

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 398

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LOBBYISTS; REPEALING SECTION 67-6617, IDAHO CODE, RELATING TO
2 THE REGISTRATION OF LOBBYISTS; REPEALING SECTION 67-6618, IDAHO CODE,
3 RELATING TO EXEMPTION FROM REGISTRATION; REPEALING SECTION 67-6619,
4 IDAHO CODE, RELATING TO REPORTING BY LOBBYISTS; REPEALING SECTION
5 67-6619A, IDAHO CODE, RELATING TO REPORTS BY STATE ENTITIES; REPEALING
6 SECTION 67-6620, IDAHO CODE, RELATING TO THE EMPLOYMENT OF UNREGIS-
7 TERED PERSONS; REPEALING SECTION 67-6621, IDAHO CODE, RELATING TO THE
8 DUTIES OF LOBBYISTS; REPEALING SECTION 67-6622, IDAHO CODE, RELATING
9 TO A CERTAIN DOCKET, THE CONTENTS OF SUCH DOCKET, REPORTS TO THE LEGIS-
10 LATURE, SUBJECTS OF LEGISLATION, AND WRITTEN AUTHORIZATION; AMENDING
11 THE HEADING FOR CHAPTER 66, TITLE 67, IDAHO CODE, TO REMOVE OBSOLETE
12 LANGUAGE; AMENDING SECTION 67-6602, IDAHO CODE, TO REMOVE DEFINITIONS;
13 AMENDING TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 7, TITLE
14 74, IDAHO CODE, TO PROVIDE FOR THE PURPOSE OF THE CHAPTER, TO DEFINE
15 TERMS, TO ESTABLISH PROVISIONS REGARDING THE REGISTRATION OF LOBBY-
16 ISTS, TO ESTABLISH PROVISIONS REGARDING EXEMPTION FROM REGISTRATION,
17 TO ESTABLISH PROVISIONS REGARDING REPORTING BY LOBBYISTS, TO ESTABLISH
18 PROVISIONS REGARDING REPORTS BY STATE ENTITIES, TO ESTABLISH PROVI-
19 SIONS REGARDING THE EMPLOYMENT OF UNREGISTERED PERSONS, TO ESTABLISH
20 PROVISIONS REGARDING THE DUTIES OF LOBBYISTS, TO ESTABLISH PROVISIONS
21 REGARDING A CERTAIN DOCKET, THE CONTENTS OF SUCH DOCKET, CERTAIN RE-
22 PORTS TO THE LEGISLATURE, CERTAIN SUBJECTS OF LEGISLATION, AND CERTAIN
23 WRITTEN AUTHORIZATION, TO ESTABLISH PROVISIONS REGARDING THE DUTIES OF
24 THE SECRETARY OF STATE, TO REQUIRE CERTAIN STATEMENTS TO BE CERTIFIED,
25 TO ESTABLISH PROVISIONS REGARDING ENFORCEMENT, TO ESTABLISH PROVI-
26 SIONS REGARDING LATE FILING OF REPORTS, TO PROVIDE FOR INJUNCTIONS, TO
27 PROVIDE FOR SEVERABILITY, AND TO ESTABLISH PROVISIONS REGARDING HOW
28 CERTAIN PROVISIONS SHALL BE CONSTRUED; AMENDING SECTION 18-1356, IDAHO
29 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-6625,
30 IDAHO CODE, TO REMOVE CODE REFERENCES; AMENDING SECTION 74-106, IDAHO
31 CODE, TO PROVIDE CORRECT CODE REFERENCES; AND DECLARING AN EMERGENCY
32 AND PROVIDING AN EFFECTIVE DATE.
33

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

35 SECTION 1. That Section [67-6617](#), Idaho Code, be, and the same is hereby
36 repealed.

37 SECTION 2. That Section [67-6618](#), Idaho Code, be, and the same is hereby
38 repealed.

39 SECTION 3. That Section [67-6619](#), Idaho Code, be, and the same is hereby
40 repealed.

1 SECTION 4. That Section 67-6619A, Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 5. That Section 67-6620, Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 6. That Section 67-6621, Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 7. That Section 67-6622, Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 8. That the Heading for Chapter 66, Title 67, Idaho Code, be,
10 and the same is hereby amended to read as follows:

11 CHAPTER 66

12 ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES ~~--- LOBBYISTS~~

13 SECTION 9. That Section 67-6602, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 67-6602. DEFINITIONS. As used in this chapter, the following terms
16 have the following meanings:

17 (1) "Candidate" means an individual who seeks nomination, election, or
18 reelection to public office and who has taken any of the following actions:

19 (a) Announced the individual's candidacy publicly;

20 (b) Filed for public office;

21 (c) Received a contribution for the purpose of promoting the individ-
22 ual's candidacy for office; or

23 (d) Made an expenditure, contracted for services, or reserved space
24 with the intent of promoting the individual's candidacy for office.

25 For purposes of this chapter, an incumbent shall be presumed to be a can-
26 didate in the subsequent election for his or her office until the in-
27 cumbent has failed to file a declaration of candidacy by the statutory
28 deadline.

29 (2) "Compensation" includes any advance, conveyance, forgiveness of
30 indebtedness, deposit, distribution, loan, payment, gift, pledge or trans-
31 fer of money or anything of value, and any contract, agreement, promise or
32 other obligation, whether or not legally enforceable, to do any of the fore-
33 going, for services rendered or to be rendered, but does not include reim-
34 bursement of expenses if such reimbursement does not exceed the amount ac-
35 tually expended for such expenses and is substantiated by an itemization of
36 such expenses.

37 ~~(3) "Contractor" means a person who receives compensation from another~~
38 ~~person for either full-time or part-time work based on a contract or compen-~~
39 ~~sation agreement, but who is not an employee of that person.~~

40 ~~(4)~~ (3) "Contribution" includes any advance, conveyance, forgiveness
41 of indebtedness, deposit, distribution, loan, payment, gift, pledge, sub-
42 scription or transfer of money or anything of value, and any contract, agree-
43 ment, promise or other obligation, whether or not legally enforceable, to
44 make a contribution, in support of or in opposition to any candidate, polit-

1 ical committee or measure. Such term also includes personal funds or other
 2 property of a candidate or members of his household expended or transferred
 3 to cover expenditures incurred in support of such candidate but does not in-
 4 clude personal funds used to pay the candidate filing fee. Such term also
 5 includes the rendering of personal and professional services for less than
 6 full consideration, but does not include ordinary home hospitality or the
 7 rendering of "part-time" personal services of the sort commonly performed
 8 by volunteer campaign workers or advisors or incidental expenses not in ex-
 9 cess of twenty-five dollars (\$25.00) personally paid for by any volunteer
 10 campaign worker. "Part-time" services, for the purposes of this definition,
 11 means services in addition to regular full-time employment, or, in the case
 12 of an unemployed person or persons engaged in part-time employment, services
 13 rendered without compensation or reimbursement of expenses from any source
 14 other than the candidate or political committee for whom such services are
 15 rendered. For the purposes of this act, contributions, other than money or
 16 its equivalent shall be deemed to have a money value equivalent to the fair
 17 market value of the contribution.

18 ~~(5)~~ (4) "Election" means any state or local general, special, recall,
 19 or primary election.

20 ~~(6)~~ (5) "Election campaign" means any campaign in support of or in oppo-
 21 sition to a candidate for election to public office and any campaign in sup-
 22 port of, or in opposition to, a measure.

23 ~~(7)(a)~~ (6) (a) "Electioneering communication" means any communication
 24 broadcast by television or radio, printed in a newspaper or on a bill-
 25 board, directly mailed or delivered by hand to personal residences, or
 26 telephone calls made to personal residences, or otherwise distributed
 27 that:

- 28 (i) Unambiguously refers to any candidate; and
- 29 (ii) Is broadcasted, printed, mailed, delivered, made or dis-
 30 tributed within thirty (30) days before a primary election or
 31 sixty (60) days before a general election; and
- 32 (iii) Is broadcasted to, printed in a newspaper, distributed to,
 33 mailed to or delivered by hand to, telephone calls made to, or
 34 otherwise distributed to an audience that includes members of the
 35 electorate for such public office.

36 (b) "Electioneering communication" does not include:

- 37 (i) Any news articles, editorial endorsements, opinion or com-
 38 mentary, writings, or letter to the editor printed in a newspaper,
 39 magazine, or other periodical not owned or controlled by a candi-
 40 date, political committee, or political party;
- 41 (ii) Any editorial endorsements or opinions aired by a broadcast
 42 facility not owned or controlled by a candidate, political commit-
 43 tee, or political party;
- 44 (iii) Any communication by persons made in the regular course and
 45 scope of their business or any communication made by a membership
 46 organization solely to members of such organization and their fam-
 47 ilies;
- 48 (iv) Any communication that refers to any candidate only as part
 49 of the popular name of a bill or statute;

1 (v) A communication that constitutes an expenditure or an inde-
2 pendent expenditure under this chapter.

3 ~~(8)~~ (7) "Employee" means an individual who performs a service for wages
4 or other compensation from which the individual's employer withholds fed-
5 eral employment taxes under a contract for hire, written or oral.

6 ~~(9)~~ "Executive official" means:

7 ~~(a)~~ The governor, lieutenant governor, secretary of state, state con-
8 troller, state treasurer, attorney general, superintendent of public
9 instruction and any deputy or staff member of any of those individuals
10 who, within the course and scope of his or her employment, is directly
11 involved in major policy-influencing decisions for the office;

12 ~~(b)~~ A state department or agency director, deputy director, division
13 administrator or bureau chief as established and enumerated in sections
14 67-2402 and 67-2406, Idaho Code;

15 ~~(c)~~ The membership and the executive or chief administrative officer
16 of any board or commission that is authorized to make rules or conduct
17 rulemaking activities pursuant to section 67-5201, Idaho Code;

18 ~~(d)~~ The membership and the executive or chief administrative officer
19 of any board or commission that governs any of the state departments
20 enumerated in section 67-2402, Idaho Code, not including public school
21 districts;

22 ~~(e)~~ The membership and the executive or chief administrative officer
23 of the Idaho public utilities commission, the Idaho industrial commis-
24 sion, and the Idaho state tax commission; and

25 ~~(f)~~ The members of the governing board of the state insurance fund and
26 the members of the governing board and the executive or chief adminis-
27 trative officer of the Idaho housing and finance association, the Idaho
28 energy resources authority, and the Idaho state building authority.

29 ~~(10)~~ (8) "Expenditure" includes any payment, contribution, subscrip-
30 tion, distribution, loan, advance, deposit, or gift of money or anything
31 of value, and includes a contract, promise, or agreement, whether or not
32 legally enforceable, to make an expenditure. The term "expenditure" also
33 includes a promise to pay, a payment or a transfer of anything of value in
34 exchange for goods, services, property, facilities or anything of value
35 for the purpose of assisting, benefiting or honoring any public official or
36 candidate, or assisting in furthering or opposing any election campaign.

37 ~~(11)~~ (9) "Independent expenditure" means any expenditure by a person
38 for a communication expressly advocating the election, passage or defeat of
39 a clearly identified candidate or measure that is not made with the coopera-
40 tion or with the prior consent of, or in consultation with, or at the consent
41 of, or in consultation with, or at the request of a suggestion of, a candidate
42 or any agent or authorized committee of the candidate or political committee
43 supporting or opposing a measure. As used in this subsection, "expressly ad-
44 vocating" means any communication containing a message advocating election,
45 passage or defeat including, but not limited to, the name of the candidate
46 or measure, or expression such as "vote for," "elect," "support," "cast your
47 ballot for," "vote against," "defeat" or "reject."

48 ~~(12)~~ "Lobby" and "lobbying" each means attempting through contacts
49 with, or causing others to make contact with, members of the legislature or
50 legislative committees or an executive official to influence the approval,

1 ~~modification or rejection of any legislation by the legislature of the state~~
 2 ~~of Idaho or any committee thereof or by the governor or to develop or main-~~
 3 ~~tain relationships with, promote goodwill with, or entertain members of the~~
 4 ~~legislature or executive officials. "Lobby" and "lobbying" shall also mean~~
 5 ~~communicating with an executive official for the purpose of influencing the~~
 6 ~~consideration, amendment, adoption or rejection of any rule or rulemaking as~~
 7 ~~defined in section 67-5201, Idaho Code, or any ratemaking decision, procure-~~
 8 ~~ment, contract, bid or bid process, financial services agreement, or bond~~
 9 ~~issue. Neither "lobby" nor "lobbying" includes an association's or other~~
 10 ~~organization's act of communicating with the members of that association~~
 11 ~~or organization; and provided that neither "lobby" nor "lobbying" includes~~
 12 ~~communicating with an executive official for the purpose of carrying out~~
 13 ~~ongoing negotiations following the award of a bid or a contract, communica-~~
 14 ~~tions involving ongoing legal work and negotiations conducted by and with~~
 15 ~~attorneys for executive agencies, interactions between parties in litiga-~~
 16 ~~tion or other contested matters, or communications among and between members~~
 17 ~~of the legislature and executive officials and their employees, or by state~~
 18 ~~employees while acting in their official capacity or within the course and~~
 19 ~~scope of their employment.~~

20 ~~(13) "Lobbyist" includes any person who lobbies.~~

21 ~~(14) "Lobbyist's client" means the person on whose behalf the lobbyist~~
 22 ~~is acting, directly or indirectly, as a contractor, and by whom the lobbyist~~
 23 ~~or lobbyist's employer is compensated for acting as a lobbyist.~~

24 ~~(15) "Lobbyist's employer" means the person or persons for whom a lob-~~
 25 ~~byist is an employee, and by whom the lobbyist is compensated for acting as a~~
 26 ~~lobbyist.~~

27 ~~(16) (10) "Local government office" means any publicly elected office~~
 28 ~~for any political subdivision of the state or special district that is not a~~
 29 ~~legislative, judicial, statewide, or federal office.~~

30 ~~(17) (11) "Measure" means any proposal submitted to the people for their~~
 31 ~~approval or rejection at an election, including any initiative, referendum,~~
 32 ~~recall election, or revision of or amendment to the state constitution. An~~
 33 ~~initiative or referendum proposal shall be deemed a measure when the attor-~~
 34 ~~ney general, county prosecutor, or city attorney, as appropriate, reviews it~~
 35 ~~and gives it a ballot title. A recall shall be deemed a measure upon approval~~
 36 ~~of the recall petition as to form pursuant to section 34-1704, Idaho Code.~~

37 ~~(18) (12) "Nonbusiness entity" means any group of two (2) or more indi-~~
 38 ~~viduals, a corporation, association, firm, partnership, committee, club or~~
 39 ~~other organization that:~~

40 (a) Does not have as its principal purpose the conduct of business ac-

41 tivities for profit; and
 42 (b) Received during the preceding or current calendar year contribu-

43 tions, gifts or membership fees, which in the aggregate exceeded ten
 44 percent (10%) of its total receipts for such year.

45 ~~(19) (13) "Person" means an individual, corporation, association,~~
 46 ~~firm, partnership, committee, political party, club or other organization~~
 47 ~~or group of persons.~~

48 ~~(20) (14) "Political committee" means:~~

49 (a) Any person specifically designated to support or oppose any candi-
 50 date or measure; or

1 (b) Any person who receives contributions and makes expenditures in an
 2 amount exceeding one thousand dollars (\$1,000) in any calendar year for
 3 the purpose of supporting or opposing one (1) or more candidates or mea-
 4 sures.

5 (c) A county, district or regional committee of a recognized politi-
 6 cal party shall not be considered a political committee for the purposes
 7 of this chapter unless such party committee has expenditures exceeding
 8 five thousand dollars (\$5,000) in a calendar year.

9 ~~(21)~~ (15) "Political treasurer" means an individual appointed by a can-
 10 didate or political committee as provided in section 67-6603, Idaho Code.

11 ~~(22)~~ (16) "Public office" means any local, legislative, judicial, or
 12 state office or position that is filled by election but does not include the
 13 office of precinct committeeman.

14 SECTION 10. That Title 74, Idaho Code, be, and the same is hereby
 15 amended by the addition thereto of a NEW CHAPTER, to be known and designated
 16 as Chapter 7, Title 74, Idaho Code, and to read as follows:

17 CHAPTER 7
 18 LOBBYING DISCLOSURE

19 74-701. PURPOSE OF CHAPTER. The purpose of this chapter is:

20 (1) To promote public confidence in government; and

21 (2) To promote openness in government and to provide transparency by
 22 those promoting or opposing legislation or attempting to influence execu-
 23 tive or administrative actions for compensation.

24 74-702. DEFINITIONS. As used in this chapter, the following terms have
 25 the following meanings:

26 (1) "Compensation" includes any advance, conveyance, forgiveness of
 27 indebtedness, deposit, distribution, loan, payment, gift, pledge, or trans-
 28 fer of money or anything of value, and any contract, agreement, promise, or
 29 other obligation, whether or not legally enforceable, for any of the forego-
 30 ing, for services rendered or to be rendered, but does not include reimburse-
 31 ment of expenses if such reimbursement does not exceed the amount actually
 32 expended for such expenses and is substantiated by an itemization of such ex-
 33 penses.

34 (2) "Contractor" means a person who receives compensation from another
 35 person for either full-time or part-time work based on a contract or compen-
 36 sation agreement, but who is not an employee of that person.

37 (3) "Employee" means an individual who performs a service for wages or
 38 other compensation from which the individual's employer withholds federal
 39 employment taxes under a contract for hire, written or oral.

40 (4) "Executive official" means:

41 (a) The governor, lieutenant governor, secretary of state, state con-
 42 troller, state treasurer, attorney general, superintendent of public
 43 instruction, and any deputy or staff member of any of those individuals
 44 who, within the course and scope of employment, is directly involved in
 45 major policy-influencing decisions for the office;

1 (b) A state department or agency director, deputy director, division
2 administrator, or bureau chief as established and enumerated in sec-
3 tions 67-2402 and 67-2406, Idaho Code;

4 (c) The membership and the executive or chief administrative officer
5 of any board or commission that is authorized to make rules or conduct
6 rulemaking activities pursuant to section 67-5201, Idaho Code;

7 (d) The membership and the executive or chief administrative officer
8 of any board or commission that governs any of the state departments
9 enumerated in section 67-2402, Idaho Code, not including public school
10 districts;

11 (e) The membership and the executive or chief administrative officer
12 of the Idaho public utilities commission, the Idaho industrial commis-
13 sion, and the Idaho state tax commission; and

14 (f) The members of the governing board of the state insurance fund and
15 the members of the governing board and the executive or chief adminis-
16 trative officer of the Idaho housing and finance association, the Idaho
17 energy resources authority, and the Idaho state building authority.

18 (5) "Expenditure" includes any payment, contribution, subscription,
19 distribution, loan, advance, deposit, or gift of money or anything of value,
20 and includes a contract, promise, or agreement, whether or not legally en-
21 forceable, to make an expenditure. The term "expenditure" also includes a
22 promise to pay, a payment, or a transfer of anything of value in exchange for
23 goods, services, property, facilities, or anything of value for the purpose
24 of assisting, benefiting, or honoring any public official or candidate, or
25 assisting in furthering or opposing any election campaign.

26 (6) "Indirect lobbying" means attempting to influence the opinion of
27 the public with respect to legislation, members of the legislature, or exec-
28 utive officials and encouraging the members of the public to take action with
29 respect to such legislation or individuals and shall include but shall not
30 be limited to attempts to influence the opinion of the public through email,
31 text messaging, direct messaging, door-to-door solicitation, billboards,
32 television broadcasts, radio broadcasts, online advertising, and social me-
33 dia messaging or solicitation.

34 (7) "Lobby" or "lobbying" means attempting through contacts with, or
35 causing others to make contact with, members of the legislature or an execu-
36 tive official to influence the approval, modification, or rejection of any
37 legislation by the Idaho legislature or any committee thereof or by the gov-
38 ernor or to develop or maintain relationships with, promote goodwill with,
39 or entertain members of the legislature or executive officials. "Lobby" or
40 "lobbying" also means indirect lobbying. "Lobby" or "lobbying" also means
41 communicating with an executive official for the purpose of influencing the
42 consideration, amendment, adoption, or rejection of any rule or rulemak-
43 ing as defined in section 67-5201, Idaho Code, or any ratemaking decision,
44 procurement, contract, bid or bid process, financial services agreement,
45 or bond issue. Neither "lobby" nor "lobbying" includes an association's
46 or other organization's act of communicating with the members of that as-
47 sociation or organization; and neither "lobby" nor "lobbying" includes
48 communicating with an executive official for the purpose of carrying out
49 ongoing negotiations following the award of a bid or a contract, communica-
50 tions involving ongoing legal work and negotiations conducted by and with

1 attorneys for executive agencies, interactions between parties in litigation
2 or other contested matters, or communications among and between members
3 of the legislature and executive officials and their employees, or by state
4 employees while acting in their official capacity or within the course and
5 scope of their employment.

6 (8) "Lobbyist" includes any person who lobbies.

7 (9) "Lobbyist's client" means the person on whose behalf the lobbyist
8 is acting, directly or indirectly, as a contractor, and by whom the lobbyist
9 or lobbyist's employer is compensated for acting as a lobbyist.

10 (10) "Lobbyist's employer" means the person for whom a lobbyist is an
11 employee and by whom the lobbyist is compensated for acting as a lobbyist.

12 (11) "Person" means an individual, corporation, association, firm,
13 partnership, committee, political party, club or other organization or
14 group of persons.

15 74-703. REGISTRATION OF LOBBYISTS. (1) Before doing any lobbying, or
16 within thirty (30) days after being employed, designated, or contracted as
17 a lobbyist, whichever occurs first, a lobbyist shall register by filing with
18 the secretary of state a lobbyist registration statement, in such detail as
19 the secretary of state shall prescribe, accompanied by payment of a registration
20 fee of ten dollars (\$10.00) to be deposited by the secretary of state
21 in the state treasury. The lobbyist registration statement shall include:

22 (a) The lobbyist's name, permanent business address, and any temporary
23 residential and business address in Ada county during the legislative
24 session;

25 (b) The name, address, and notification email address to be used under
26 section 74-705(2), Idaho Code, for the employer, client, or designated
27 contact, as well as the general nature of the occupation or business of
28 the lobbyist's employer or client, and the duration of the employment or
29 contract;

30 (c) In the case of a designated lobbyist for a corporate entity as described
31 in section 74-704(7), Idaho Code, the name and notification
32 email address of the corporate entity that is already registered as a
33 lobbyist and for whom the designated lobbyist will be reporting all corporate
34 and employee activities;

35 (d) Whether the person from whom he receives compensation employs him
36 solely as a lobbyist or whether he is a regular employee performing services
37 for his employer that include but are not limited to lobbying of
38 legislation;

39 (e) The general subjects of the lobbyist's legislative interest; and

40 (f) The name and address of the person who will have custody of the accounts,
41 bills, receipts, books, papers, and documents required to be
42 kept under this chapter.

43 (2) Any lobbyist who receives or is to receive compensation from more
44 than one (1) person for his services as a lobbyist shall file a separate notice
45 of representation, accompanied by the fee of ten dollars (\$10.00) for
46 each separate notice of representation, with respect to each such person;
47 except that when a lobbyist whose fee for acting as such in respect to the
48 same legislation or type of legislation is, or is to be, paid or contributed
49 by more than one (1) person, then such lobbyist may file a single statement,

1 in which he shall detail the name, business address and general occupation of
2 each person so paying or contributing.

3 (3) Whenever a change, modification, or termination of the lobbyist's
4 employment or contract occurs, the lobbyist shall, within one (1) week of
5 such change, modification, or termination, furnish full information regard-
6 ing the same by filing with the secretary of state an amended registration
7 statement.

8 (4) Each lobbyist who has registered shall file a new registration
9 statement, revised as appropriate, on or before each January 10, and failure
10 to do so shall terminate his registration.

11 74-704. EXEMPTION FROM REGISTRATION. The following persons and activ-
12 ities shall be exempt from registration and reporting under sections 74-703
13 and 74-705, Idaho Code:

14 (1) Persons who limit their lobbying activities to appearances before
15 public sessions of committees of the legislature or to appearances or par-
16 ticipation in public meetings, public hearings, or public proceedings held
17 or initiated by executive officials or their employees;

18 (2) Persons who are employees of an entity engaged in the business of
19 publishing, broadcasting, or televising, while engaged in the gathering and
20 dissemination of news and comment thereon to the general public in the ordi-
21 nary course of business;

22 (3) Persons who do not receive any compensation for lobbying and per-
23 sons whose compensation for lobbying does not exceed two hundred fifty
24 dollars (\$250) in the aggregate during any calendar quarter, including
25 persons who lobby on behalf of their employer, and the lobbying activity
26 represents less than the equivalent of two hundred fifty dollars (\$250) of
27 the employee's time per calendar year quarter, based on an hourly proration
28 of said employee's compensation;

29 (4) Members of a trade association who are acting on behalf of and at
30 the request of the trade association, if such association has registered as
31 a lobbyist pursuant to this chapter, and if any expenditures are reported by
32 the association pursuant to section 74-705, Idaho Code;

33 (5) Elected state officers, state executive officers appointed by the
34 governor subject to confirmation by the senate, and elected officials of po-
35 litical subdivisions of the state of Idaho, acting in their official capac-
36 ity;

37 (6) A person who represents a bona fide church, of which he is a member,
38 solely for the purpose of protecting the constitutional right to the free ex-
39 ercise of religion; and

40 (7) (a) Employees of a corporate entity, if such corporate entity:

41 (i) Has registered as a lobbyist pursuant to this chapter;

42 (ii) Has appointed one (1) or more of its employees or contractors
43 as its official designated lobbyist; and

44 (iii) The person so appointed by the corporate entity has com-
45 pleted the designated lobbyist registration.

46 (b) The corporate entity shall, through its designated lobbyist, fully
47 and accurately report all expenditures made by employees who are exempt
48 pursuant to this section in the manner and at the times required by this
49 chapter, and, in addition thereto, shall report the names of all employ-

1 ees who make expenditures in the aggregate sum of fifty dollars (\$50.00)
2 or more during any calendar year on behalf of the corporate entity's
3 lobbying activities.

4 74-705. REPORTING BY LOBBYISTS. (1) Any lobbyist registered under
5 section 74-703, Idaho Code, shall file with the secretary of state a monthly
6 report of his lobbying activities signed by the lobbyist. The reports shall
7 be made in the form and manner prescribed by the secretary of state. Monthly
8 reports shall be filed within fifteen (15) days of the first day of the month
9 for the activities of the month just past.

10 (2) Once a lobbyist has filed a monthly report, each person identified
11 as an employer, client, or designated contact on the report will be electron-
12 ically notified that the report has been filed by the lobbyist, using the
13 contact information provided for the employer, client, or designated con-
14 tact upon registration.

15 (3) Each monthly periodic report shall contain:

16 (a) The total of all expenditures made or incurred on behalf of such
17 lobbyist by the lobbyist's employers or clients, not including payments
18 made directly to the lobbyist, during the period covered by the report.
19 The totals shall be segregated according to financial category, includ-
20 ing but not limited to entertainment, food and refreshment, honoraria,
21 travel, lodging, advertising, and other like expenditures. Reimbursed
22 personal living and travel expenses of a lobbyist made or incurred di-
23 rectly or indirectly for any lobbying purpose need not be reported;

24 (b) For any expenditure made on any single occasion that exceeds one
25 hundred thirty-five dollars (\$135) per person that is made for the pur-
26 pose of lobbying for the benefit of or for any purposes related to the
27 official capacity of any legislator or executive official, the date,
28 name of payee, purpose, the name of any legislator or executive offi-
29 cial to whom the expenditure relates, and the amount of such expendi-
30 ture. Expenditures made for the purpose of lobbying for the benefit of
31 or for any purposes related to members of the household of a legisla-
32 tor or executive official shall also be itemized if such expenditure ex-
33 ceeds the amount listed in this subsection. The itemization threshold
34 in this paragraph shall be adjusted biennially by directive of the sec-
35 retary of state, using consumer price index data compiled by the United
36 States department of labor;

37 (c) In the case of a lobbyist employed by or contracted with more than
38 one (1) employer or client, the proportionate amount of such expendi-
39 tures in each category made or incurred on behalf of each of his employ-
40 ers or clients; and

41 (d) The subject matter of proposed legislation and the number of each
42 senate or house bill, resolution, memorial, or other legislative ac-
43 tivity or any rule, ratemaking decision, procurement, contract, bid or
44 bid process, financial services agreement or bond in which the lobby-
45 ist has been engaged in supporting or opposing during the reporting pe-
46 riod; provided that in the case of appropriations bills, the lobbyist
47 shall enumerate the specific section or sections that he supported or
48 opposed.

1 (4) In addition to any other reports required under this section, lob-
2 byists shall report to the secretary of state any expenditure of one hun-
3 dred dollars (\$100) or more that is related to any indirect lobbying efforts
4 within forty-eight (48) hours after such expenditure is made. Such report
5 shall include the name of the lobbyist making the expenditure, the name and
6 address of the client or employer on whose behalf the expenditure was made,
7 the financial category of the expenditure, the date of the expenditure, and
8 all applicable information required pursuant to subsection (3) (d) of this
9 section. However, expenditures for food, refreshment, and entertainment
10 are exempt from the requirements of this subsection and shall be reported as
11 a part of the lobbyist's monthly report. Any report filed under this subsec-
12 tion shall be in addition to the reporting of these expenditures in the lob-
13 byist's regular reports. For the purpose of determining when any expendi-
14 ture report should be filed under this chapter, an expenditure is made on the
15 day that the public communication paid by the expenditure is made or on the
16 date payment is made, whichever is earlier.

17 (5) Reports required to be filed under the provisions of this section
18 shall be filed online with the secretary of state, except as provided in sec-
19 tion 74-710, Idaho Code, by no later than midnight on the date the filing is
20 due.

21 74-706. REPORTS BY STATE ENTITIES. Any office or agency of state gov-
22 ernment or a state-funded educational institution that offers gifts of any
23 kind through interaction with the legislative or executive departments of
24 state government shall file the same reports lobbyists are required to file
25 pursuant to section 74-705, Idaho Code, unless the office, agency, or state-
26 funded educational institution is otherwise represented by a lobbyist who
27 files all necessary reports and documentation as provided by law.

28 74-707. EMPLOYMENT OF UNREGISTERED PERSONS. It shall be a violation of
29 this chapter for any person to employ for pay or any consideration, or to pay
30 or agree to pay any compensation to, a person to lobby who is not registered
31 or exempt from registration under this chapter unless such person registers
32 as a lobbyist as provided by this chapter as soon as practicable after such
33 employment, payment, or agreement.

34 74-708. DUTIES OF LOBBYISTS. A person required to register as a lob-
35 byist under this chapter shall also have the following obligations, the vi-
36 olation of which shall constitute cause for revocation of his registration
37 and may subject such person and such person's employer or client, if such em-
38 ployer or client aids, abets, ratifies, or confirms any such violation, to
39 other civil liabilities as provided by this chapter:

40 (1) Such persons shall obtain and preserve all accounts, bills,
41 receipts, books, papers, and documents necessary to substantiate the finan-
42 cial reports required to be made under this chapter for a period of at least
43 three (3) years from the date of the filing of the statement containing such
44 items, which accounts, bills, receipts, books, papers, and documents shall
45 be made available for inspection by the secretary of state at any reasonable
46 time during such three (3) year period; provided, however, that if a lobbyist
47 is required under the terms of his employment contract to turn any records

1 over to his employer or client, responsibility for the preservation of such
2 records under this subsection shall rest with such employer or client.

3 (2) A person required to register as a lobbyist shall not:

4 (a) Engage in any activity as a lobbyist before registering as such;

5 (b) Knowingly deceive or attempt to deceive any legislator to any fact
6 pertaining to any pending or proposed legislation;

7 (c) Cause or influence the introduction of any bill or amendment
8 thereto for the purpose of thereafter being employed to secure its de-
9 feat;

10 (d) Knowingly represent an interest adverse to any of his employers or
11 clients without first obtaining such employers' or clients' consent
12 thereto after full disclosure to such employers or clients of such ad-
13 verse interest;

14 (e) Exercise any economic reprisal, extortion, or unlawful retaliation
15 on any legislator by reason of such legislator's position with respect
16 to, or his vote on, any pending or proposed legislation;

17 (f) Accept any employment as a lobbyist for compensation dependent in
18 any manner upon the passage or defeat of any proposed or pending legis-
19 lation or upon any other contingency connected with the action of the
20 legislature or of either house thereof or of any committee thereof.
21 This contingent fee prohibition shall also apply to lobbying activities
22 that pertain to communications with executive officials as defined in
23 section 74-702(4), Idaho Code; or

24 (g) Lobby any member of the legislature or any executive official who
25 is the spouse, child, child-in-law, parent, parent-in-law, sibling, or
26 sibling-in-law of such person.

27 (3) To ensure proper reporting and identification of the source of ex-
28 penditures, any public communication made that is reportable as a lobbying
29 expense under this chapter shall clearly state "Paid for by [the name of the
30 filing entity, lobbyist's client, or lobbyist's employer]." If the communi-
31 cation is made for the purpose of soliciting funds, the disclosure shall also
32 clearly state "This is an attempt to solicit funds."

33 74-709. DOCKET -- CONTENTS -- REPORTS TO LEGISLATURE -- SUBJECTS OF
34 LEGISLATION. The secretary of state shall prepare and keep a docket in which
35 shall be entered the name and business address of each lobbyist, the name
36 and business address of his employers, and the subjects of legislation, by
37 bill number, if available, to which the employment relates, which informa-
38 tion shall also be indexed by names of employers of lobbyists. Such docket
39 shall be a public record and open to the inspection of any citizen upon de-
40 mand at any time during the regular business hours of the office of the secre-
41 tary of state. Beginning with the first week following the beginning of any
42 regular or special session of the legislature and on every Wednesday there-
43 after for the duration of such session, the secretary of state shall from his
44 records report to each house of the legislature the names of lobbyists reg-
45 istered under this chapter not previously reported, the names of the persons
46 whom they represent, and subjects of legislation, by bill number, if avail-
47 able, in which they are interested.

1 74-710. DUTIES OF SECRETARY OF STATE. (1) The secretary of state is
2 charged with enforcement of the provisions of this chapter.

3 (2) In addition to duties otherwise prescribed in this section, it
4 shall be the duty of the secretary of state:

5 (a) To prescribe forms for statements and other information required
6 by this chapter to be filed and to furnish such forms and an instruction
7 manual to persons required to file such statements and information;

8 (b) To make statements and other information filed with him available
9 for public inspection and copying during regular office hours and to
10 make copying facilities available at a charge not to exceed actual cost;

11 (c) To preserve such statements and other information for a period of
12 four (4) years from date of receipt;

13 (d) To investigate statements filed under the provisions of this chap-
14 ter, to investigate alleged failures to file any statement required un-
15 der the provisions of this chapter, and, upon complaint by any person,
16 to investigate alleged violations of any provision of this chapter;

17 (e) To report suspected violations of law to the appropriate law en-
18 forcement authorities;

19 (f) To prescribe and publish rules, subject to legislative approval, in
20 accordance with the provisions of chapter 52, title 67, Idaho Code, and
21 to take such other actions as may be appropriate to carry out the provi-
22 sions of this chapter; and

23 (g) To require and prescribe methods for the filing of reports in an
24 online database established by the secretary of state's office for
25 the filing and publication of all reports required pursuant to this
26 chapter. The online database shall accommodate the filings of all
27 lobbyists. The online database shall be accessible on the secretary
28 of state's website and be searchable by the public by address, date,
29 expense, purpose, and any other content deemed appropriate by the sec-
30 retary of state. The secretary of state may, on an individual basis,
31 grant a hardship waiver and accept a report required by this chapter
32 in another format specified by the secretary of state, which shall be
33 entered into the online database by the secretary of state within three
34 (3) days of filing.

35 74-711. STATEMENTS TO BE CERTIFIED. All statements required to be
36 filed with the secretary of state under this chapter shall be signed and
37 certified as true and correct by the person required to file such statements.
38 Electronic signatures and certifications shall be governed by the uniform
39 electronic transactions act pursuant to chapter 50, title 28, Idaho Code.

40 74-712. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSECU-
41 TION -- LIMITATION -- VENUE. (1) Any person who violates the provisions of
42 sections 74-703, 74-705, 74-707, 74-708(1), or 74-711, Idaho Code, shall be
43 liable for a civil fine not to exceed two hundred fifty dollars (\$250) if an
44 individual, and not more than two thousand five hundred dollars (\$2,500) if a
45 person other than an individual. The burden of proof for such civil liabil-
46 ity shall be met by showing a preponderance of the evidence.

47 (2) Any person who violates the provisions of section 74-708(2), Idaho
48 Code, and any person who knowingly and willfully violates sections 74-703,

1 74-705, 74-707, 74-708(1), or 74-711, Idaho Code, is guilty of a misdemeanor
2 and, upon conviction, in addition to the fines set forth in subsection (1) of
3 this section, may be imprisoned for not more than six (6) months or be both
4 fined and imprisoned.

5 (3) The attorney general or the appropriate prosecuting attorney may
6 prosecute any violations of this chapter.

7 (4) Prosecution for a civil or misdemeanor violation of this chapter
8 must be commenced within two (2) years after the date on which the violation
9 occurred.

10 (5) Venue for prosecution under the provisions of this chapter shall be
11 in the county of residence of the defendant if the defendant is a resident of
12 the state of Idaho, otherwise, venue shall be in Ada county.

13 74-713. LATE FILING OF REPORT -- FEES. (1) If any person fails to file a
14 report required under this chapter on or before a specified date, he shall be
15 liable to the secretary of state for deposit in the general fund in the amount
16 of fifty dollars (\$50.00) per day beginning forty-eight (48) hours after the
17 deadline until the report is filed. The secretary of state shall notify the
18 person that a fine has been assessed and will continue to accrue until the
19 report has been filed. The notification shall be made by telephone or elec-
20 tronic means within twenty-four (24) hours of the missed filing deadline.

21 (2) The remedy provided in this section is cumulative and does not ex-
22 clude any other remedy or penalty prescribed in section 74-712, Idaho Code.

23 74-714. INJUNCTIONS. The district courts of this state shall have
24 original jurisdiction to issue injunctions to enforce the provisions of this
25 chapter upon application by the secretary of state.

26 74-715. SEVERABILITY. If any provisions of this chapter or its ap-
27 plication to any person or circumstance is held invalid, the remainder of
28 the chapter or the application of the provision to other persons or circum-
29 stances shall not be affected.

30 74-716. CONSTRUCTION. The provisions of this chapter are to be liber-
31 ally construed to effectuate the policies and purposes of this chapter. In
32 the event of conflict between the provisions of this chapter and any other
33 provision of law, the provisions of this chapter shall govern.

34 SECTION 11. That Section 18-1356, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 18-1356. GIFTS TO PUBLIC SERVANTS BY PERSONS SUBJECT TO THEIR JURIS-
37 DICTION. (1) Regulatory and law enforcement officials. No public servant in
38 any department or agency exercising regulatory functions, or conducting in-
39 spections or investigations, or carrying on civil or criminal litigation on
40 behalf of the government, or having custody of prisoners, shall solicit, ac-
41 cept or agree to accept any pecuniary benefit from a person known to be sub-
42 ject to such regulation, inspection, investigation or custody, or against
43 whom such litigation is known to be pending or contemplated.

44 (2) Officials concerned with government contracts and pecuniary trans-
45 actions. No public servant having any discretionary function to perform in

1 connection with contracts, purchases, payments, claims or other pecuniary
 2 transactions of the government shall solicit, accept or agree to accept any
 3 pecuniary benefit from any person known to be interested in or likely to be-
 4 come interested in any such contract, purchase, payment, claim or transac-
 5 tion.

6 (3) Judicial and administrative officials. No public servant having
 7 judicial or administrative authority and no public servant employed by or in
 8 a court or other tribunal having such authority, or participating in the en-
 9 forcement of its decisions, shall solicit, accept or agree to accept any pe-
 10 cuniary benefit from a person known to be interested in or likely to become
 11 interested in any matter before such public servant or a tribunal with which
 12 he is associated.

13 (4) Legislative and executive officials. No legislator or public ser-
 14 vant shall solicit, accept or agree to accept any pecuniary benefit in return
 15 for action on a bill, legislation, proceeding or official transaction from
 16 any person known to be interested in a bill, legislation, official transac-
 17 tion or proceeding.

18 (5) Exceptions. This section shall not apply to:

19 (a) fees prescribed by law to be received by a public servant, or any
 20 other benefit for which the recipient gives legitimate consideration or
 21 to which he is otherwise legally entitled; or

22 (b) gifts or other benefits conferred on account of kinship or other
 23 personal, professional or business relationship independent of the of-
 24 ficial status of the receiver; or

25 (c) trivial benefits not to exceed a value of fifty dollars (\$50.00) in-
 26 cidental to personal, professional or business contacts and involving
 27 no substantial risk of undermining official impartiality; or

28 (d) benefits received as a result of lobbying activities that are dis-
 29 closed in reports required by ~~chapter 66, title 67, chapter 7, title 74,~~
 30 Idaho Code. This exception shall not apply to any activities prohibited
 31 by subsections (1) through (4) of this section.

32 (6) Offering benefits prohibited. No person shall knowingly confer,
 33 or offer or agree to confer, any benefit prohibited by the foregoing subsec-
 34 tions.

35 (7) Grade of offense. An offense under this section is a misdemeanor
 36 and shall be punished as provided in this chapter.

37 SECTION 12. That Section 67-6625, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 67-6625. VIOLATIONS -- CIVIL FINE -- MISDEMEANOR PENALTY -- PROSE-
 40 CUTION -- LIMITATION -- VENUE. (1) Any person who violates the provisions
 41 of sections 67-6603, 67-6604, 67-6606 through 67-6614A, ~~67-6617, 67-6619,~~
 42 ~~67-6620, 67-6621(1),~~ 67-6624, 67-6627 or 67-6628, Idaho Code, shall be li-
 43 able for a civil fine not to exceed two hundred fifty dollars (\$250) if an
 44 individual, and not more than two thousand five hundred dollars (\$2,500) if a
 45 person other than an individual. The burden of proof for such civil liabil-
 46 ity shall be met by showing a preponderance of the evidence.

47 (2) Any person who violates section 67-6605 ~~or 67-6621(2),~~ Idaho
 48 Code, and any person who knowingly and willfully violates sections 67-6603
 49 through 67-6614A, ~~67-6617, 67-6619, 67-6620, 67-6621(1),~~ 67-6624, 67-6627

1 or 67-6628, Idaho Code, is guilty of a misdemeanor and, upon conviction, in
2 addition to the fines set forth in subsection (1) of this section, may be
3 imprisoned for not more than six (6) months or be both fined and imprisoned.

4 (3) The attorney general or the appropriate prosecuting attorney may
5 prosecute any violations of this chapter.

6 (4) Prosecution for a civil or misdemeanor violation of this chapter
7 must be commenced within two (2) years after the date on which the violation
8 occurred. Prosecution for a felony violation of this chapter must be com-
9 menced pursuant to the provisions of section 19-402, Idaho Code.

10 (5) Venue for prosecution under the provisions of this chapter shall be
11 in the county of residence of the defendant if the defendant is a resident of
12 the state of Idaho, otherwise venue shall be in Ada county.

13 SECTION 13. That Section 74-106, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PER-
16 SONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following
17 records are exempt from disclosure:

18 (1) Except as provided in this subsection, all personnel records of
19 a current or former public official other than the public official's pub-
20 lic service or employment history, classification, pay grade and step,
21 longevity, gross salary and salary history, including bonuses, severance
22 packages, other compensation or vouchered and unvouchered expenses for
23 which reimbursement was paid, status, workplace and employing agency. All
24 other personnel information relating to a public employee or applicant,
25 including but not limited to information regarding sex, race, marital sta-
26 tus, birth date, home address and telephone number, social security number,
27 driver's license number, applications, testing and scoring materials,
28 grievances, correspondence and performance evaluations, shall not be dis-
29 closed to the public without the employee's or applicant's written consent.
30 Names of applicants to classified or merit system positions shall not be dis-
31 closed to the public without the applicant's written consent. Disclosure of
32 names as part of a background check is permitted. Names of the five (5) final
33 applicants to all other positions shall be available to the public. If such
34 group is less than five (5) finalists, then the entire list of applicants
35 shall be available to the public. A public official or authorized represen-
36 tative may inspect and copy his personnel records, except for material used
37 to screen and test for employment.

38 (2) Retired employees' and retired public officials' home addresses,
39 home telephone numbers and other financial and nonfinancial membership
40 records; and active and inactive member financial and membership records
41 and mortgage portfolio loan documents maintained by the public employee re-
42 tirement system. Financial statements prepared by retirement system staff,
43 funding agents and custodians concerning the investment of assets of the
44 public employee retirement system of Idaho are not considered confidential
45 under this chapter.

46 (3) Information and records submitted to the Idaho state lottery for
47 the performance of background investigations of employees, lottery retail-
48 ers and major procurement contractors; audit records of lottery retailers,
49 vendors and major procurement contractors submitted to or performed by the

1 Idaho state lottery; validation and security tests of the state lottery for
2 lottery games; and business records and information submitted pursuant to
3 sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such
4 documents and information obtained and held for the purposes of lottery se-
5 curity and investigative action as determined by lottery rules, unless the
6 public interest in disclosure substantially outweighs the private need for
7 protection from public disclosure.

8 (4) Records of a personal nature as follows:

9 (a) Records of personal debt filed with a public agency pursuant to law;

10 (b) Personal bank records compiled by a public depositor for the pur-
11 pose of public funds transactions conducted pursuant to law;

12 (c) Records of ownership of financial obligations and instruments of a
13 public agency, such as bonds, compiled by the public agency pursuant to
14 law;

15 (d) Records with regard to the ownership of or security interests in
16 registered public obligations;

17 (e) Vital statistics records;

18 (f) Military records as described in and pursuant to section 65-301,
19 Idaho Code;

20 (g) Social security numbers; and

21 (h) The following personal data identifiers for an individual may be
22 disclosed only in the following redacted format:

23 (i) The initials of any minor children of the individual;

24 (ii) A date of birth in substantially the following format:
25 XX/XX/birth year;

26 (iii) The last four (4) digits of a financial account number in
27 substantially the following format: XXXXX1234;

28 (iv) The last four (4) digits of a driver's license number or
29 state-issued personal identification card number in substan-
30 tially the following format: XXXXX350F; and

31 (v) The last four (4) digits of an employer identification number
32 or business's taxpayer identification number.

33 (5) Information in an income or other tax return measured by items of
34 income or sales that is gathered by a public agency for the purpose of admin-
35 istering the tax, except such information to the extent disclosed in a writ-
36 ten decision of the tax commission pursuant to a taxpayer protest of a defi-
37 ciency determination by the tax commission, under the provisions of section
38 63-3045B, Idaho Code.

39 (6) Records of a personal nature related directly or indirectly to the
40 application for and provision of statutory services rendered to persons
41 applying for public care for people who are elderly, indigent or have mental
42 or physical disabilities or participation in an environmental or a public
43 health study, provided the provisions of this subsection making records
44 exempt from disclosure shall not apply to the extent that such records or
45 information contained in those records are necessary for a background check
46 on an individual that is required by federal law regulating the sale of
47 firearms, guns or ammunition.

48 (7) Employment security information, except that a person may agree,
49 through written, informed consent, to waive the exemption so that a third
50 party may obtain information pertaining to the person, unless access to the

1 information by the person is restricted by subsection (3) (a), (b) or (d)
2 of section 74-113, Idaho Code. Notwithstanding the provisions of section
3 74-113, Idaho Code, a person may not review identifying information con-
4 cerning an informant who reported to the department of labor a suspected
5 violation by the person of the employment security law, chapter 13, title 72,
6 Idaho Code, under an assurance of confidentiality. As used in this section
7 and in chapter 13, title 72, Idaho Code, "employment security information"
8 means any information descriptive of an identifiable person or persons that
9 is received by, recorded by, prepared by, furnished to or collected by the
10 department of labor or the industrial commission in the administration of
11 the employment security law.

12 (8) Any personal records, other than names, business addresses and
13 business phone numbers, such as parentage, race, religion, sex, height,
14 weight, tax identification and social security numbers, financial worth or
15 medical condition submitted to any public agency pursuant to a statutory
16 requirement for licensing, certification, permit or bonding.

17 (9) Unless otherwise provided by agency rule, information obtained as
18 part of an inquiry into a person's fitness to be granted or retain a license,
19 certificate, permit, privilege, commission or position and private associ-
20 ation peer review committee records authorized in title 54, Idaho Code. Any
21 agency that has records exempt from disclosure under the provisions of this
22 subsection shall annually make available a statistical summary of the number
23 and types of matters considered and their disposition.

24 (10) The records, findings, determinations and decisions of any prelit-
25 igation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

26 (11) Complaints received by the board of medicine and investigations
27 and informal proceedings, including informal proceedings of any committee
28 of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and
29 rules adopted thereunder.

30 (12) Records of the department of health and welfare or a public health
31 district that identify a person infected with a reportable disease.

32 (13) Records of hospital care, medical records, including prescrip-
33 tions, drug orders, records or any other prescription information that
34 specifically identifies an individual patient, prescription records main-
35 tained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho
36 Code, records of psychiatric care or treatment and professional counseling
37 records relating to an individual's condition, diagnosis, care or treat-
38 ment, provided the provisions of this subsection making records exempt from
39 disclosure shall not apply to the extent that such records or information
40 contained in those records are necessary for a background check on an indi-
41 vidual that is required by federal law regulating the sale of firearms, guns
42 or ammunition.

43 (14) Information collected pursuant to the directory of new hires act,
44 chapter 16, title 72, Idaho Code.

45 (15) Personal information contained in motor vehicle and driver records
46 that is exempt from disclosure under the provisions of chapter 2, title 49,
47 Idaho Code.

48 (16) Records of the financial status of prisoners pursuant to subsec-
49 tion (2) of section 20-607, Idaho Code.

1 (17) Records of the Idaho state police or department of correction re-
2 ceived or maintained pursuant to section 19-5514, Idaho Code, relating to
3 DNA databases and databanks.

4 (18) Records of the department of health and welfare relating to a sur-
5 vey, resurvey or complaint investigation of a licensed nursing facility.
6 Such records shall, however, be subject to disclosure as public records as
7 soon as the facility in question has received the report and no later than the
8 fourteenth day following the date that department of health and welfare rep-
9 resentatives officially exit the facility pursuant to federal regulations.
10 Provided however, that for purposes of confidentiality, no record shall be
11 released under this section that specifically identifies any nursing facil-
12 ity resident.

13 (19) Records and information contained in the registry of immunizations
14 against childhood diseases maintained in the department of health and wel-
15 fare, including information disseminated to others from the registry by the
16 department of health and welfare.

17 (20) Records of the Idaho housing and finance association (IHFA) relat-
18 ing to the following:

19 (a) Records containing personal financial, family, health or similar
20 personal information submitted to or otherwise obtained by the IHFA;

21 (b) Records submitted to or otherwise obtained by the IHFA with regard
22 to obtaining and servicing mortgage loans and all records relating to
23 the review, approval or rejection by the IHFA of said loans;

24 (c) Mortgage portfolio loan documents;

25 (d) Records of a current or former employee other than the employee's
26 duration of employment with the association, position held and loca-
27 tion of employment. This exemption from disclosure does not include the
28 contracts of employment or any remuneration, including reimbursement
29 of expenses, of the executive director, executive officers or commis-
30 sioners of the association. All other personnel information relating
31 to an association employee or applicant, including but not limited to
32 information regarding sex, race, marital status, birth date, home ad-
33 dress and telephone number, applications, testing and scoring materi-
34 als, grievances, correspondence, retirement plan information and per-
35 formance evaluations, shall not be disclosed to the public without the
36 employee's or applicant's written consent. An employee or authorized
37 representative may inspect and copy that employee's personnel records,
38 except for material used to screen and test for employment or material
39 not subject to disclosure elsewhere in the Idaho public records act.

40 (21) Records of the department of health and welfare related to child
41 support services in cases in which there is reasonable evidence of domestic
42 violence, as defined in chapter 63, title 39, Idaho Code, that can be used
43 to locate any individuals in the child support case except in response to a
44 court order.

45 (22) Records of the Idaho state bar lawyer assistance program pursuant
46 to chapter 49, title 54, Idaho Code, unless a participant in the program au-
47 thORIZES the release pursuant to subsection (4) of section 54-4901, Idaho
48 Code.

1 (23) Records and information contained in the time-sensitive emergency
2 registry created by chapter 20, title 57, Idaho Code, together with any re-
3 ports, analyses and compilations created from such information and records.

4 (24) Records contained in the court files or other records prepared as
5 part of proceedings for judicial authorization of sterilization procedures
6 pursuant to chapter 39, title 39, Idaho Code.

7 (25) The physical voter registration application on file in the county
8 clerk's office; however, a redacted copy of said application shall be made
9 available consistent with the requirements of this section. Information
10 from the voter registration application maintained in the statewide voter
11 registration database, including age, will be made available except for
12 the voter's driver's license number, date of birth and, upon a showing that
13 the voter comes within the provisions of subsection (30) of this section or
14 upon showing of good cause by the voter to the county clerk in consultation
15 with the county prosecuting attorney, the physical residence address of the
16 voter. For the purposes of this subsection, good cause shall include the
17 protection of life and property and protection of victims of domestic vio-
18 lence and similar crimes.

19 (26) Information in the files of the health care directive registry
20 maintained by the department of health and welfare under section 39-4515,
21 Idaho Code, is confidential and shall not be disclosed to any person other
22 than to the person who executed an advance care planning document or the re-
23 vocation thereof and that person's surrogate decision-maker, to the person
24 who registered an advance care planning document or revocation thereof, and
25 to physicians, hospitals, medical personnel, nursing homes, and other per-
26 sons who have been granted access to the documents in the registry.

27 (27) Records in an address confidentiality program participant's file
28 as provided for in chapter 57, title 19, Idaho Code, other than the address
29 designated by the secretary of state, except under the following circum-
30 stances:

31 (a) If requested by a law enforcement agency, to the law enforcement
32 agency; or

33 (b) If directed by a court order, to a person identified in the order.

34 (28) Except as otherwise provided by law relating to the release of in-
35 formation to a governmental entity or law enforcement agency, any personal
36 information, including but not limited to names, personal and business ad-
37 dresses and phone numbers, sex, height, weight, date of birth, social secu-
38 rity and driver's license numbers, or any other identifying numbers or in-
39 formation related to any Idaho fish and game licenses, permits and tags un-
40 less written consent is obtained from the affected person.

41 (29) Documents and records related to alternatives to discipline that
42 are maintained by the Idaho board of veterinary medicine under the provi-
43 sions of section 54-2118(1)(b), Idaho Code, provided the requirements set
44 forth therein are met.

45 (30) The Idaho residential street address and telephone number of an
46 eligible law enforcement or judicial officer and such officer's residing
47 household members as provided for in chapters 58 and 62, title 19, Idaho
48 Code, except under the following circumstances:

49 (a) If directed by a court order, to a person identified in the court
50 order;

1 (b) If requested by a law enforcement agency, to the law enforcement
2 agency;

3 (c) If requested by a financial institution or title company for busi-
4 ness purposes, to the requesting financial institution or title com-
5 pany; or

6 (d) If the law enforcement or judicial officer provides written permis-
7 sion for disclosure of such information.

8 (31) All information exchanged between the Idaho transportation de-
9 partment and insurance companies, any database created, all information
10 contained in the verification system and all reports, responses or other
11 information generated for the purposes of the verification system, pursuant
12 to section 49-1234, Idaho Code.

13 (32) Nothing in this section shall prohibit the release of information
14 to the state controller as the state social security administrator as pro-
15 vided in section 59-1101A, Idaho Code.

16 (33) Personal information, including but not limited to property val-
17 ues, personal and business addresses, phone numbers, dates of birth, social
18 security and driver's license numbers or any other identifying numbers or
19 information maintained by the administrator of the unclaimed property law
20 set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection
21 shall prohibit the release of names, last known city of residence, property
22 value ranges and general property information by the administrator for the
23 purpose of reuniting unclaimed property with its owner.

24 (34) Any personal information collected by the secretary of state,
25 pursuant to section 67-906(1) (b), Idaho Code, for the purpose of allowing
26 individuals to access the statewide electronic filing system authorized
27 in section 67-906, Idaho Code, except campaign contact phone numbers for
28 candidates or committees, which shall be publicly available upon request;
29 and any notification email addresses submitted as part of a lobbyist's reg-
30 istration under section ~~67-6617~~ 74-703, Idaho Code, of an employer, client,
31 or designated contact for the purpose of electronic notification of that
32 employer, client, or designated contact of a report filed under section
33 ~~67-6619~~ 74-705, Idaho Code.

34 SECTION 14. An emergency existing therefor, which emergency is hereby
35 declared to exist, this act shall be in full force and effect on and after
36 July 1, 2025.