

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 404

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO RECORDS; AMENDING SECTION 74-108, IDAHO CODE, TO PROVIDE AN EX-  
2 EMPTION FROM DISCLOSURE FOR CERTAIN RECORDS REGARDING WILDLIFE AND TO  
3 MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN  
4 EFFECTIVE DATE.  
5

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

7 SECTION 1. That Section 74-108, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 74-108. EXEMPTIONS FROM DISCLOSURE -- ARCHAEOLOGICAL, ENDANGERED  
10 SPECIES, LIBRARIES, LICENSING EXAMS. The following records are exempt from  
11 disclosure:

12 (1) Records, maps or other records identifying the location of archae-  
13 ological or geophysical sites or endangered species, if not already known to  
14 the general public.

15 (2) Archaeological and geologic records concerning exploratory  
16 drilling, logging, mining and other excavation, when such records are re-  
17 quired to be filed by statute for the time provided by statute.

18 (3) Documents and data related to oil and gas production submitted to  
19 the department of lands or the oil and gas conservation commission under the  
20 provisions of chapter 3, title 47, Idaho Code, provided that the records  
21 qualify for confidential status under section 47-327, Idaho Code, under the  
22 conditions and for the time provided by statute.

23 (4) The records of a library ~~which~~ that, when examined alone, or when  
24 examined with other public records, would reveal the identity of the library  
25 patron checking out, requesting, or using an item from a library.

26 (5) The material of a library, museum or archive that has been con-  
27 tributed by a private person, to the extent of any limitation that is a  
28 condition of the contribution.

29 (6) Test questions, scoring keys, and other data used to administer a  
30 licensing examination, ~~or an~~ employment, academic, or other examination or  
31 testing procedure before the examination is given if the examination is to be  
32 used again. Records establishing procedures for and instructing persons ad-  
33 ministering, grading or evaluating an examination or testing procedure are  
34 included in this exemption, to the extent that disclosure would create a risk  
35 that the result might be affected.

36 (7) Land management plans required for voluntary stewardship agree-  
37 ments entered into pursuant to law and written agreements relating to the  
38 conservation of all species of sage grouse entered into voluntarily by own-  
39 ers or occupiers of land with a soil conservation district.

40 (8) Records identifying telemetry frequencies, remote camera lo-  
41 cations, or precise or specific locations of any individual terrestrial  
42 wildlife, including but not limited to global positioning system, teleme-

1 try, or remote camera data. A state agency's sharing of such records on an  
2 individual case basis for agency or regulatory environmental reviews or  
3 management of wildlife damage or populations does not constitute a waiver of  
4 this exemption. This exemption does not apply to records identifying aggre-  
5 gated or otherwise generalized locations of individual terrestrial wildlife  
6 or populations.

7 SECTION 2. An emergency existing therefor, which emergency is hereby  
8 declared to exist, this act shall be in full force and effect on and after  
9 July 1, 2024.