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## Lobbyist steps back from legislator pay panel

By Jared S. Hopkins  
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BOISE — Gov. C.L. "Butch" Otter's former chief of staff — now a corporate lobbyist — Thursday backed out of an appointment to a committee that determines state legislators' compensation after the *Times-News* inquired about the move.

Jeff Malmen, who spent years as a high-level government staffer before becoming an Idaho Power lobbyist in December, was named by Otter to the Legislative Compensation Committee on Jan. 10. There was no announcement of the appointment, which was not widely known around the Capitol Annex.

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As one of six volunteer members of the compensation committee, he would also have been in the position of setting pay and benefits for members of the Legislature — people he regularly will lobby on issues important to his new employer, Idaho Power.

On Thursday he told the *Times-News* that he would accept the appointment, but less than two hours later said he had changed his mind.

"I don't want to cause any trouble for my old boss," Malmen said. He did not explain how public knowledge of the appointment would be a problem for Otter.

Keith Allred, executive director of the non-partisan good government group CommonInterest.org, said the appointment presented a clear conflict of interest for Malmen.

"It would be unwise to have a lobbyist helping set legislators' salaries," Allred said. "It obviously would be a conflict of interest if they would be trying to get a legislator to vote their way on a particular bill. Then the lobbyist has some influence over the legislator that they shouldn't have."

Malmen's departure from state government in December raised concern among good government advocates pushing for a law that would bar former public employees from immediately taking jobs that involve influencing their former state co-workers. In addition to his work for Otter, he was chief-of-staff to former Gov. Phil Batt and finance director for former Gov. Dirk Kempthorne.

Otter spokesman Jon Hanian said the governor picked Malmen because of his time spent in public service, and said there was no potential for a conflict of interest.

"We're talking about using expertise from someone who spent many years in government and is very familiar with issues this committee talks about," Hanian said. In addition, he said, the committee would rarely meet and the work would not be a burden on Malmen.

The appointment was not announced to the media, but Otter typically doesn't issue statements regarding appointments to such boards, Hanian said.

Nor did Otter's office notify state lawmakers. When told Wednesday of the appointment, House Speaker Lawrence E. Denney, R-Midvale, said only, "Oh really?"

Malmen's appointment to the compensation committee came shortly after Senate Majority Leader Bart Davis, R-Idaho Falls, said a "revolving door" bill sponsored by Senate Minority Caucus Chair Kate Kelly, D-Boise, is unlikely to receive a hearing in this legislative session.

Kelly said that while Malmen would not be violating state law by sitting on the compensation committee, she expressed concern about the public's perception.

"It's just a small number of people in power in this state," said Kelly. "Certainly there is concern when we start seeing the same names all over government on boards, councils and commissions."

Jasper LiCalzi, a College of Idaho political science professor, said it's strange that Otter would want to put Malmen on the compensation committee. Three of the members are appointed by the governor, three by the state Supreme Court.

"It's odd this is who the governor appointed to the commission as opposed to the other 1.5 million people in the state," LiCalzi said. "People who are involved in state government in Idaho are such a small group."

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