a position in a State agency for 1 year
following the former member's final term of office if the position meets either of the following:

a. Is a position created during the former member's final term of office.

b. Is a position for which the compensation was increased during the former member's final term of
office and which the former member did not hold during the former member's final term of office. For purposes of
this paragraph (d)(2)b. of this section, "compensation was increased" does not include an increase in compensation
that is appropriated by the General Assembly to all similarly situated State employees.

SYNOPSIS

This Act is intended to promote, maintain, and bolster the public's confidence in the integrity of State government,
particularly as it relates to the employment of former members of the General Assembly within State government. This Act
achieves this goal by prohibiting a former member of the General Assembly from being appointed to or employed in a
position in a State agency for 1 year after the former member's final term of office if either of the following applies:

(1) The position was created during the former member's final term of office.

(2) The compensation for the position was increased, other than by an appropriation by the General Assembly that applies to all similarly situated State employees, during the former member's term of office and the former member did not hold the position during the former member's term of office.

Existing law provides that a former member who knowingly or wilfully violates this Act is guilty of a misdemeanor and may be punished by imprisonment of not more than 1 year and by a fine not to exceed \$10,000.