

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 102

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO INSURANCE; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF
2 A NEW CHAPTER 64, TITLE 41, IDAHO CODE, TO PROVIDE PURPOSE AND SCOPE,
3 TO DEFINE TERMS, TO PROVIDE FOR CERTAIN DISCLOSURE, TO PROVIDE FOR THE
4 CONTENTS OF A DISCLOSURE REPORT, TO PROVIDE FOR CONFIDENTIALITY AND TO
5 ESTABLISH PROVISIONS REGARDING THE NATIONAL ASSOCIATION OF INSURANCE
6 COMMISSIONERS AND THIRD-PARTY CONSULTANTS; AMENDING SECTION 41-3434,
7 IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO MAKE A TECHNICAL CORREC-
8 TION; AMENDING SECTION 74-107, IDAHO CODE, TO PROVIDE AN EXEMPTION, TO
9 MAKE CODIFIER'S CORRECTIONS AND TO MAKE A TECHNICAL CORRECTION; AND
10 PROVIDING SEVERABILITY.
11

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

13 SECTION 1. That Title 41, Idaho Code, be, and the same is hereby amended
14 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
15 ter 64, Title 41, Idaho Code, and to read as follows:

16 CHAPTER 64
17 CORPORATE GOVERNANCE ANNUAL DISCLOSURE

18 41-6401. PURPOSE AND SCOPE. (1) The purpose and scope of this chapter
19 are to:

20 (a) Provide the insurance director a summary of an insurer or insurance
21 group's corporate governance structure, policies and practices to per-
22 mit the director to gain and maintain an understanding of the insurer's
23 corporate governance framework;

24 (b) Outline the requirements for completing a corporate governance an-
25 nual disclosure with the insurance director; and

26 (c) Provide for the confidential treatment of the corporate governance
27 annual disclosure and related information that will contain confi-
28 dential and sensitive information related to an insurer or insurance
29 group's internal operations and proprietary and trade secret infor-
30 mation that, if made public, could potentially cause the insurer or
31 insurance group competitive harm or disadvantage.

32 (2) Nothing in this chapter shall be construed to prescribe or impose
33 corporate governance standards and internal procedures beyond that which
34 is required under applicable state corporate law. Nothing in this chapter
35 shall be construed to limit the director's authority, or the rights or obli-
36 gations of third parties, under applicable examination authority including,
37 but not limited to, sections 41-219 and 41-3814, Idaho Code.

38 (3) The requirements of this chapter shall apply to all insurers domi-
39 ciled in this state.

40 41-6402. DEFINITIONS. As used in this chapter:

1 (1) "Corporate governance annual disclosure" or "CGAD" means a confi-
2 dential report filed by the insurer or insurance group made in accordance
3 with the requirements of this chapter.

4 (2) "Insurance group" means those insurers and affiliates included
5 within an insurance holding company system as that term is defined in chapter
6 38, title 41, Idaho Code.

7 (3) "Insurer" has the same meaning as set forth in section 41-103, Idaho
8 Code, and it shall not include agencies, authorities or instrumentalities
9 of the United States, its possessions and territories, the commonwealth of
10 Puerto Rico, the District of Columbia, or a state or political subdivision of
11 a state. For purposes of this chapter, the term "insurer" includes, but is
12 not limited to:

13 (a) An entity holding a certificate of authority under chapter 3, title
14 41, Idaho Code;

15 (b) A service corporation holding a certificate of authority under
16 chapter 34, title 41, Idaho Code;

17 (c) A managed care organization holding a certificate of authority un-
18 der chapter 39, title 41, Idaho Code; and

19 (d) The state insurance fund, created under chapter 9, title 72, Idaho
20 Code.

21 41-6403. DISCLOSURE REQUIREMENT. (1) A domestic insurer, or the in-
22 surance group of which the domestic insurer is a member, shall, no later than
23 June 1 of each calendar year, submit to the director a corporate governance
24 annual disclosure (CGAD) that contains the information described in section
25 41-6404, Idaho Code. Absent a request from the director pursuant to subsec-
26 tion (3) of this section, an insurance group is not required to submit the
27 CGAD if Idaho is not the lead state for the insurance group, as determined by
28 the procedures outlined in the most recent national association of insurance
29 commissioners' (NAIC) financial analysis handbook adopted by the director
30 by rule, administrative order or bulletin.

31 (2) The CGAD must include a signature of the insurer or insurance
32 group's chief executive officer or corporate secretary, attorney in fact,
33 executive administrator, or other officer having responsibility for the
34 insurer's or insurance group's compliance with governance structure, prac-
35 tices and policies attesting to the best of that individual's belief and
36 knowledge that the insurer has implemented the corporate governance prac-
37 tices and that a copy of the disclosure has been provided to the insurer's
38 board of directors or the appropriate committee thereof.

39 (3) An insurer or insurance group not required to submit a CGAD under
40 subsection (1) of this section shall do so upon the director's request.

41 (4) For purposes of completing the CGAD, the insurer or insurance group
42 may provide information regarding corporate governance at the ultimate
43 controlling parent level, an intermediate holding company level and/or the
44 individual legal entity level, depending upon how the insurer or insurance
45 group has structured its system of corporate governance. The insurer or
46 insurance group is encouraged to make the CGAD disclosures at the level at
47 which the insurer's or insurance group's risk appetite is determined, or
48 at which the earnings, capital, liquidity, operations and reputation of
49 the insurer are overseen collectively and at which the supervision of those

1 factors are coordinated and exercised, or the level at which legal liability
2 ity for failure of general corporate governance duties would be placed. If
3 the insurer or insurance group determines the level of reporting based on
4 these criteria, it shall indicate which of the three (3) criteria was used to
5 determine the level of reporting and explain any subsequent changes in the
6 level of reporting.

7 (5) The review of the CGAD and any additional requests for information
8 shall be made through the lead state as determined by the procedures within
9 the most recent financial analysis handbook referenced in subsection (1) of
10 this section.

11 (6) Insurers providing information substantially similar to the infor-
12 mation required by this chapter in other documents provided to the director,
13 including proxy statements filed in conjunction with form B requirements or
14 other state or federal filings provided to the department, shall not be re-
15 quired to duplicate that information in the CGAD but shall only be required
16 to cross-reference the document in which the information is included.

17 41-6404. CONTENTS OF CORPORATE GOVERNANCE ANNUAL DISCLOSURE. (1) The
18 insurer or insurance group shall have discretion over the responses to the
19 CGAD inquiries, provided the CGAD shall contain the material information
20 necessary to permit the director to gain an understanding of the insurer's or
21 group's corporate governance structure, policies and practices including,
22 without limitation, information concerning policies and practices of the
23 board of directors, the senior governing entity and significant committees
24 thereof, the policies and practices for directing senior management, and the
25 processes by which the board of directors, the senior governing entity, its
26 committees and senior management ensure an appropriate amount of oversight
27 to the critical risk areas impacting the insurer's business activities. The
28 director may request additional information that the director deems mate-
29 rial and necessary to provide the director with a clear understanding of the
30 corporate governance policies, the reporting or information system, or the
31 controls implementing those policies.

32 (2) The CGAD shall be prepared consistent with any rules promulgated by
33 the director. Documentation and supporting information shall be maintained
34 and made available upon examination or upon request of the director.

35 (3) Each year following the initial filing of the CGAD, the insurer or
36 insurance group shall file an amended version of the previously filed CGAD
37 indicating where changes have been made. If no changes were made in the in-
38 formation or activities reported by the insurer or insurance group, the fil-
39 ing should so state.

40 41-6405. CONFIDENTIALITY. (1) Documents, materials or other infor-
41 mation, including the CGAD, in the possession or control of the department
42 of insurance that are obtained by, created by or disclosed to the director
43 or any other person under this chapter are recognized by this state as be-
44 ing proprietary and to contain trade secrets. All such documents, materials
45 or other information shall be confidential by law and privileged, shall not
46 be subject to disclosure pursuant to the provisions of chapter 1, title 74,
47 Idaho Code, shall not be subject to subpoena and shall not be subject to dis-
48 covery or admissible in evidence in any private civil action. However, the

1 director is authorized to use the documents, materials or other information
2 in the furtherance of any regulatory or legal action brought as a part of the
3 director's official duties. The director shall not otherwise make the docu-
4 ments, materials or other information public without the prior written con-
5 sent of the insurer. Nothing in this section shall be construed to require
6 written consent of the insurer before the director may share or receive con-
7 fidential documents, materials or other CGAD-related information pursuant
8 to subsection (3) of this section to assist in the performance of the direc-
9 tor's duties.

10 (2) Neither the director nor any person who received documents, mate-
11 rials or other CGAD-related information, through examination or otherwise,
12 while acting under the authority of the director, or with whom such docu-
13 ments, materials or other information are shared pursuant to this chapter,
14 shall be permitted or required to testify in any private civil action con-
15 cerning any confidential documents, materials or information subject to
16 subsection (1) of this section.

17 (3) In order to assist in the performance of the director's regulatory
18 duties, the director may:

19 (a) Upon request, share documents, materials, or other CGAD-related
20 information including the confidential and privileged documents, ma-
21 terials, or information subject to subsection (1) of this section,
22 including proprietary and trade secret documents and materials with
23 other state, federal, and international financial regulatory agencies,
24 including members of any supervisory college as discussed in section
25 41-3815, Idaho Code, with the NAIC, and with third-party consultants
26 pursuant to section 41-6406, Idaho Code, provided that the recipient
27 agrees in writing to maintain the confidentiality and privileged status
28 of the CGAD-related documents, materials, or other information and has
29 verified in writing the legal authority to maintain confidentiality.

30 (b) Receive documents, materials, or other CGAD-related information,
31 including otherwise confidential and privileged documents, materials
32 or information, including proprietary and trade secret information
33 or documents, from regulatory officials of other state, federal, and
34 international financial regulatory agencies, including members of any
35 supervisory college as discussed in section 41-3815, Idaho Code, and
36 from the NAIC, and shall maintain as confidential or privileged any
37 documents, materials, or information received with notice or the un-
38 derstanding that it is confidential or privileged under the laws of the
39 jurisdiction that is the source of the document, material, or informa-
40 tion.

41 (4) The sharing of information and documents by the director pursuant
42 to this chapter shall not constitute a delegation of regulatory authority or
43 rulemaking, and the director is solely responsible for the administration,
44 execution and enforcement of the provisions of this chapter.

45 (5) No waiver of any applicable privilege or claim of confidentiality
46 in the documents, proprietary and trade secret materials or other CGAD-re-
47 lated information shall occur as a result of disclosure of such CGAD-related
48 information or documents to the director under this section or as a result of
49 sharing as authorized in this chapter.

1 41-6406. NAIC AND THIRD-PARTY CONSULTANTS. (1) The director may re-
2 tain third-party consultants not otherwise part of the director's staff as
3 may be reasonably necessary to assist the director in reviewing the CGAD and
4 related information or the insurer's compliance with this chapter.

5 (2) Any persons retained under subsection (1) of this section shall be
6 under the direction and control of the director and shall act in a purely ad-
7 visory capacity.

8 (3) The NAIC and third-party consultants shall be subject to the same
9 confidentiality standards and requirements as the director.

10 (4) As part of the retention process, a third-party consultant shall
11 verify to the director, with notice to the insurer, that it is free of a con-
12 flict of interest and that it has internal procedures in place to monitor
13 compliance with a conflict and to comply with the confidentiality standards
14 and requirements of this chapter.

15 (5) A written agreement with the NAIC and/or a third-party consultant
16 governing sharing and use of information provided pursuant to this chapter
17 shall contain the following provisions and expressly require the written
18 consent of the insurer prior to making public information provided under
19 this chapter:

20 (a) Specific procedures and protocols for maintaining the confiden-
21 tiality and security of CGAD-related information shared with the NAIC
22 or a third-party consultant pursuant to this chapter;

23 (b) Procedures and protocols for sharing by the NAIC only with other
24 state regulators from states in which the insurance group has domiciled
25 insurers. The agreement shall provide that the recipient agrees in
26 writing to maintain the confidentiality and privileged status of the
27 CGAD-related documents, materials or other information and has veri-
28 fied in writing the legal authority to maintain confidentiality;

29 (c) A provision specifying that ownership of the CGAD-related informa-
30 tion shared with the NAIC or a third-party consultant remains with the
31 department of insurance and the NAIC's or third-party consultant's use
32 of the information is subject to the direction of the director;

33 (d) A provision that prohibits the NAIC or a third-party consultant
34 from storing the information shared pursuant to this chapter in a perma-
35 nent database after the underlying analysis is completed;

36 (e) A provision requiring the NAIC or third-party consultant to provide
37 prompt notice to the director and to the insurer or insurance group re-
38 garding any subpoena, request for disclosure or request for production
39 of the insurer's CGAD-related information; and

40 (f) A requirement that the NAIC or a third-party consultant consent to
41 intervention by an insurer in any judicial or administrative action in
42 which the NAIC or a third-party consultant may be required to disclose
43 confidential information about the insurer shared with the NAIC or a
44 third-party consultant pursuant to this chapter.

45 SECTION 2. That Section 41-3434, Idaho Code, be, and the same is hereby
46 amended to read as follows:

47 41-3434. OTHER PROVISIONS APPLICABLE. In addition to those contained
48 or referred to heretofore in this chapter, the following chapters and provi-
49 sions of ~~this~~ title 41, Idaho Ceode, shall also apply with respect to service

1 corporations to the extent applicable and not in conflict with the express
2 provisions of this chapter and the reasonable implications of such express
3 provisions, and for the purposes of such application such corporations shall
4 be deemed to be mutual "insurers":

- 5 (1) Chapter 1 (scope of code);
- 6 (2) Chapter 2 (the director of insurance);
- 7 (3) Section 41-308(2) (general eligibility for certificate of author-
8 ity -- competence, affiliations of management);
- 9 (4) Sections 41-345 through 41-347 (disclosure of material transac-
10 tions);
- 11 (5) Section 41-601 ("assets" defined);
- 12 (6) Section 41-603 (assets not allowed);
- 13 (7) Section 41-604 (disallowance of "wash" transactions);
- 14 (8) Section 41-613 (valuation of bonds);
- 15 (9) Section 41-731 (prohibited investments and investment underwrit-
16 ing);
- 17 (10) Chapter 13 (trade practices and frauds);
- 18 (11) Section 41-2840 (vouchers for expenditures);
- 19 (12) Section 41-2841 (borrowed surplus);
- 20 (13) Sections 41-2857 (mergers and consolidations, mutual insurers),
21 41-2858 (bulk reinsurance, mutual insurers), and 41-2859 (mutual member's
22 share of assets on liquidation);
- 23 (14) Chapter 33 (supervision, rehabilitation and liquidation);
- 24 (15) Sections 799 to 809 of chapter 330 of Session Laws of 1961 (transi-
25 tory provisions);
- 26 (16) Section 41-2106(3) (health history application for disability in-
27 surance);
- 28 (17) Section 41-2141 (coordination of benefits -- coordination with so-
29 cial security benefits);
- 30 (18) Section 41-1839 (attorney's fees);
- 31 (19) Chapter 46 (long-term care insurance);
- 32 (20) Section 41-1844 (prescription drug benefit restrictions prohib-
33 ited);
- 34 (21) Section 41-2216 (coordination of benefits -- coordination with so-
35 cial security benefits); and
- 36 (22) Chapter 54 (risk-based capital); and
- 37 (23) Chapter 64 (corporate governance).

38 SECTION 3. That Section 74-107, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 74-107. RECORDS EXEMPT FROM DISCLOSURE -- TRADE SECRETS, PRODUCTION
41 RECORDS, APPRAISALS, BIDS, PROPRIETARY INFORMATION. The following records
42 are exempt from disclosure:

- 43 (1) Trade secrets including those contained in response to public
44 agency or independent public body corporate and politic requests for pro-
45 posal, requests for clarification, requests for information and similar
46 requests. "Trade secrets" as used in this section means information, in-
47 cluding a formula, pattern, compilation, program, computer program, device,
48 method, technique, process, or unpublished or in-progress research that:

1 (a) Derives independent economic value, actual or potential, from not
2 being generally known to, and not being readily ascertainable by proper
3 means by other persons who can obtain economic value from its disclosure
4 or use; and

5 (b) Is the subject of efforts that are reasonable under the circum-
6 stances to maintain its secrecy.

7 (2) Production records, housing production, rental and financing
8 records, sale or purchase records, catch records, mortgage portfolio loan
9 documents, or similar business records of a private concern or enterprise
10 required by law to be submitted to or inspected by a public agency or sub-
11 mitted to or otherwise obtained by an independent public body corporate and
12 politic. Nothing in this subsection shall limit the use which can be made
13 of such information for regulatory purposes or its admissibility in any en-
14 forcement proceeding.

15 (3) Records relating to the appraisal of real property, timber or min-
16 eral rights prior to its acquisition, sale or lease by a public agency or in-
17 dependent public body corporate and politic.

18 (4) Any estimate prepared by a public agency or independent public body
19 corporate and politic that details the cost of a public project until such
20 time as disclosed or bids are opened, or upon award of the contract for con-
21 struction of the public project.

22 (5) Examination, operating or condition reports and all documents re-
23 lating thereto, prepared by or supplied to any public agency or independent
24 public body corporate and politic responsible for the regulation or supervi-
25 sion of financial institutions including, but not limited to, banks, savings
26 and loan associations, regulated lenders, business and industrial develop-
27 ment corporations, credit unions, and insurance companies, or for the regu-
28 lation or supervision of the issuance of securities.

29 (6) Records gathered by a local agency or the Idaho department of com-
30 merce, as described in chapter 47, title 67, Idaho Code, for the specific
31 purpose of assisting a person to locate, maintain, invest in, or expand busi-
32 ness operations in the state of Idaho.

33 (7) Shipping and marketing records of commodity commissions used to
34 evaluate marketing and advertising strategies and the names and addresses of
35 growers and shippers maintained by commodity commissions.

36 (8) Financial statements and business information and reports submit-
37 ted by a legal entity to a port district organized under title 70, Idaho Code,
38 in connection with a business agreement, or with a development proposal or
39 with a financing application for any industrial, manufacturing, or other
40 business activity within a port district.

41 (9) Names and addresses of seed companies, seed crop growers, seed crop
42 consignees, locations of seed crop fields, variety name and acreage by vari-
43 ety. Upon the request of the owner of the proprietary variety, this infor-
44 mation shall be released to the owner. Provided however, that if a seed crop
45 has been identified as diseased or has been otherwise identified by the Idaho
46 department of agriculture, other state departments of agriculture, or the
47 United States department of agriculture to represent a threat to that par-
48 ticular seed or commercial crop industry or to individual growers, infor-
49 mation as to test results, location, acreage involved and disease symptoms
50 of that particular seed crop, for that growing season, shall be available

1 for public inspection and copying. This exemption shall not supersede the
2 provisions of section 22-436, Idaho Code, nor shall this exemption apply to
3 information regarding specific property locations subject to an open burn-
4 ing of crop residue pursuant to section 39-114, Idaho Code, names of persons
5 responsible for the open burn, acreage and crop type to be burned, and time
6 frames for burning.

7 (10) Information obtained from books, records and accounts required in
8 chapter 47, title 22, Idaho Code, to be maintained by the Idaho oilseed com-
9 mission and pertaining to the individual production records of oilseed grow-
10 ers.

11 (11) Records of any risk retention or self-insurance program prepared
12 in anticipation of litigation or for analysis of or settlement of potential
13 or actual money damage claims against a public entity and its employees or
14 against the industrial special indemnity fund except as otherwise discov-
15 erable under the Idaho or federal rules of civil procedure. These records
16 shall include, but are not limited to, claims evaluations, investigatory
17 records, computerized reports of losses, case reserves, internal documents
18 and correspondence relating thereto. At the time any claim is concluded,
19 only statistical data and actual amounts paid in settlement shall be deemed
20 a public record unless otherwise ordered to be sealed by a court of competent
21 jurisdiction. Provided however, nothing in this subsection is intended to
22 limit the attorney-client privilege or attorney work product privilege oth-
23 erwise available to any public agency or independent public body corporate
24 and politic.

25 (12) Records of laboratory test results provided by or retained by the
26 Idaho food quality assurance laboratory. Nothing in this subsection shall
27 limit the use which can be made, or availability of such information if used,
28 for regulatory purposes or its admissibility in any enforcement proceeding.

29 (13) Reports required to be filed under chapter 13, title 62, Idaho
30 Code, identifying electrical or natural or manufactured gas consumption
31 data for an individual customer or account.

32 (14) Voluntarily prepared environmental audits, and voluntary disclo-
33 sures of information submitted on or before December 31, 1997, to an environ-
34 mental agency, which are claimed to be confidential business information.

35 (15) Computer programs developed or purchased by or for any public
36 agency or independent public body corporate and politic for its own use. As
37 used in this subsection, "computer program" means a series of instructions
38 or statements which permit the functioning of a computer system in a manner
39 designed to provide storage, retrieval and manipulation of data from the
40 computer system, and any associated documentation and source material that
41 explain how to operate the computer program. Computer program does not in-
42 clude:

43 (a) The original data including, but not limited to, numbers, text,
44 voice, graphics and images;

45 (b) Analysis, compilation and other manipulated forms of the original
46 data produced by use of the program; or

47 (c) The mathematical or statistical formulas that would be used if the
48 manipulated forms of the original data were to be produced manually.

49 (16) Active investigative records and trademark usage audits of the
50 Idaho potato commission specifically relating to the enforcement of chapter

1 12, title 22, Idaho Code, until the commencement of formal proceedings as
2 provided by rules of the commission; purchase and sales information sub-
3 mitted to the Idaho potato commission during a trademark usage audit, and
4 investigation or enforcement proceedings. Inactive investigatory records
5 shall be disclosed unless the disclosure would violate the standards set
6 forth in subsection (1) (a) through (f) of section 74-124, Idaho Code. Noth-
7 ing in this subsection shall limit the use which can be made, or availability
8 of such information if used, for regulatory purposes or its admissibility in
9 any enforcement proceeding.

10 (17) All records copied or obtained by the director of the department of
11 agriculture or his designee as a result of an inspection pursuant to section
12 25-3806, Idaho Code, except:

13 (a) Records otherwise deemed to be public records not exempt from dis-
14 closure pursuant to this chapter; and

15 (b) Inspection reports, determinations of compliance or noncompliance
16 and all other records created by the director or his designee pursuant
17 to section 25-3806, Idaho Code.

18 (18) All data and information collected by the division of animal indus-
19 tries or the state brand board pursuant to the provisions of section 25-207B,
20 Idaho Code, or rules promulgated thereunder.

21 (19) Records disclosed to a county official by the state tax commission
22 pursuant to subsection (4) (c) of section 63-3029B, Idaho Code.

23 (20) Records, data, information and materials collected, developed,
24 generated, ascertained or discovered during the course of academic research
25 at public institutions of higher education if the disclosure of such could
26 reasonably affect the conduct or outcome of the research, or the ability of
27 the public institution of higher education to patent or copyright the re-
28 search or protect intellectual property.

29 (21) Records, data, information and materials collected or utilized
30 during the course of academic research at public institutions of higher ed-
31 ucation provided by any person or entity other than the public institution
32 of higher education or a public agency.

33 (22) The exemptions from disclosure provided in subsections (20) and
34 (21) of this section shall apply only until the academic research is pub-
35 licly released, copyrighted or patented, or until the academic research
36 is completed or terminated. At such time, the records, data, information,
37 and materials shall be subject to public disclosure unless: (a) another
38 exemption in this chapter applies; (b) such information was provided to the
39 institution subject to a written agreement of confidentiality; or (c) public
40 disclosure would pose a danger to persons or property.

41 (23) The exemptions from disclosure provided in subsections (20) and
42 (21) of this section do not include basic information about a particular
43 research project that is otherwise subject to public disclosure, such as the
44 nature of the academic research, the name of the researcher, and the amount
45 and source of the funding provided for the project.

46 (24) Records of a county assessor, the state tax commission, a county
47 board of equalization or the state board of tax appeals containing the fol-
48 lowing information: (i) lists of personal property required to be filed pur-
49 suant to section 63-302, Idaho Code, and operating statements required to
50 be filed pursuant to section 63-404, Idaho Code, and (ii) confidential com-

1 commercial or financial information including trade secrets. Except with re-
2 spect to lists of personal property required to be filed pursuant to section
3 63-302, Idaho Code, and the operator statements required to be filed pur-
4 suant to section 63-404, Idaho Code, it shall be the responsibility of the
5 taxpayer to give notice of its claim to exemption by stamping or marking each
6 page or the first page of each portion of documents so claimed. No records
7 that are exempt pursuant to this subsection shall be disclosed without the
8 consent of the taxpayer except as follows:

9 (a) To any officer, employee or authorized representative of the state
10 or the United States, under a continuing claim of confidentiality, as
11 necessary to carry out the provisions of state or federal law or when
12 relevant to any proceeding thereunder.

13 (b) In the publication of statistics or reports as long as the statis-
14 tics or reports do not reasonably lead to the identification of the spe-
15 cific taxpayer or information submitted by taxpayers exempt pursuant to
16 this subsection.

17 (c) To the board of tax appeals or the district court as evidence or
18 otherwise in connection with an appeal of the taxpayer's property tax
19 assessment, but only if the board or the court, as applicable, has en-
20 tered a protective order specifying that the taxpayer information may
21 not be disclosed by any person conducting or participating in the action
22 or proceeding, except as authorized by the board or the court in accor-
23 dance with applicable law.

24 (d) Nothing in this subsection shall prevent disclosure of the follow-
25 ing information:

- 26 (i) Name and mailing address of the property owner;
- 27 (ii) A parcel number;
- 28 (iii) A legal description of real property;
- 29 (iv) The square footage and acreage of real property;
- 30 (v) The assessed value of taxable property;
- 31 (vi) The tax district and the tax rate; and
- 32 (vii) The total property tax assessed.

33 (25) Results of laboratory tests which have no known adverse impacts to
34 human health conducted by the Idaho state department of agriculture animal
35 health laboratory, related to diagnosis of animal diseases of individual an-
36 imals or herds, on samples submitted by veterinarians or animal owners un-
37 less:

38 (a) The laboratory test results indicate the presence of a state or fed-
39 erally reportable or regulated disease in animals;

40 (b) The release of the test results is required by state or federal law;
41 or

42 (c) The test result is identified as representing a threat to animal or
43 human health or to the livestock industry by the Idaho state department
44 of agriculture or the United States department of agriculture. Nothing
45 in this subsection shall limit the use which can be made, or availabil-
46 ity of such information if used, for regulatory purposes or its admis-
47 sibility in any enforcement proceeding, or the duty of any person to re-
48 port contagious or infectious diseases as required by state or federal
49 law.

1 (26) Results of laboratory tests conducted by the Idaho state depart-
2 ment of agriculture seed laboratory on samples submitted by seed producers
3 or seed companies. Nothing in this subsection shall limit the use which can
4 be made, or availability of such information pursuant to the provisions of
5 subsections (9) and (10) of section 22-418, Idaho Code.

6 (27) For policies that are owned by private persons, and not by a public
7 agency of the state of Idaho, records of policies, endorsements, affidavits
8 and any records that discuss policies, endorsements and affidavits that may
9 be required to be filed with or by a surplus line association pursuant to
10 chapter 12, title 41, Idaho Code.

11 (28) Individual financial statements of a postsecondary educational
12 institution or a proprietary school submitted to the state board of educa-
13 tion, its director or a representative thereof, for the purpose of regis-
14 tering the postsecondary educational institution or proprietary school pur-
15 suant to section 33-2402 or 33-2403, Idaho Code, or provided pursuant to an
16 administrative rule of the board adopted pursuant to such sections.

17 (29) Information submitted ~~to~~ by insurance companies pursuant to sec-
18 tion 421-612(17), Idaho Code.

19 (30) Documents, materials or other information submitted to the direc-
20 tor of the department of insurance as provided in chapter 64, title 41, Idaho
21 Code.

22 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared
23 to be severable and if any provision of this act or the application of such
24 provision to any person or circumstance is declared invalid for any reason,
25 such declaration shall not affect the validity of the remaining portions of
26 this act.