

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 30

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HEALTH AND WELFARE; REPEALING CHAPTER 48, TITLE 19, IDAHO CODE,  
2 RELATING TO THE CRIMINAL JUSTICE INTEGRATED DATA SYSTEM ACT; AMENDING  
3 TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 48, TITLE 67,  
4 IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO  
5 ESTABLISH PROVISIONS REGARDING THE INSIGHT INTEGRATED DATA SYSTEM, AND  
6 TO ESTABLISH PROVISIONS REGARDING THE DATA OVERSIGHT COUNCIL; AMEND-  
7 ING SECTION 20-503, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING  
8 SECTION 20-704, IDAHO CODE, TO REVISE PROVISIONS REGARDING HEARINGS;  
9 AMENDING SECTION 22-113, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
10 REGULATIONS FOR HUMAN FOOD PROCESSING; AMENDING SECTION 22-5407, IDAHO  
11 CODE, TO REVISE PROVISIONS REGARDING STOP SALE AND HOLD AUTHORITY;  
12 AMENDING SECTION 39-102A, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE;  
13 AMENDING SECTION 39-105, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
14 POWERS AND DUTIES OF THE DIRECTOR; AMENDING SECTION 39-106, IDAHO CODE,  
15 TO REMOVE PROVISIONS REGARDING TRANSFER AND CONTINUATION OF RULES AND  
16 OTHER PROCEEDINGS; AMENDING SECTION 39-107, IDAHO CODE, TO REMOVE PRO-  
17 VISIONS REGARDING THE BOARD OF ENVIRONMENTAL QUALITY; AMENDING SECTION  
18 39-107D, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; REPEALING  
19 SECTION 39-113, IDAHO CODE, RELATING TO TRANSFER OF EMPLOYEES; AMENDING  
20 SECTION 39-3623, IDAHO CODE, TO REVISE PROVISIONS REGARDING EFFECT OF  
21 RULES; AMENDING SECTION 42-1734B, IDAHO CODE, TO REVISE PROVISIONS RE-  
22 GARDING BOARD PROCEDURES FOR ADOPTING A COMPREHENSIVE STATE WATER PLAN;  
23 AMENDING SECTION 54-2602, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
24 EXCEPTIONS; AMENDING SECTION 54-3307, IDAHO CODE, TO REVISE PROVISIONS  
25 REGARDING THE BOARD OF DENTURITRY; AMENDING SECTION 54-5002, IDAHO  
26 CODE, TO REVISE PROVISIONS REGARDING EXCEPTIONS; AMENDING SECTION  
27 56-1003, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DU-  
28 TIES OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING  
29 SECTION 63-602P, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROPERTY  
30 EXEMPT FROM TAXATION; AMENDING SECTION 63-1309, IDAHO CODE, TO REVISE  
31 PROVISIONS REGARDING CERTAIN BOND ELECTIONS AND TO MAKE A TECHNICAL  
32 CORRECTION; AMENDING SECTION 74-105, IDAHO CODE, TO REVISE PROVISIONS  
33 REGARDING RECORDS EXEMPT FROM DISCLOSURE; AND DECLARING AN EMERGENCY  
34 AND PROVIDING AN EFFECTIVE DATE.  
35

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

37 SECTION 1. That Chapter 48, Title 19, Idaho Code, be, and the same is  
38 hereby repealed.

39 SECTION 2. That Title 67, Idaho Code, be, and the same is hereby amended  
40 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
41 ter 48, Title 67, Idaho Code, and to read as follows:

1 CHAPTER 48  
2 INSIGHT INTEGRATED DATA SYSTEM ACT

3 67-4801. SHORT TITLE. This chapter shall be known and may be cited as  
4 the "Insight Integrated Data Systems Act."

5 67-4802. LEGISLATIVE INTENT. The local governments, state agencies  
6 and departments, and volunteer nongovernmental entities that comprise and  
7 interact with the criminal justice and behavioral health systems in Idaho  
8 possess a wealth of data. A centralized data repository to manage and link  
9 data across separate entities will aid in evaluating the effectiveness of  
10 the criminal justice and behavioral health systems and enable data-driven,  
11 cost-saving decision-making on issues facing the criminal justice and  
12 behavioral health systems in Idaho. This chapter establishes the legal  
13 framework by which the various contributing entities may share, integrate,  
14 merge, observe, examine, and research siloed data in a way that protects  
15 sensitive or legally protected personal information.

16 67-4803. INSIGHT INTEGRATED DATA SYSTEM. (1) There is hereby created  
17 in the office of the state controller the insight integrated data system to  
18 receive, store, secure, and maintain data and information from local govern-  
19 ments, state agencies and departments, and volunteer nongovernmental enti-  
20 ties.

21 (2) The office of the state controller, as the managing agency of the  
22 data system, may:

23 (a) Require contributing local governments, state agencies and depart-  
24 ments, and volunteer nongovernmental entities to deliver data and in-  
25 formation in a certain format and on schedules established for the data  
26 system; and

27 (b) Enter into or adopt a memorandum of understanding with each con-  
28 tributing local government, state agency and department, and volunteer  
29 nongovernmental entity, and such memorandum must identify the confi-  
30 dentiality of the information and any conditions or restrictions on the  
31 use of the data or information.

32 (3) No memorandum of understanding with a contributing volunteer non-  
33 governmental entity shall:

34 (a) Give such volunteer nongovernmental entity priority in determin-  
35 ing the use of the data system or compel the data system to produce any  
36 project, report, data analysis, or other similar work product for or on  
37 behalf of any contributing volunteer nongovernmental entity; or

38 (b) Waive or otherwise inhibit a contributing volunteer nongovernmen-  
39 tal entity's option to discontinue further contribution of data or in-  
40 formation to the data system at any time.

41 (4) The records and data collected and stored by the data system shall  
42 be exempt from disclosure as set forth in section 74-105(19), Idaho Code.  
43 The confidentiality of all records and data collected by the data system  
44 shall comply with applicable state and federal laws governing the privacy of  
45 records, data, and personal identifiable information.

1           67-4804. DATA OVERSIGHT COUNCIL. (1) There is hereby created in the  
2 office of the state controller the data oversight council. All requests for  
3 projects, reports, data analyses, or other similar work product generated  
4 from the data system must be approved by the data oversight council.

5           (2) The data oversight council shall be comprised of:

6           (a) The governor or his designee;

7           (b) The chief justice of the Idaho supreme court or his designee;

8           (c) The attorney general or his designee;

9           (d) The state controller or his designee;

10          (e) The director of the department of correction or his designee;

11          (f) The executive director of the commission of pardons and parole or  
12 his designee;

13          (g) The director of the department of juvenile corrections or his de-  
14 signee;

15          (h) The director of the department of health and welfare or his de-  
16 signee;

17          (i) The director of the Idaho state police or his designee;

18          (j) The administrator of the office of information technology services  
19 or his designee;

20          (k) A designee from the state board of education or the state department  
21 of education selected by the governor; and

22          (l) Any other director of a state agency not listed above that enters  
23 into a memorandum of understanding to share data or information under  
24 this chapter, or a designee of such director.

25          (3) Any designee under subsection (2) of this section must be an em-  
26 ployee in the office, agency, or department of his respective designating  
27 authority. Members of the data oversight council shall serve without any ad-  
28 ditional compensation or honorarium.

29          (4) The data oversight council, by majority vote, shall elect a chair  
30 and vice chair from among its members who shall serve a term of two (2) years  
31 while serving on the council.

32          (5) All meetings of the data oversight council shall be held in com-  
33 pliance with the open meetings law as provided in chapter 2, title 74, Idaho  
34 Code.

35          (6) The state controller shall work in collaboration with the data  
36 oversight council to manage the data system. It shall be the duty of the  
37 state controller, in conjunction with the data oversight council, to assure  
38 confidentiality of all records and data collected by the data system and to  
39 assure compliance with applicable state and federal laws and rules governing  
40 the privacy of records, data, and personal identifiable information.

41          (7) Any projects, reports, data analyses, or other similar work product  
42 in final form produced by persons authorized to conduct research and analy-  
43 ses under this chapter shall belong to the requesting local government or  
44 state agency or department and not the office of the state controller.

45          (8) The Idaho legislature, as well as the contributing state agencies  
46 and departments and local governments, shall have priority in requesting any  
47 projects, reports, data analyses, or other similar work product to be pro-  
48 duced by persons authorized by the data oversight council. The data over-  
49 sight council may, in its discretion, deny any requested project, report,

1 data analysis, or other similar work product where it determines the request  
2 is unduly burdensome, voluminous, or cost-prohibitive.

3 (9) The office of the state controller, members of the data oversight  
4 council, and all contributing local governments, state agencies and depart-  
5 ments, and volunteer nongovernmental entities shall be immune from liabil-  
6 ity to any person or entity for any invasion of the right to privacy or use of  
7 records or data generated by the data system.

8 (10) In collaboration with contributing local governments, state agen-  
9 cies and departments, and volunteer nongovernmental entities and the data  
10 oversight council, the state controller may establish policies addressing  
11 the creation of reports generated through the query of records and data pos-  
12 sessed by the data system. Provided, however, contributing volunteer non-  
13 governmental entities may collaborate only with respect to the data or in-  
14 formation contributed by such volunteer nongovernmental entity.

15 SECTION 3. That Section 20-503, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 20-503. DEPARTMENT OF JUVENILE CORRECTIONS CREATED -- APPOINTMENT OF  
18 DIRECTOR -- POWERS AND DUTIES OF DEPARTMENT. (1) The department of juvenile  
19 corrections is hereby created. The department shall, for the purposes of  
20 section 20, article IV, of the constitution of the state of Idaho, be an exec-  
21 utive department of the state government.

22 (2) The department shall be under the control and supervision of a di-  
23 rector, who shall be appointed by the governor, with the advice and consent  
24 of the senate. The director shall exercise all of the powers and duties nec-  
25 essary to carry out the proper administration of the department and may dele-  
26 gate duties to employees and officers of the department. The director shall  
27 have the authority to employ an attorney or attorneys to provide legal ser-  
28 vices to the department and such managers, assistants, clerical staff and  
29 other employees necessary to the proper functioning and administration of  
30 the department.

31 (3) The department of juvenile corrections shall be composed of such  
32 administrative units as may be established by the director for the proper and  
33 efficient administration of the powers and duties assigned to the director  
34 or the department. The director shall appoint an administrator for each ad-  
35 ministrative unit within the department.

36 (4) The director shall have full power and authority to do all things  
37 necessary to establish and provide for the administration and operation of  
38 the department of juvenile corrections ~~and to accomplish an orderly transi-~~  
39 ~~tion to the department of juvenile corrections and the counties of the duties~~  
40 ~~and responsibilities for juvenile offenders and the juvenile justice system~~  
41 ~~being performed by the department of health and welfare. It is intended that~~  
42 ~~the director and staff of the department of health and welfare work coopera-~~  
43 ~~tively with the director and staff of the department of juvenile corrections~~  
44 ~~and the counties in this effort, while continuing with their duties to juve-~~  
45 ~~nile offenders in the custody of the department of health and welfare until~~  
46 ~~the official transfer of such duties to the department of juvenile correc-~~  
47 ~~tions and the counties on October 1, 1995.~~

1 SECTION 4. That Section 20-704, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 20-704. HEARINGS. The board of correction, ~~the state board of health~~  
4 ~~and welfare and/or~~ or such other agency or officer designated for such pur-  
5 pose by the governor, ~~are~~ is hereby authorized and directed to hold such  
6 hearings within or without the state of Idaho as may be requested by any other  
7 party state pursuant to Article IV(f) of the Interstate Corrections Compact.

8 SECTION 5. That Section 22-113, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 22-113. UNITED STATES FOOD AND DRUG ADMINISTRATION FOOD SAFETY MOD-  
11 ERNIZATION ACT -- REGULATIONS FOR HUMAN FOOD PROCESSING. The Idaho legisla-  
12 ture hereby directs that the Idaho state department of agriculture shall be  
13 the contracting agency for inspections in the state of Idaho that are con-  
14 tracted by the United States food and drug administration for the inspec-  
15 tion of nonretail activities subject to registration under section 415 of  
16 the federal food, drug and cosmetic act. Any existing contracts and con-  
17 tracting authority shall transition to the Idaho state department of agri-  
18 culture by September 29, 2021. Processors conducting nonretail activities  
19 and not subject to registration under section 415 of the federal food, drug  
20 and cosmetic act shall not be subject to regulation by the Idaho state de-  
21 partment of agriculture pursuant to the provisions of this section. Prior  
22 to the Idaho state department of agriculture engaging in the regulation of  
23 any activities pursuant to the provisions of this section, the Idaho state  
24 department of agriculture, ~~in consultation and cooperation with the depart-~~  
25 ~~ment of health and welfare,~~ shall conduct negotiated rulemaking to provide  
26 for the implementation of such regulation.

27 SECTION 6. That Section 22-5407, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 22-5407. ~~COORDINATION WITH DEPARTMENT OF HEALTH AND WELFARE. STOP~~  
30 ~~SALE AND HOLD AUTHORITY.~~ (1) In the event the department of health and wel-  
31 fare or the The Idaho state department of agriculture may issue and enforce a  
32 stop sale, use, or removal order to the distributor, owner, or custodian of  
33 produce that it finds or has probable cause to believe that any produce:

- 34 (a) Is adulterated within the meaning of chapter 1, title 37, Idaho  
35 Code;
- 36 (b) Is so misbranded as to be dangerous or fraudulent within the meaning  
37 of chapter 1, title 37, Idaho Code;
- 38 (c) Is unsound;
- 39 (d) Contains any filthy, decomposed or putrid substance;
- 40 (e) May be poisonous or deleterious to health or otherwise unsafe; or
- 41 (f) Is offered or exposed for sale or held in possession with intent to  
42 distribute or sell, or is intended for distribution or sale in violation  
43 of any provision of chapter 1, title 37, Idaho Code, or the provisions of  
44 this chapter.

45 (2) ~~In the event the Idaho state department of agriculture finds that~~  
46 ~~produce is~~ The department may hold or order to be held any produce found to

1 be in violation of the provisions of this chapter or rules promulgated under  
 2 this chapter, ~~the department may issue and enforce a stop sale, use or re-~~  
 3 ~~moval order to the distributor, owner or custodian of the produce and hold~~  
 4 ~~the produce, or order it held,~~ at a designated place until the law has been  
 5 complied with and the produce is released in writing by the department, or  
 6 the violation has been otherwise legally disposed of by written authority.  
 7 Any person adversely affected by the department's determination may seek  
 8 remedies as prescribed under the provisions of chapter 52, title 67, Idaho  
 9 Code.

10 SECTION 7. That Section 39-102A, Idaho Code, be, and the same is hereby  
 11 amended to read as follows:

12 39-102A. LEGISLATIVE INTENT IN CREATING DEPARTMENT OF ENVIRONMENTAL  
 13 QUALITY. The legislature finds and declares that:

14 (1) The creation and establishment of the department of environmental  
 15 quality to protect human health and the environment as its sole mission is in  
 16 the public's interest;

17 ~~(2) That all existing, but no new rights, powers, duties, budgets,~~  
 18 ~~funds, contracts, rulemaking proceedings, administrative proceedings, con-~~  
 19 ~~tested cases, civil actions, and other matters relating to environmental~~  
 20 ~~protection as described in this chapter, vested in the director of the de-~~  
 21 ~~partment of health and welfare and the board of health and welfare on January~~  
 22 ~~1, 2000, shall be transferred to the board of environmental quality, the~~  
 23 ~~department of environmental quality and its director as described herein~~  
 24 ~~effective July 1, 2000;~~

25 ~~(3)~~ (2) That protecting environmental values including, but not lim-  
 26 ited to, clean air, water and soil, reducing or eliminating environmental  
 27 pollution arising from human activities, ensuring the proper treatment,  
 28 storage and disposal of hazardous wastes and ensuring the proper cleanup and  
 29 restoration of existing natural resources are vital interests of the state  
 30 of Idaho;

31 ~~(4)~~ (3) That it is in the interest of the state and its citizens to es-  
 32 tablish a department of environmental quality to carry out programs to pro-  
 33 tect human health and the environment, to enforce environmental laws and de-  
 34 velop pollution prevention, compliance assistance and other environmental  
 35 incentive programs;

36 ~~(5)~~ (4) That the goals to protect human health and the environment can  
 37 be best achieved by vesting responsibility for environmental protection as  
 38 specified herein in a state department which has as its sole mission, protec-  
 39 tion for human health and the environment for the state of Idaho and its resi-  
 40 dents; and

41 ~~(6)~~ (5) The legislature further intends that environmental quality  
 42 programs be promulgated and managed such that the benefits of pollution  
 43 control measures have a reasonable relationship to the public health costs,  
 44 private property rights, environmental, economic and energy impacts of such  
 45 measures, provided that this section does not require the preparation of any  
 46 economic, environmental or other statement. ;

47 ~~(7) That the department of environmental quality shall utilize the des-~~  
 48 ~~ignated program appropriations made to the department of health and welfare~~

1 ~~for environmental program functions, the division of environmental quality~~  
2 ~~and the INEEL oversight program for fiscal year 2001.~~

3 SECTION 8. That Section 39-105, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 39-105. POWERS AND DUTIES OF THE DIRECTOR. The director shall have the  
6 following powers and duties:

7 (1) All of the rights, powers and duties regarding environmental pro-  
8 tection functions ~~vested in the department of health and welfare, and its~~  
9 ~~director, administered by the division of environmental quality,~~ including  
10 but not limited to those provided by chapters 1, 4, 30, 36, 44, 58, 65, 66, 70,  
11 71, 72 and 74, title 39, Idaho Code. The director shall have all such powers  
12 and duties as described in this section as may have been or could have been  
13 exercised by his predecessors in law and shall be the successor in law to all  
14 contractual obligations entered into by predecessors in law. All hearings  
15 of the director shall be governed by the provisions of chapter 52, title 67,  
16 Idaho Code.

17 (2) The director shall, pursuant and subject to the provisions of the  
18 Idaho Code and the provisions of this act, formulate and recommend to the  
19 board rules as may be necessary to deal with problems related to water pollu-  
20 tion, air pollution, solid waste disposal, and licensure and certification  
21 requirements pertinent thereto, which shall, upon adoption by the board,  
22 have the force of law relating to any purpose ~~which that~~ may be necessary and  
23 feasible for enforcing the provisions of this act, including but not limited  
24 to the prevention, control or abatement of environmental pollution or degra-  
25 dation including radionuclides and risks to public health related to any of  
26 the powers and duties described in this section. Any such rule may be of gen-  
27 eral application throughout the state or may be limited as to times, places,  
28 circumstances or conditions in order to make due allowance for variations  
29 therein.

30 (3) The director, under the rules adopted by the board, shall have the  
31 general supervision of the promotion and protection of the environment of  
32 this state. The powers and duties of the director shall include but not be  
33 limited to the following:

34 (a) The issuance of licenses and permits as prescribed by law and by the  
35 rules of the board promulgated hereunder. For each air quality oper-  
36 ating permit issued under title V of the federal clean air act and its  
37 implementing regulations, the director shall, consistent with the fed-  
38 eral clean air act and its implementing regulations, expressly include  
39 a provision stating that compliance with the conditions of the permit  
40 shall be deemed compliance with the applicable requirements of the fed-  
41 eral clean air act and the title V implementing regulations. The di-  
42 rector may develop and issue general permits covering numerous similar  
43 sources, as authorized by 40 CFR 70.6(d), as amended, and as appropri-  
44 ate.

45 (b) The enforcement of rules relating to public water supplies and  
46 administration of the drinking water loan fund pursuant to chapter 76,  
47 title 39, Idaho Code, including making loans to eligible public drink-  
48 ing water systems as defined in the federal safe drinking water act, as  
49 amended, and to comply with all requirements of the act, 42 U.S.C. 300f

1 et seq., and regulations promulgated pursuant to the act. This includes  
2 but is not limited to: the development of and implementation of a capac-  
3 ity development strategy to ensure public drinking water systems have  
4 the technical, managerial and financial capability to comply with the  
5 national primary drinking water regulations; and the enhancement of  
6 protection of source waters for public drinking water systems.

7 (c) The establishment of liaison with other governmental departments,  
8 agencies and boards in order to effectively assist other governmental  
9 entities with planning for the control of or abatement of environmental  
10 pollution. All of the rules adopted by the board hereunder shall apply  
11 to state institutions.

12 (d) The supervision and administration of a system to safeguard air  
13 quality and to limit and control the emission of air contaminants.

14 (e) The supervision and administration of a system to safeguard the  
15 quality of the waters of this state, including but not limited to the en-  
16 forcement of rules relating to the discharge of effluent into the waters  
17 of this state and the storage, handling and transportation of solids,  
18 liquids, and gases that may cause or contribute to water pollution. For  
19 purposes of complying with the clean water act, the director may provide  
20 an exemption from additional reductions for those nonpoint sources that  
21 meet the applicable reductions set forth in an approved TMDL as defined  
22 in chapter 36, title 39, Idaho Code.

23 (f) The supervision and administration of administrative units whose  
24 responsibility shall be to assist and encourage counties, cities, other  
25 governmental units, and industries in the control and abatement of en-  
26 vironmental pollution.

27 (g) The administration of solid waste disposal site and design review  
28 in accordance with the provisions of chapters 4 and 74, title 39, Idaho  
29 Code, and in particular as follows:

30 (i) The issuance of a solid waste disposal site certificate in the  
31 manner provided in chapter 74, title 39, Idaho Code.

32 (ii) ~~Provide~~ Providing review and approval regarding the design  
33 of solid waste disposal facilities and ground water monitoring  
34 systems and approval of all applications for flexible standards  
35 as provided in 40 CFR 258, in accordance with the provisions of  
36 chapter 74, title 39, Idaho Code.

37 (iii) Cooperating and coordinating with operational monitoring  
38 of solid waste disposal sites by district health departments pur-  
39 suant to authority established in chapters 4 and 74, title 39,  
40 Idaho Code.

41 ~~(iv) The authority granted to the director pursuant to provisions~~  
42 ~~of this subsection shall be effective upon enactment of chapter~~  
43 ~~74, title 39, Idaho Code, by the legislature.~~

44 ~~(v)~~ (iv) The authority to develop and propose Developing and  
45 proposing rules as necessary to supplement details of compliance  
46 with the solid waste facilities act and applicable federal regu-  
47 lations, provided that such regulations shall not conflict with  
48 the provisions of this act or be more strict than the requirements  
49 established in federal law or in the solid waste facilities act.

50 (h) The establishment, administration and operation of:

1 (i) A network of environmental monitoring stations, independent  
 2 of the United States department of energy, within and around the  
 3 facilities of the Idaho national laboratory to provide authorita-  
 4 tive auditing and analysis of emissions, discharges or releases of  
 5 pollutants to the environment, including the air, water and soil  
 6 from such facilities; and

7 (ii) Programs within the department to utilize the data obtained  
 8 from such monitoring, and any other relevant data, in the enforce-  
 9 ment of applicable agreements, statutes and rules pertaining to  
 10 such facilities and programs to review, analyze and participate in  
 11 remedial decisions and other proposed actions and projects to en-  
 12 sure the protection of public health and the environment.

13 The director shall also monitor the implementation of agreements between the  
 14 United States and the state of Idaho related to the operation and environ-  
 15 mental protection obligations of the Idaho national laboratory and provide  
 16 periodic information to the governor, the attorney general, the legislature  
 17 and the people of Idaho concerning compliance with such agreements and obli-  
 18 gations. The director shall have the power to enter into agreements with the  
 19 United States department of energy in order to carry out the duties and au-  
 20 thorities provided in this subsection.

21 (i) The enforcement of all laws, rules, regulations, codes and stan-  
 22 dards relating to environmental protection and health.

23 (j) The enhancement and protection of source waters of the state pur-  
 24 suant to rules of the board.

25 (4) The director, when so designated by the governor, shall have the  
 26 power to apply for, receive on behalf of the state, and utilize any federal  
 27 aid, grants, gifts, gratuities, or moneys made available through the federal  
 28 government, including but not limited to the federal water pollution control  
 29 act, for use in or by the state of Idaho in relation to health and environmen-  
 30 tal protection.

31 (5) (a) The director shall have the power to enter into and make con-  
 32 tracts and agreements with any public agencies or municipal corpora-  
 33 tions for facilities, land, and equipment when such use will have a  
 34 beneficial or recreational effect or be in the best interest in carrying  
 35 out the duties imposed ~~upon~~ on the department.

36 (b) The director shall also have the power to enter into contracts for  
 37 the expenditure of state matching funds for local purposes. This sub-  
 38 section will constitute the authority for public agencies or municipal  
 39 corporations to enter into such contracts and expend money for the pur-  
 40 poses delineated in such contracts.

41 (c) The director shall also have the power to enter into and make vol-  
 42 untary contracts and agreements with public agencies, municipal corpo-  
 43 rations, and private parties for funding or reimbursement of staff and  
 44 consultant costs necessary for the director to discharge his duties as  
 45 provided by state statute and administrative rule. Such contracts and  
 46 agreements shall be limited to a five (5) year term, however they can be  
 47 renewed upon agreement of all parties. Moneys received through these  
 48 contracts and agreements shall be expended pursuant to appropriation.

49 (6) The director is authorized to adopt an official seal to be used on  
 50 appropriate occasions, in connection with the functions of the department or

1 the board, and such seal shall be judicially noticed. Copies of any books,  
2 records, papers or other documents in the department shall be admitted in  
3 evidence equally with the originals thereof when authenticated under such  
4 seal.

5 SECTION 9. That Section 39-106, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 39-106. DIRECTOR -- ADDITIONAL POWERS AND DUTIES ~~---TRANSFER AND CON-~~  
8 ~~TINUATION OF RULES AND OTHER PROCEEDINGS.~~ (1) The director shall exercise  
9 ~~the following powers and duties,~~ in addition to all other powers and duties  
10 inherent in the position:

11 ~~(a) (1) Prescribe such policies and procedures as may be necessary for~~  
12 ~~the administration of the department, the conduct and duties of the employ-~~  
13 ~~ees, the orderly and efficient management of department business, and the~~  
14 ~~custody, use and preservation of department records, papers, books and prop-~~  
15 ~~erty belonging to the state;~~

16 ~~(b) (2) Employ such personnel as may be deemed necessary, prescribe~~  
17 ~~their duties and fix their compensation within the limits provided by the~~  
18 ~~state personnel system law;~~

19 ~~(c) (3) Administer oaths for all purposes required in the discharge of~~  
20 ~~his duties;~~

21 ~~(d) (4) Prescribe the qualifications of all personnel of the department~~  
22 ~~on a nonpartisan merit basis, in accordance with the Idaho personnel system~~  
23 ~~law, provided, however, that the administrators in charge of any division of~~  
24 ~~the department shall serve at the pleasure of the director; and~~

25 ~~(e) (5) Create such units, sections and subdivisions as are or may be~~  
26 ~~necessary for the proper and efficient functioning of the department.~~

27 ~~(2) All books, records, papers, documents, property, real and per-~~  
28 ~~sonal, unexpended appropriations and pending business in any way pertaining~~  
29 ~~to the rights, powers and duties regarding environmental protection func-~~  
30 ~~tions vested in the department of health and welfare and its director,~~  
31 ~~administered by the division of environmental quality, are transferred to~~  
32 ~~and vested in the department and its director. The department established~~  
33 ~~by this act is empowered to acquire, by purchase or exchange, any property~~  
34 ~~which in the judgment of the department is needful for the operation of the~~  
35 ~~facilities and programs for which it is responsible and to dispose of, by~~  
36 ~~sale or exchange, any property which in the judgment of the department is not~~  
37 ~~needful for the operation of the same.~~

38 ~~(3) All rules, standards, plans, licenses, permits, consent orders,~~  
39 ~~compliance schedules, certification, and other agreements pertaining to~~  
40 ~~environmental protection functions administered by the division of envi-~~  
41 ~~ronmental quality heretofore adopted or issued by the department of health~~  
42 ~~and welfare and its director are transferred to the department of environ-~~  
43 ~~mental quality and shall remain in full force and effect until superseded.~~  
44 ~~The terms "department" and "director" in such documents shall mean the de-~~  
45 ~~partment of environmental quality and its director, until such documents are~~  
46 ~~amended.~~

47 ~~(4) The department of environmental quality and its director shall be~~  
48 ~~the successor to all rights, powers and duties of the department of health~~  
49 ~~and welfare and its director regarding all rulemaking proceedings, admin-~~

1 ~~istrative proceedings, contested cases, civil actions, contracts, delega-~~  
2 ~~tions, authorizations and other matters pertaining to environmental protec-~~  
3 ~~tion functions.~~

4 SECTION 10. That Section 39-107, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6 39-107. BOARD -- COMPOSITION -- OFFICERS -- COMPENSATION -- POWERS --  
7 SUBPOENA -- DEPOSITIONS -- REVIEW -- RULES.

8 (1) (a) The board of environmental quality shall consist of seven (7)  
9 members who shall be appointed by the governor, with the advice and con-  
10 sent of the senate. The members shall serve at the pleasure of the gov-  
11 ernor. Each member of the board shall be a citizen of the United States,  
12 a resident of the state of Idaho, and a qualified elector and shall be  
13 appointed to assure appropriate geographic representation of the state  
14 of Idaho. Not more than four (4) members of the board shall be from any  
15 one (1) political party. Two (2) members of the board shall be chosen  
16 with due regard to their knowledge of and interest in solid waste; two  
17 (2) members shall be chosen for their knowledge of and interest in air  
18 quality; two (2) members shall be chosen for their knowledge of and in-  
19 terest in water quality; and one (1) member shall be chosen with due re-  
20 gard for his knowledge of and interest in air, water and solid waste is-  
21 sues. At least four (4) of the board members shall represent the pub-  
22 lic's interest and not derive any significant portion of their income  
23 from persons subject to air quality permits or enforcement orders.

24 (b) The members of the board of environmental quality shall be ap-  
25 pointed for a term of four (4) years. In appointing members whose terms  
26 begin in 2000, the governor shall designate three (3) members to be ap-  
27 pointed for a term of three (3) years, two (2) members appointed for a  
28 term of four (4) years, and two (2) members appointed for a term of two  
29 (2) years. Successors to the members appointed for a term of less than  
30 four (4) years shall be appointed for a term of four (4) years there-  
31 after.

32 (2) The board annually shall elect a chairman, a vice chairman, and a  
33 secretary and shall hold such meetings as may be necessary for the orderly  
34 conduct of its business, and such meetings shall be held from time to time on  
35 seventy-two (72) hours' notice of the chairman or a majority of the members.  
36 Five (5) members shall be necessary to constitute a quorum at any regular or  
37 special meeting, and the action of the majority of members present shall be  
38 the action of the board. The members of the board shall be compensated as  
39 provided in section 59-509(h), Idaho Code.

40 (3) The board, in furtherance of its duties under this act and under its  
41 rules, shall have the power to administer oaths, certify to official acts,  
42 and to issue subpoenas for the attendance of witnesses and the production of  
43 papers, books, accounts, documents and testimony. The board may, if a wit-  
44 ness refuses to attend or testify or to produce any papers required by such  
45 subpoenas, report to the district court in and for the county in which the  
46 proceeding is pending, by petition, setting forth that due notice has been  
47 given of the time and place of attendance of said witnesses or the produc-  
48 tion of said papers, that the witness has been properly summoned, and that  
49 the witness has failed and refused to attend or produce the papers required

1 by this subpoena before the board or has refused to answer questions pro-  
2 pounded to him in the course of said proceedings, and ask an order of said  
3 court compelling the witness to attend and testify and produce said papers  
4 before the board. The court, upon the petition of the board, shall enter an  
5 order directing the witness to appear before the court at a time and place to  
6 be fixed by the court in such order, the time to be not more than ten (10) days  
7 from the date of the order, and then and there shall show cause why he has not  
8 attended and testified or produced said papers before the board. A copy of  
9 said order shall be served upon said witness. If it shall appear to the court  
10 that said subpoena was regularly issued by the board and regularly served,  
11 the court shall thereupon order that said witness appear before the board at  
12 the time and place fixed in said order and testify or produce the required pa-  
13 pers. Upon failure to obey said order, said witness shall be dealt with for  
14 contempt of court.

15 (4) The director, his designee, or any party to the action may, in an in-  
16 vestigation or hearing before the board, cause the deposition or interroga-  
17 tory of witnesses or parties residing within or without the state to be taken  
18 in the manner prescribed by law for like depositions and interrogatories in  
19 civil actions in the district court of this state and to that end may compel  
20 the attendance of said witnesses and production of books, documents, papers  
21 and accounts.

22 (5) Any person aggrieved by an action or inaction of the department  
23 shall be afforded an opportunity for a fair hearing upon request therefor  
24 in writing pursuant to chapter 52, title 67, Idaho Code, and the rules pro-  
25 mulgated thereunder. In those cases where the board has been granted the  
26 authority to hold such a hearing pursuant to a provision of the Idaho Code,  
27 the hearing may be conducted by the board at a regular or special meeting,  
28 or the board may designate hearing officers, who shall have the power and  
29 authority to conduct hearings in the name of the board at any time and place.  
30 In any hearing, a member of the board or a hearing officer designated by it  
31 shall have the power to administer oaths, examine witnesses, and issue in  
32 the name of the board subpoenas requiring the testimony of witnesses and the  
33 production of evidence relevant to any matter in the hearing.

34 (6) Any person adversely affected by a final determination of the board  
35 may secure judicial review by filing a petition for review as prescribed un-  
36 der the provisions of chapter 52, title 67, Idaho Code. The petition for re-  
37 view shall be served upon the chairman of the board, the director of the de-  
38 partment, and upon the attorney general of the state of Idaho. Such service  
39 shall be jurisdictional and the provisions of this section shall be the ex-  
40 clusive procedure for appeal.

41 (7) The board, by the affirmative vote of four (4) of its members, may  
42 adopt, amend or repeal the rules, codes, and standards of the department that  
43 are necessary and feasible in order to carry out the purposes and provisions  
44 of this act and to enforce the laws of this state. The rules and orders so  
45 adopted and established shall have the force and effect of law and may deal  
46 with any matters deemed necessary and feasible for protecting the environ-  
47 ment of the state.

48 (8) All rulemaking proceedings and hearings of the board shall be gov-  
49 erned by the provisions of chapter 52, title 67, Idaho Code.

1 (9) The board shall adopt contested case rules consistent with the  
2 rules adopted by the attorney general under section 67-5206(1), Idaho Code,  
3 the provisions of this act and other statutory authority of the department.

4 ~~(10) All rules, permits and other actions heretofore adopted, issued~~  
5 ~~or taken by the board of health and welfare pertaining to the environmental~~  
6 ~~protection functions administered by the division of environmental quality~~  
7 ~~shall remain in full force and effect until superseded.~~

8 ~~(11) The board of environmental quality shall be the successor to all~~  
9 ~~rights, powers and duties of the board of health and welfare regarding all~~  
10 ~~rulemaking proceedings, administrative proceedings, contested cases, civil~~  
11 ~~actions, contracts, delegations, authority and other matters pertaining to~~  
12 ~~environmental protection functions administered by the division of environ-~~  
13 ~~mental quality.~~

14 ~~(12) Upon creation of the board of environmental quality, all pending~~  
15 ~~business before the board of health and welfare relating to environmental~~  
16 ~~protection functions administered by the division of environmental quality~~  
17 ~~shall be transferred to and determined by the board of environmental qual-~~  
18 ~~ity.~~

19 SECTION 11. That Section 39-107D, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 39-107D. RULES OF DEPARTMENT OR BOARD. (1) The legislature directs  
22 that any rule formulated and recommended by the department to the board which  
23 is broader in scope or more stringent than federal law or regulations, or  
24 proposes to regulate an activity not regulated by the federal government, is  
25 subject to the following additional requirements: the notice of proposed  
26 rulemaking and rulemaking record requirements under chapter 52, title 67,  
27 Idaho Code, must clearly specify that the proposed rule, or portions of the  
28 proposed rule, are broader in scope or more stringent than federal law or  
29 regulations, or regulate an activity not regulated by the federal govern-  
30 ment, and delineate which portions of the proposed rule are broader in scope  
31 or more stringent than federal law or regulations, or regulate an activity  
32 not regulated by the federal government.

33 (2) To the degree that a department action is based on science, in  
34 proposing any rule or portions of any rule subject to this section, the de-  
35 partment shall utilize:

36 (a) The best available peer reviewed science and supporting studies  
37 conducted in accordance with sound and objective scientific practices;  
38 and

39 (b) Data collected by accepted methods or best available methods if the  
40 reliability of the method and the nature of the decision justify use of  
41 the data.

42 (3) Any proposed rule subject to this section which proposes a standard  
43 necessary to protect human health and the environment shall also include in  
44 the rulemaking record requirements under chapter 52, title 67, Idaho Code,  
45 the following additional information:

46 (a) Identification of each population or receptor addressed by an esti-  
47 mate of public health effects or environmental effects; and

48 (b) Identification of the expected risk or central estimate of risk for  
49 the specific population or receptor; and

1 (c) Identification of each appropriate upper bound or lower bound esti-  
2 mate of risk; and

3 (d) Identification of each significant uncertainty identified in the  
4 process of the assessment of public health effects or environmental ef-  
5 fects and any studies that would assist in resolving the uncertainty;  
6 and

7 (e) Identification of studies known to the department that support, are  
8 directly relevant to, or fail to support any estimate of public health  
9 effects or environmental effects and the methodology used to reconcile  
10 inconsistencies in the data.

11 (4) The department shall also include a summary of the information re-  
12 quired by subsection (3) of this section in the notice of rulemaking required  
13 by chapter 52, title 67, Idaho Code.

14 (5) Any rule promulgated or adopted by the board which is broader in  
15 scope or more stringent than federal law or regulations, or which regulates  
16 an activity not regulated by the federal government, submitted to the stand-  
17 ing committee of the legislature pursuant to section 67-5291, Idaho Code,  
18 shall include a notice by the board identifying the portions of the adopted  
19 rule that are broader in scope or more stringent than federal law or rules, or  
20 which regulate an activity not regulated by the federal government.

21 (6) Nothing provided herein is intended to alter the scope or effect  
22 of sections 39-105(3)(g) ~~(v)~~ (iv), 39-118B, 39-3601, 39-4404, 39-7210 and  
23 39-7404, Idaho Code, or any other provision of state law which limits or pro-  
24 hibits agency action or rulemaking that is broader in scope or more stringent  
25 than federal law or regulations.

26 SECTION 12. That Section [39-113](#), Idaho Code, be, and the same is hereby  
27 repealed.

28 SECTION 13. That Section 39-3623, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 39-3623. EFFECT OF RULES. (1) Every rule promulgated within the au-  
31 thority conferred in sections 39-3617 through 39-3622, Idaho Code, shall be  
32 of temporary effect and shall become permanent only by enactment of statute  
33 at the first regular session following adoption of the rule. Rules not ap-  
34 proved in the above manner shall be rejected, null, void and of no force and  
35 effect on July 1, following submission of the rules to the legislature.

36 ~~(1) The rules promulgated within the authority conferred in this act~~  
37 ~~and adopted by the board of health and welfare on January 31, 1990, and con-~~  
38 ~~tained in IDAPA 16.01.2003,31 and 16.01.2003,32 and 16.01.2053,01 through~~  
39 ~~16.01.2053,07, are hereby approved by the legislature.~~

40 (2) The rules promulgated within the authority conferred in this act  
41 and adopted by the board of environmental quality on November 10, 2010,  
42 and contained in IDAPA 58.01.02.010, 58.01.02.051 and 58.01.02.052, and on  
43 November 19, 2014, and contained in IDAPA 58.01.02.060 and 58.01.02.010 are  
44 hereby approved by the legislature. A mixing zone approved by the department  
45 shall be subject to the applicable laws and rules for mixing zones in effect  
46 at the time it is approved and such mixing zone shall remain effective until  
47 the applicable permit is renewed or modified.

1 SECTION 14. That Section 42-1734B, Idaho Code, be, and the same is  
2 hereby amended to read as follows:

3 42-1734B. BOARD PROCEDURES FOR ADOPTING A COMPREHENSIVE STATE WATER  
4 PLAN. (1) Prior to the adoption of the comprehensive state water plan or any  
5 component of the comprehensive plan, the board shall conduct hearings in the  
6 manner provided in section 42-1734A, Idaho Code.

7 (2) In the preparation, adoption, and implementation of the comprehen-  
8 sive state water plan, the board shall encourage the cooperation, partici-  
9 pation, and assistance of state agencies. The board also shall solicit eco-  
10 nomic, energy, environmental, and other technical studies and recommenda-  
11 tions from state agencies with particular expertise. All agencies of the  
12 state of Idaho shall cooperate with the board by providing requested exist-  
13 ing information and studies pertaining in any manner to any matters which are  
14 the subject of this act. The board shall have discretion to balance all fac-  
15 tors relevant to the formulation, adoption and implementation of the compre-  
16 hensive state water plan and implementation and the designation of protected  
17 rivers.

18 (3) Any state agency may petition the board to amend the comprehensive  
19 state water plan. The board shall review any petition filed pursuant to this  
20 section within six (6) months after it is filed and shall either commence ac-  
21 tion to amend the comprehensive plan or set forth its reasons for denying the  
22 request in writing.

23 (4) All state agencies shall exercise their duties in a manner consis-  
24 tent with the comprehensive state water plan. These duties include but are  
25 not limited to the issuance of permits, licenses, and certifications; pro-  
26 vided, however, that nothing in this chapter shall be construed to affect  
27 the authority of any state agency with respect to activities not prohibited  
28 by the comprehensive state water plan. The designation of a waterway as a  
29 natural or recreation river shall not preclude the department of ~~health and~~  
30 ~~welfare~~ environmental quality from establishing water quality standards for  
31 such waterway.

32 (5) When a comprehensive state water plan is adopted, copies thereof  
33 shall be filed in the office of the governor and director of the department of  
34 water resources, and published and distributed generally.

35 (6) The comprehensive state water plan and any component thereof devel-  
36 oped for a particular waterway or waterways is subject to review and amend-  
37 ment by the legislature of the state of Idaho by law at the regular session  
38 immediately following the board's adoption of the comprehensive state water  
39 plan or component thereof.

40 (7) The board shall submit all subsequent changes to the legislature as  
41 provided in section 7, article XV, of the constitution of the state of Idaho.  
42 The board shall also use best efforts to provide notice of all subsequent  
43 changes to each member of the legislature on or before the first day of the  
44 regular legislative session following the change.

45 (8) The board shall review and reevaluate Part A of the comprehensive  
46 state water plan, or any one (1) or more of the component water plans com-  
47 prising Part B of the comprehensive state water plan, upon the adoption of a  
48 concurrent resolution of the legislature directing the review or requesting  
49 a specific amendment to the plan. The board also may undertake the review in

1 response to a petition for amendment filed pursuant to subsection (3) of this  
2 section, or upon the board's own initiative, as determined necessary by the  
3 board. Amendments to Part A or Part B of the comprehensive state water plan  
4 shall be adopted in the same manner as the original plan.

5 (9) A protected river designated by the board shall not become a final  
6 part of the comprehensive state water plan until approved by law. If the  
7 legislature does not approve a protected river by law at the regular ses-  
8 sion immediately following the board's designation of such protected river,  
9 then the designation of such protected river shall terminate and any prohi-  
10 bition or terms and conditions imposed on such protected river pursuant to  
11 subsection (5) or (6) of section 42-1734A, Idaho Code, shall be terminated  
12 ten (10) days following the end of the session. The failure to approve a pro-  
13 tected river shall not operate to invalidate a comprehensive plan or com-  
14 ponent thereof. Nothing in this subsection shall prevent the legislature,  
15 however, from approving such protected river and reinstating or modifying  
16 such prohibitions or terms and conditions in a subsequent session.

17 (10) After adoption of a comprehensive plan or component thereof, the  
18 board shall administer the implementation of the plan.

19 SECTION 15. That Section 54-2602, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 54-2602. EXCEPTIONS. (1) Certificate of competency requirements of  
22 this chapter shall not be deemed to apply to:

23 (a) Any person who does plumbing work in a single or duplex family  
24 dwelling, including accessory buildings, quarters and grounds in con-  
25 nection with such dwelling; provided that such person owns or is a  
26 contract purchaser of the premises, and provided further that such  
27 person shall comply with the minimum standards and rules applicable to  
28 plumbing practices provided by this chapter.

29 (b) Farm buildings located outside the incorporated limits of any city  
30 unless such buildings are connected to a public water or sewer system;  
31 and a farm building is hereby defined to be a structure located on agri-  
32 cultural zoned property and designed and constructed to house farm im-  
33 plements, hay, grain, poultry, livestock or other horticultural prod-  
34 ucts and includes sheds, barns, corrals or fences. This definition does  
35 not include a place for human habitation or a place of regular employ-  
36 ment where agricultural products are extracted, processed, treated or  
37 packaged; a place used by the public; or conditioned livestock housing.

38 (c) Logging, mining or construction camps when plumbing installations  
39 are made to conform with the recommendations of the department of ~~health~~  
40 ~~and welfare~~ environmental quality.

41 (d) Piping systems in industrial processing plants located outside the  
42 incorporated limits of any city unless such systems are connected to a  
43 public water or sewer system.

44 (e) Work on plumbing systems on premises owned or operated by an em-  
45 ployer who regularly employs maintenance or construction plumbers,  
46 provided that alterations, extensions and new construction shall  
47 comply with the minimum standards and rules applicable to plumbing  
48 practices provided by this chapter.

1 (f) Nothing contained in this section or any other provision of this  
2 code shall be construed or applied to require a sewer contractor, sewage  
3 disposal contractor, or any excavating or utility contractor who gener-  
4 ally engages in the business of installing, altering or repairing sew-  
5 ers, private and public sewage disposal systems, and water distribu-  
6 tion and/or drainage lines outside the foundation walls of any build-  
7 ing or structure to obtain a valid contractor's certificate of compe-  
8 tency or to employ only journeymen plumbers possessing a valid journey-  
9 man plumber's certificate of competency or registration or to in any way  
10 require that his employees be registered, licensed or declared compe-  
11 tent by the board.

12 (g) Water treatment installations and repairs when installed in resi-  
13 dential or business properties, provided the same, when installed, re-  
14 paired or completed, shall be inspected by a designated, qualified and  
15 properly identified agent of the division of occupational and profes-  
16 sional licenses as to quality of workmanship and compliance with the ap-  
17 plicable provisions of this chapter.

18 (h) Plumbing work within modular buildings as defined in section  
19 39-4301, Idaho Code, that are constructed in the state of Idaho for in-  
20 stallation on building sites outside the state; provided however, that  
21 no modular building shall be installed on a building site in the state of  
22 Idaho until it has been approved and bears the insignia of approval of  
23 the division as being in compliance with the requirements set forth in  
24 section 39-4304, Idaho Code.

25 (i) Individuals holding a current installer license pursuant to the  
26 provisions of chapter 21, title 44, Idaho Code, may make connections  
27 from manufactured home or mobile home sewer or water facilities to ex-  
28 isting sewer or water facilities on-site.

29 (j) Individuals licensed pursuant to chapter 10, title 54, Idaho Code,  
30 or chapter 50, title 54, Idaho Code, as follows:

31 (i) Individuals holding a current HVAC or electrical license may  
32 install electrical circuitry from the disconnecting means to a wa-  
33 ter heater and electrical connections to the water heater as long  
34 as the disconnect is in sight from the unit and the circuit from the  
35 disconnecting means to the water heater is no more than fifty (50)  
36 feet long.

37 (ii) Individuals holding a current HVAC license may install gas  
38 piping and piping for hydronic systems.

39 (iii) Individuals holding a current HVAC license may install boil-  
40 ers that are not otherwise subject to inspection by the industrial  
41 commission or its authorized agent.

42 (k) A nonprofit organization that is chartered to build houses and  
43 that has tax-exempt status under section 501(c)(3) of the Internal Rev-  
44 enue Code, including a religious corporation, and such organization's  
45 volunteers, performing plumbing installations for a single-family  
46 dwelling unit. An organization described in this paragraph shall des-  
47 ignate a primary contact person with whom inspectors may communicate.

48 (2) To the extent that an electrical or HVAC installation permit issued  
49 by the Idaho division of occupational and professional licenses includes any  
50 part of a plumbing installation, the permit issued and inspection performed

1 shall be sufficient to satisfy the permitting and inspecting requirements of  
2 this chapter if all required permit fees have been paid.

3 (3) Apprentice registration requirements shall not apply to high  
4 school students enrolled in an educational program recognized by the board  
5 in which the performance of plumbing installation is a formal component of  
6 the program. The exemption is limited to students performing residential  
7 installations as part of such program under the constant on-the-job supervi-  
8 sion of a licensed journeyman plumber and a permit for the work is obtained  
9 from the authority having jurisdiction. Work hours performed by such stu-  
10 dents shall not apply toward apprentice work requirements.

11 (4) Any person, firm, copartnership, association or corporation making  
12 water treatment installations and/or repairs in accordance with the provi-  
13 sions of this chapter shall maintain a surety bond in the amount of two thou-  
14 sand dollars (\$2,000).

15 SECTION 16. That Section 54-3307, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 54-3307. BOARD -- MEMBERS -- VACANCIES. (a) There is hereby created in  
18 the division of occupational and professional licenses a state board of den-  
19 turitry of the state of Idaho, which shall consist of five (5) members. Three  
20 (3) members of the board shall be ~~persons who have been~~ nominated by the asso-  
21 ciation of Idaho denturists, inc. ~~and or~~ by any individual residing in this  
22 state, ~~who~~ and such members shall have had at least five (5) years continuous  
23 experience immediately prior to their nomination in the practice of dentu-  
24 ritry. Two (2) other members of the board shall be ~~lay persons nominated by~~  
25 ~~the director of the Idaho department of health and welfare or by any individ-~~  
26 ~~ual residing in this state~~ public members.

27 (b) Members shall be appointed to the board for terms of three (3) years  
28 each and shall serve at the pleasure of the governor. Appointments to fill  
29 vacancies shall be for the unexpired term of such vacancies.

30 (c) Appointments to the board shall be made by the governor and each  
31 member of the board shall hold office for his term and until his successor is  
32 duly appointed by the governor.

33 SECTION 17. That Section 54-5002, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 54-5002. EXCEPTIONS. (1) Certificate of competency requirements of  
36 this chapter shall not apply to:

37 (a) Any person who installs or maintains a heating, ventilation and  
38 air conditioning system in a single or duplex family dwelling, includ-  
39 ing accessory buildings, quarters and grounds in connection with such  
40 dwelling; provided that such person owns or is a contract purchaser of  
41 the premises; and provided further that such person shall comply with  
42 the standards and rules applicable to heating, ventilation and air con-  
43 ditioning installation or repairs as provided in this chapter.

44 (b) Farm buildings located outside the incorporated limits of any  
45 city; and a farm building is hereby defined to be a structure located  
46 on agricultural zoned property and designated and constructed to house  
47 farm implements, hay, grain, poultry, livestock or other horticultural

1 products and includes sheds, barns, corrals or fences. This definition  
2 does not include a place for human habitation or a place of regular em-  
3 ployment where agricultural products are extracted, processed, treated  
4 or packaged; a place used by the public; or conditioned livestock hous-  
5 ing.

6 (c) Logging, mining or construction camps when heating, ventilation or  
7 air conditioning installations are made to conform to the recommenda-  
8 tions of the department of ~~health and welfare~~ environmental quality.

9 (d) Work on heating, ventilation or air conditioning systems on  
10 premises owned or operated by an employer who regularly employs main-  
11 tenance or construction heating, ventilation and air conditioning  
12 journeymen, provided that alterations, extensions and new construction  
13 shall comply with the minimum standards and rules applicable to heat-  
14 ing, ventilation and air conditioning practices in accordance with the  
15 provisions of this chapter.

16 (e) Modular buildings, as defined in section 39-4301, Idaho Code, that  
17 are constructed in the state of Idaho for installation on building sites  
18 outside the state; provided however, that no modular building shall be  
19 installed on a building site in the state of Idaho until it has been ap-  
20 proved and bears the insignia of approval of the division as being in  
21 compliance with the requirements set forth in section 39-4304, Idaho  
22 Code.

23 (f) A nonprofit organization that is chartered to build houses and that  
24 has tax-exempt status under section 501(c)(3) of the Internal Revenue  
25 Code, including a religious corporation, and such organization's vol-  
26 unteers, performing HVAC installations for a single-family dwelling  
27 unit. An organization described in this paragraph shall designate a  
28 primary contact person with whom inspectors may communicate.

29 (2) Apprentice registration requirements shall not apply to high  
30 school students enrolled in an educational program recognized by the board  
31 in which the performance of HVAC installation is a formal component of  
32 the program. The exemption is limited to students performing residential  
33 installations as part of such program under the constant on-the-job supervi-  
34 sion of a licensed journeyman, and a permit for the work is obtained from the  
35 authority having jurisdiction. Work hours performed by such students shall  
36 not apply toward apprentice work requirements.

37 SECTION 18. That Section 56-1003, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 56-1003. POWERS AND DUTIES OF THE DIRECTOR. The director shall have  
40 the following powers and duties:

41 (1) All of the powers and duties of the department of public health, the  
42 department of health, the board of health and all nonenvironmental protec-  
43 tion duties of the department of health and welfare are hereby vested to the  
44 director of the department of health and welfare. However, oversight of the  
45 department and rulemaking and hearing functions relating to public health  
46 and licensure and certification standards shall be vested in the board of  
47 health and welfare. Except when the authority is vested in the board of  
48 health and welfare under law, the director shall have all such powers and  
49 duties as may have been or could have been exercised by his predecessors in

1 law, including the authority to adopt, promulgate, and enforce rules, and  
2 shall be the successor in law to all contractual obligations entered into by  
3 predecessors in law. All rulemaking proceedings and hearings of the direc-  
4 tor shall be governed by the provisions of chapter 52, title 67, Idaho Code.

5 (2) The director shall, pursuant and subject to the provisions of Idaho  
6 Code and this chapter, promulgate and recommend to the board rules to admin-  
7 ister statutes related to health and licensure and certification require-  
8 ments pertinent to health. Such rules may be of general application across  
9 the state or may be limited in time, place, and circumstance as needed to ad-  
10 dress problems.

11 (3) The director, under rules adopted by the board, shall have general  
12 supervision of the health and welfare of the people of this state. The powers  
13 and duties of the director shall include but are not limited to the follow-  
14 ing:

15 (a) The education of the people of this state using guidelines and rec-  
16 ommendations for issues of health, safety, mental health, and wellness;

17 (b) The issuance of licenses and permits as prescribed by law and by the  
18 rules of the board;

19 (c) The supervision and administration of laboratories and the super-  
20 vision and administration of standards of tests for environmental pol-  
21 lution, chemical analyses and communicable diseases. The director may  
22 require that laboratories operated by any city, county, institution,  
23 person, firm or corporation for health or environmental purposes con-  
24 form to standards set by the board of health and welfare and the board of  
25 environmental quality in rule;

26 (d) The supervision and administration of a mental health program,  
27 which shall include services for the evaluation, screening, custody and  
28 treatment of the mentally ill and those persons suffering from a mental  
29 defect or mental defects, and services for the prevention of suicide;

30 ~~(e) The enforcement of minimum standards of health, safety, and sani-~~  
31 ~~tation for all public swimming pools within the state as established in~~  
32 ~~rule of the board;~~

33 ~~(f)~~ (e) The supervision and administration of the various schools, hos-  
34 pitals, and institutions that were the responsibility of the board of  
35 health and welfare;

36 ~~(g)~~ (f) The supervision and administration of services dealing with  
37 substance abuse, including but not limited to treatment and rehabilita-  
38 tion;

39 ~~(h)~~ (g) Communication and cooperation with other governmental de-  
40 partments, agencies and boards in order to effectively assist with the  
41 planning for the control of or abatement of health problems. All of the  
42 rules adopted by the board shall apply to state institutions;

43 ~~(i)~~ (h) The supervision and administration of an emergency medical ser-  
44 vices program, including but not limited to assisting other governmen-  
45 tal agencies and local governmental units, in providing first aid emer-  
46 gency medical services and for transportation of the sick and injured;

47 ~~(j)~~ (i) The supervision of administrative units whose responsibility  
48 shall be to assist and encourage counties, cities, other governmental  
49 units, and industries in the control of and/or abatement of health prob-  
50 lems; and

1       ~~(k)~~ (j) The enforcement of all laws and rules relating to health.

2       (4) The director, when so designated by the governor, and any other time  
3 subject to the standard appropriations and approval process of the legisla-  
4 ture, shall have the power to apply for, receive on behalf of the state, and  
5 utilize any federal aid, grants, gifts, or moneys made available through the  
6 federal government.

7       (5) The director shall have the power to enter into and make contracts  
8 and agreements with any public agencies or municipal corporations for fa-  
9 cilities, land, and equipment when such use will have a beneficial, recre-  
10 ational, or therapeutic effect or be in the best interest in carrying out the  
11 duties imposed upon the department. The director shall also have the power  
12 to enter into contracts for the expenditure of state matching funds for local  
13 purposes. This subsection will constitute the authority for public agencies  
14 or municipal corporations to enter into such contracts and expend money for  
15 the purposes delineated in such contracts.

16       (6) The director is authorized to adopt an official seal to be used on  
17 appropriate occasions, in connection with the functions of the department or  
18 the board, and such seal shall be judicially noticed. Copies of any books,  
19 records, papers and other documents in the department shall be admitted in  
20 evidence equally with the originals thereof when authenticated under such  
21 seal.

22       (7) The director, under rules adopted by the board of health and welfare  
23 and approved by the legislature pursuant to section 67-5291, Idaho Code,  
24 and section 29, article III of the constitution of the state of Idaho, shall  
25 have the power to impose and enforce orders of isolation, quarantine, or  
26 restricted access to protect the public from the spread of infectious or  
27 communicable diseases or from contamination from chemical, nuclear, or bi-  
28 ological agents, whether naturally occurring or propagated by criminal or  
29 terrorist act.

30       (a) An order of isolation may be issued only for a person diagnosed with  
31 an infectious or a communicable disease, presenting medically unknown  
32 symptoms, or contaminated from a chemical, nuclear, or biological agent  
33 and only while a person is infectious, displaying unknown symptoms, or  
34 contaminated.

35       (b) An order of quarantine may be issued only for a person exposed to:

36           (i) An infectious or a communicable disease;

37           (ii) A person displaying medically unknown symptoms; or

38           (iii) Contamination from a chemical, nuclear, or biological  
39 agent;

40 under circumstances likely to result in the spread of the disease, symp-  
41 toms, or contaminant to the person who had such contact and only for a  
42 reasonable period of time sufficient to determine whether the exposed  
43 person will become sick.

44       (c) If the director has reasonable cause to believe a chemical, nu-  
45 clear, or biological agent has been released in an identifiable place,  
46 including a building or structure, the director may impose an order of  
47 restricted access into or out of that place for the purpose of determin-  
48 ing whether that place has been contaminated with a chemical, nuclear,  
49 or biological agent that may create a substantial and immediate danger  
50 to the public. An order of restricted access shall be effective only

1           until such time as the contamination has been remediated and the area  
2           of restricted access has been determined to no longer pose an immediate  
3           health risk.

4           (d) An order of isolation, quarantine, or restricted access issued pur-  
5           suant to this section shall not be subject to the Idaho administrative  
6           procedure act, chapter 52, title 67, Idaho Code, but shall be subject to  
7           judicial review as a final agency order. However, this shall not pre-  
8           vent the director from reconsidering, amending, or withdrawing the or-  
9           der. Judicial review of orders of isolation, quarantine, or restricted  
10          access shall be de novo. The court may affirm, reverse, or modify the  
11          order and shall affirm the order if the director shows by clear and con-  
12          vincing evidence that the order is reasonably necessary to protect the  
13          public from a substantial and immediate danger of the spread of an in-  
14          fectious or communicable disease or from contamination by a chemical,  
15          nuclear, or biological agent. A hearing on a request for review pur-  
16          suant to this paragraph shall be held as soon as practicable but no later  
17          than three (3) business days after the request is made. Notice of the  
18          request for review to the court must be provided to the director. The  
19          court may order the person who is the subject of or affected by the or-  
20          der of isolation, quarantine, or restricted access to appear remotely  
21          via technology approved by the Idaho supreme court. Upon conclusion of  
22          a hearing described in this subsection, the court conducting judicial  
23          review shall issue an order:

24                 (i) Affirming or modifying the order of isolation, quarantine, or  
25                 restricted access; or

26                 (ii) Reversing the order and releasing an individual who is the  
27                 subject of or affected by such order.

28          (e) Any person who violates an order of isolation, quarantine, or re-  
29          stricted access shall be guilty of a misdemeanor.

30          (8) The director shall develop safeguards necessary to ensure the se-  
31          curity of nonpublic personal information in the department's possession and  
32          to prevent undue disclosure of such information. The director shall estab-  
33          lish a process to authenticate requests made by a person, entity or jurisdic-  
34          tion arising under the 2007 Hague convention on the international recovery  
35          of child support and other forms of family maintenance. In the event the de-  
36          partment becomes aware of any improper disclosure, the director shall take  
37          all actions required under section 28-51-105, Idaho Code.

38          SECTION 19. That Section 63-602P, Idaho Code, be, and the same is hereby  
39          amended to read as follows:

40          63-602P. PROPERTY EXEMPT FROM TAXATION -- FACILITIES FOR WATER OR AIR  
41          POLLUTION CONTROL. (1) The following property is exempt from taxation: fa-  
42          cilities, installations, machinery or equipment, attached or unattached to  
43          real property, and designed, installed and utilized in the elimination, con-  
44          trol or prevention of water or air pollution, or, in event such facilities,  
45          installations, equipment or machinery shall also serve other beneficial  
46          purposes and uses, such portion of the assessed valuation thereof as may  
47          reasonably be calculated to be necessary for and devoted to elimination,  
48          control or prevention of water or air pollution. The state tax commission or  
49          county assessor shall determine such exempt portion, and shall not include

1 as exempt any portion of any facilities which have value as the specific  
2 source of marketable ~~byproducts~~ by-products.

3 (2) If any water corporation, as defined by section 61-125, Idaho Code,  
4 regulated by the Idaho public utilities commission is or has been ordered by  
5 the ~~state board of health~~ department of environmental quality or the Idaho  
6 public utilities commission to install equipment designed and utilized in  
7 the elimination, control or prevention of water pollution, the Idaho public  
8 utilities commission shall notify the Idaho state tax commission of the per-  
9 centage such property bears to the total invested plant of the company and  
10 said portion shall be exempt from property taxation. Said percentage re-  
11 ported to the Idaho state tax commission by the Idaho public utilities com-  
12 mission may be contested by any person or party at a public hearing held be-  
13 fore the Idaho state tax commission.

14 SECTION 20. That Section 63-1309, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 63-1309. SPECIAL TAXING DISTRICT OR BOND PROPOSAL DEFEATED IN ELEC-  
17 TION BARS SUBSEQUENT ELECTIONS FOR SPECIFIED TIME -- EXCEPTION -- BOARD OF  
18 EDUCATION MAY CONDUCT ELECTION -- MUNICIPALITIES, WATER OR SEWER DISTRICTS  
19 MAY CONDUCT BOND ELECTION. If any election has been held for the formation of  
20 any special taxing district, or for the approval of any bond issue or other  
21 proposal ~~which that~~ would have resulted in a property tax levy, and the pro-  
22 posal submitted at such election was defeated, no subsequent election shall  
23 be held within two (2) months from and after the date of such prior election  
24 for the same or a similar purpose in any district ~~which that~~ includes any  
25 part of the area ~~which that~~ was affected by the prior election. In the event  
26 any school building is ~~destroyed~~ or rendered unusable for school purposes by  
27 reason of fire, flood or other catastrophe, and a school bond election for  
28 the purpose of the replacement of such building is prohibited by the provi-  
29 sions of this section or by the provisions of section 34-106, Idaho Code, the  
30 state board of education shall have the power to authorize an election for  
31 such purpose by order based upon a finding of such facts. The provisions of  
32 this section shall not apply to school elections held solely for determining  
33 property tax levies for general school purposes not involving the issuance  
34 of bonds. This time requirement between elections shall not apply to munici-  
35 palities or water and/or sewer districts when bond issues are being proposed  
36 for the installation or improvement of water supply systems or public sewer-  
37 age systems ~~which that~~ have been deemed necessary by the Idaho ~~state board of~~  
38 ~~health and welfare~~ department of environmental quality to bring such system  
39 or systems in conformance with state statutes or rules of the ~~state board of~~  
40 ~~health and welfare~~.

41 SECTION 21. That Section 74-105, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 74-105. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS,  
44 INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS,  
45 WORKER'S COMPENSATION. The following records are exempt from disclosure:

1 (1) Investigatory records of a law enforcement agency as defined in  
2 section 74-101(7), Idaho Code, under the conditions set forth in section  
3 74-124, Idaho Code.

4 (2) Juvenile records of a person maintained pursuant to chapter 5,  
5 title 20, Idaho Code, except that facts contained in such records shall be  
6 furnished upon request in a manner determined by the court to persons and  
7 governmental and private agencies and institutions conducting pertinent  
8 research studies or having a legitimate interest in the protection, welfare  
9 and treatment of the juvenile who is thirteen (13) years of age or younger.  
10 If the juvenile is petitioned or charged with an offense that would be a  
11 criminal offense if committed by an adult, the name, offense of which the  
12 juvenile was petitioned or charged, and disposition of the court shall be  
13 subject to disclosure as provided in section 20-525, Idaho Code. Addi-  
14 tionally, facts contained in any records of a juvenile maintained pursuant  
15 to chapter 5, title 20, Idaho Code, shall be furnished upon request to any  
16 school district where the juvenile is enrolled or is seeking enrollment.

17 (3) Records of the custody review board of the Idaho department of ju-  
18 venile corrections, including records containing the names, addresses and  
19 written statements of victims and family members of juveniles, shall be ex-  
20 empt from public disclosure pursuant to section 20-533A, Idaho Code.

21 (4) (a) The following records of the department of correction:

22 (i) Records of which the public interest in confidentiality, pub-  
23 lic safety, security and habilitation clearly outweighs the pub-  
24 lic interest in disclosure as identified pursuant to the authority  
25 of the state board of correction under section 20-212, Idaho Code;

26 (ii) Records that contain any identifying information or any in-  
27 formation that would lead to the identification of any victims or  
28 witnesses;

29 (iii) Records that reflect future transportation or movement of a  
30 prisoner;

31 (iv) Records gathered during the course of the presentence inves-  
32 tigation; and

33 (v) Records of a prisoner as defined in section 74-101(10), Idaho  
34 Code, or probationer shall not be disclosed to any other prisoner  
35 or probationer.

36 (b) Records, other than public expenditure records, related to pro-  
37 posed or existing critical infrastructure held by or in the custody  
38 of any public agency only when the disclosure of such information is  
39 reasonably likely to jeopardize the safety of persons, property or the  
40 public safety. Such records may include emergency evacuation, escape  
41 or other emergency response plans, vulnerability assessments, oper-  
42 ation and security manuals, plans, blueprints or security codes. For  
43 purposes of this paragraph, "system" includes electrical, computer  
44 and telecommunications systems, electric power (including produc-  
45 tion, generating, transportation, transmission and distribution), and  
46 heating, ventilation, and air conditioning. For purposes of this sub-  
47 section, "critical infrastructure" means any system or asset, whether  
48 physical or virtual, so vital to the state of Idaho, including its po-  
49 litical subdivisions, that the incapacity or destruction of such system  
50 or asset would have a debilitating impact on state or national economic

1 security, state or national public health or safety, or any combination  
2 of those matters.

3 (c) Records of the Idaho commission of pardons and parole shall be ex-  
4 empt from public disclosure pursuant to sections 20-1003 and 20-1005,  
5 Idaho Code. Records exempt from disclosure shall also include those  
6 containing the names, addresses and written statements of victims.

7 (5) Voting records of the former sexual offender classification board.  
8 The written record of the vote to classify an offender as a violent sexual  
9 predator by each board member in each case reviewed by that board member  
10 shall be exempt from disclosure to the public and shall be made available  
11 upon request only to the governor, the chairman of the senate judiciary and  
12 rules committee, and the chairman of the house of representatives judiciary,  
13 rules and administration committee for all lawful purposes.

14 (6) Records of the sheriff or Idaho state police received or maintained  
15 pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating  
16 to an applicant or licensee, except that any law enforcement officer and law  
17 enforcement agency, whether inside or outside the state of Idaho, may access  
18 information maintained in the license record system as set forth in section  
19 18-3302K(16), Idaho Code.

20 (7) Records of investigations prepared by the department of health and  
21 welfare pursuant to its statutory responsibilities dealing with the protec-  
22 tion of children, the rehabilitation of youth, adoptions and the commitment  
23 of mentally ill persons. For reasons of health and safety, best interests of  
24 the child or public interest, the department of health and welfare may pro-  
25 vide for the disclosure of records of investigations associated with actions  
26 pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by  
27 the department of health and welfare pursuant to its statutory responsibil-  
28 ities dealing with the protection of children, except any such records re-  
29 garding adoptions shall remain exempt from disclosure.

30 (8) Records, including but not limited to investigative reports, re-  
31 sulting from investigations conducted into complaints of discrimination  
32 made to the Idaho human rights commission, unless the public interest in  
33 allowing inspection and copying of such records outweighs the legitimate  
34 public or private interest in maintaining confidentiality of such records.  
35 A person may inspect and copy documents from an investigative file to which  
36 he or she is a named party if such documents are not otherwise prohibited from  
37 disclosure by federal law or regulation or state law. The confidentiality of  
38 this subsection will no longer apply to any record used in any judicial pro-  
39 ceeding brought by a named party to the complaint or investigation, or by the  
40 Idaho human rights commission, relating to the complaint of discrimination.

41 (9) Records containing information obtained by the manager of the Idaho  
42 state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on  
43 behalf of employers or employees contained in underwriting and claims for  
44 benefits files.

45 (10) The worker's compensation records of the Idaho industrial commis-  
46 sion, provided that the industrial commission shall make such records avail-  
47 able:

48 (a) To the parties in any worker's compensation claim and to the indus-  
49 trial special indemnity fund of the state of Idaho; or

1 (b) To employers and prospective employers subject to the provisions of  
2 the Americans with disabilities act, 42 U.S.C. 12112, or other statu-  
3 tory limitations, who certify that the information is being requested  
4 with respect to a worker to whom the employer has extended an offer of  
5 employment and will be used in accordance with the provisions of the  
6 Americans with disabilities act, 42 U.S.C. 12112, or other statutory  
7 limitations; or

8 (c) To employers and prospective employers not subject to the provi-  
9 sions of the Americans with disabilities act, 42 U.S.C. 12112, or other  
10 statutory limitations, provided the employer presents a written autho-  
11 rization from the person to whom the records pertain; or

12 (d) To others who demonstrate that the public interest in allowing in-  
13 spection and copying of such records outweighs the public or private in-  
14 terest in maintaining the confidentiality of such records, as deter-  
15 mined by a civil court of competent jurisdiction; or

16 (e) Although a claimant's records maintained by the industrial commis-  
17 sion, including medical and rehabilitation records, are otherwise ex-  
18 empt from public disclosure, the quoting or discussing of medical or re-  
19 habilitation records contained in the industrial commission's records  
20 during a hearing for compensation or in a written decision issued by the  
21 industrial commission shall be permitted; provided further, the true  
22 identification of the parties shall not be exempt from public disclo-  
23 sure in any written decision issued and released to the public by the in-  
24 dustrial commission.

25 (11) Records of investigations compiled by the commission on aging in-  
26 volving vulnerable adults as defined in section 18-1505, Idaho Code, alleged  
27 to be abused, neglected or exploited.

28 (12) Criminal history records and fingerprints as defined in section  
29 67-3001, Idaho Code, and compiled by the Idaho state police. Such records  
30 shall be released only in accordance with chapter 30, title 67, Idaho Code.

31 (13) Records furnished or obtained pursuant to section 41-1019, Idaho  
32 Code, regarding termination of an appointment, employment, contract or  
33 other insurance business relationship between an insurer and a producer.

34 (14) Records of a prisoner or former prisoner in the custody of any state  
35 or local correctional facility, when the request is made by another prisoner  
36 in the custody of any state or local correctional facility.

37 (15) Except as provided in section 72-1007, Idaho Code, records of the  
38 Idaho industrial commission relating to compensation for crime victims pur-  
39 suant to chapter 10, title 72, Idaho Code.

40 (16) Records or information identifying a complainant maintained by the  
41 department of health and welfare pursuant to section 39-3556, Idaho Code,  
42 relating to certified family homes, unless the complainant consents in writ-  
43 ing to the disclosure or the disclosure of the complainant's identity is re-  
44 quired in any administrative or judicial proceeding.

45 (17) Records of any certification or notification required by federal  
46 law to be made in connection with the acquisition or transfer of a firearm,  
47 including a firearm as defined in 26 U.S.C. 5845(a).

48 (18) Records of the office of the state public defender and the office of  
49 the state appellate public defender containing information protected or ex-  
50 empted from disclosure under the rules adopted by the Idaho supreme court,

1 attorney work product, attorney-client privileged communication, records  
2 containing confidential information from an individual about his criminal  
3 case or performance of his attorney, or confidential information about an  
4 inquiry into an attorney's fitness to represent indigent defendants.

5 (19) Records and information received by the office of the state con-  
6 troller from any local government, state agency and department, or volun-  
7 teer nongovernmental entity for purposes of entry into the ~~criminal justice~~  
8 insight integrated data system pursuant to section ~~19-4803~~ 67-4803, Idaho  
9 Code, and all records created by persons authorized to research and analyze  
10 information entered into the ~~criminal justice insight~~ integrated data sys-  
11 tem, regardless of whether such records were previously exempted from dis-  
12 closure or redacted pursuant to state or federal law or court order. This ex-  
13 emption does not apply to projects, reports, ~~and data analyses, or other work~~  
14 product in final form approved for release by the data oversight council and  
15 issued by persons authorized to conduct research and analysis as set forth in  
16 chapter 48, title ~~19~~ 67, Idaho Code. Records and information relating to the  
17 finances and management of the ~~criminal justice insight~~ integrated data sys-  
18 tem shall not be exempt from disclosure except as otherwise provided in law.

19 (20) Records that contain any identifying information or any informa-  
20 tion that could lead to the identification of any persons or entities that  
21 participate in or assist with an execution of a death sentence as described  
22 in section 19-2716A, Idaho Code.

23 (21) Records, other than public expenditure records, relating to  
24 the nature, location, or function of cybersecurity devices, programs, or  
25 systems designed to protect computer, information technology, or communica-  
26 tions systems against terrorist or other attacks.

27 (22) Any index, report, or records of any person arrested for, prose-  
28 cuted for, or convicted of a crime in this state who has successfully peti-  
29 tioned a court to have his records shielded from disclosure pursuant to sec-  
30 tion 67-3004(11), Idaho Code.

31 (23) Any record of an unlawful detainer under section 6-303, Idaho Code,  
32 if shielded by the court pursuant to section 6-303A, Idaho Code.

33 SECTION 22. An emergency existing therefor, which emergency is hereby  
34 declared to exist, this act shall be in full force and effect on and after  
35 July 1, 2025.