

IN THE SENATE

SENATE BILL NO. 1153

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LOBBYING; AMENDING SECTION 67-6602, IDAHO CODE, TO DEFINE TERMS
2 AND TO REVISE A DEFINITION; AMENDING SECTION 67-6606, IDAHO CODE, TO
3 PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-6617, IDAHO CODE,
4 TO REVISE PROVISIONS REGARDING LOBBYIST REGISTRATION REQUIREMENTS;
5 AMENDING SECTION 67-6618, IDAHO CODE, TO REVISE PROVISIONS REGARDING
6 EXEMPTIONS FROM LOBBYIST REGISTRATION; AMENDING SECTION 67-6619, IDAHO
7 CODE, TO REVISE PROVISIONS REGARDING REPORTS FILED BY LOBBYISTS; AMEND-
8 ING SECTION 67-6619A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE;
9 AMENDING SECTION 67-6621, IDAHO CODE, TO REVISE PROVISIONS REGARDING
10 THE DUTIES OF LOBBYISTS AND TO PROVIDE A CORRECT CODE REFERENCE; AND
11 AMENDING SECTION 74-106, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM THE
12 PUBLIC RECORDS LAW FOR CERTAIN E-MAIL ADDRESSES, TO PROVIDE CORRECT
13 TERMINOLOGY, AND TO MAKE TECHNICAL CORRECTIONS.
14

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

16 SECTION 1. That Section 67-6602, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 67-6602. DEFINITIONS. As used in this chapter, the following terms
19 have the following meanings:

20 (a) "Candidate" means an individual who has taken affirmative action
21 to seek nomination or election to public office. An individual shall be
22 deemed to have taken affirmative action to seek such nomination or election
23 to public office when he first:

24 (1a) Receives contributions or makes expenditures or reserves space or
25 facilities with intent to promote his candidacy for office; or

26 (2b) Announces publicly or files for office.

27 (3c) For purposes of this chapter, an incumbent shall be presumed to be
28 a candidate in the subsequent election for his or her office. Contri-
29 butions received by an incumbent candidate shall not be in excess of the
30 prescribed contribution limits for the subsequent election by which the
31 incumbent candidate's name would first appear on the ballot. An incum-
32 bent shall no longer be a candidate for his or her office after the dead-
33 line for the filing of a declaration of candidacy to first appear on the
34 ballot for that office has expired.

35 (b2) "Compensation" includes any advance, conveyance, forgiveness of
36 indebtedness, deposit, distribution, loan, payment, gift, pledge or trans-
37 fer of money or anything of value, and any contract, agreement, promise or
38 other obligation, whether or not legally enforceable, to do any of the fore-
39 going, for services rendered or to be rendered, but does not include reim-
40 bursement of expenses if such reimbursement does not exceed the amount ac-
41 tually expended for such expenses and is substantiated by an itemization of
42 such expenses.

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

4 (e4) "Contribution" includes any advance, conveyance, forgiveness of
 5 indebtedness, deposit, distribution, loan, payment, gift, pledge, sub-
 6 scription or transfer of money or anything of value, and any contract, agree-
 7 ment, promise or other obligation, whether or not legally enforceable, to
 8 make a contribution, in support of or in opposition to any candidate, polit-
 9 ical committee or measure. Such term also includes personal funds or other
 10 property of a candidate or members of his household expended or transferred
 11 to cover expenditures incurred in support of such candidate but does not
 12 include personal funds used to pay the candidate filing fee. Such term also
 13 includes the rendering of personal and professional services for less than
 14 full consideration, but does not include ordinary home hospitality or the
 15 rendering of "part-time" personal services of the sort commonly performed
 16 by volunteer campaign workers or advisors or incidental expenses not in ex-
 17 cess of twenty-five dollars (\$25.00) personally paid for by any volunteer
 18 campaign worker. "Part-time" services, for the purposes of this definition,
 19 means services in addition to regular full-time employment, or, in the case
 20 of an unemployed person or persons engaged in part-time employment, services
 21 rendered without compensation or reimbursement of expenses from any source
 22 other than the candidate or political committee for whom such services are
 23 rendered. For the purposes of this act, contributions, other than money or
 24 its equivalent shall be deemed to have a money value equivalent to the fair
 25 market value of the contribution.

26 (e5) "Election" means any general, special or primary election.

27 (e6) "Election campaign" means any campaign in support of or in opposi-
 28 tion to a candidate for election to public office and any campaign in support
 29 of, or in opposition to, a measure.

30 (£7) (±a) "Electioneering communication" means any communication
 31 broadcast by television or radio, printed in a newspaper or on a bill-
 32 board, directly mailed or delivered by hand to personal residences, or
 33 telephone calls made to personal residences, or otherwise distributed
 34 that:

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

43 (2b) "Electioneering communication" does not include:

- 44 (i) Any news articles, editorial endorsements, opinion or com-
 45 mentary, writings, or letter to the editor printed in a newspaper,
 46 magazine, or other periodical not owned or controlled by a candi-
 47 date or political party;
- 48 (ii) Any editorial endorsements or opinions aired by a broad-
 49 cast facility not owned or controlled by a candidate or political
 50 party;

1 (iii) Any communication by persons made in the regular course and
 2 scope of their business or any communication made by a membership
 3 organization solely to members of such organization and their fam-
 4 ilies;

5 (iv) Any communication which refers to any candidate only as part
 6 of the popular name of a bill or statute;

7 (v) A communication which constitutes an expenditure or an inde-
 8 pendent expenditure under this chapter.

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

12 (9) "Executive official" means:

13 (1a) The governor, lieutenant governor, secretary of state, state con-
 14 troller, state treasurer, attorney general, superintendent of public
 15 instruction and any deputy or staff member of one (1) of those individ-
 16 uals who, within the course and scope of his or her employment, is di-
 17 rectly involved in major policy influencing decisions for the office;

18 (2b) A state department or agency director, deputy director, division
 19 administrator or bureau chief as established and enumerated in sections
 20 67-2402 and 67-2406, Idaho Code;

21 (3c) The membership and the executive or chief administrative officer
 22 of any board or commission that is authorized to make rules or conduct
 23 rulemaking activities pursuant to section 67-5201, Idaho Code;

24 (4d) The membership and the executive or chief administrative officer
 25 of any board or commission that governs any of the state departments
 26 enumerated in section 67-2402, Idaho Code, not including public school
 27 districts;

28 (5e) The membership and the executive or chief administrative officer
 29 of the Idaho public utilities commission, the Idaho industrial commis-
 30 sion, and the Idaho state tax commission; and

31 (6f) The members of the governing board of the state insurance fund, and
 32 the members of the governing board and the executive or chief adminis-
 33 trative officer of the Idaho housing and finance association, the Idaho
 34 energy resources authority, and the Idaho state building authority.

35 (10) "Expenditure" includes any payment, contribution, subscription,
 36 distribution, loan, advance, deposit, or gift of money or anything of value,
 37 and includes a contract, promise, or agreement, whether or not legally en-
 38 forceable, to make an expenditure. The term "expenditure" also includes a
 39 promise to pay, a payment or a transfer of anything of value in exchange for
 40 goods, services, property, facilities or anything of value for the purpose
 41 of assisting, benefiting or honoring any public official or candidate, or
 42 assisting in furthering or opposing any election campaign.

43 (11) "Independent expenditure" means any expenditure by a person for
 44 a communication expressly advocating the election, passage or defeat of a
 45 clearly identified candidate or measure that is not made with the coopera-
 46 tion or with the prior consent of, or in consultation with, or at the consent
 47 of, or in consultation with, or at the request of a suggestion of, a candidate
 48 or any agent or authorized committee of the candidate or political committee
 49 supporting or opposing a measure. As used in this subsection, "expressly ad-
 50 vocating" means any communication containing a message advocating election,

1 passage or defeat including, but not limited to, the name of the candidate
 2 or measure, or expression such as "vote for," "elect," "support," "cast your
 3 ballot for," "vote against," "defeat" or "reject."

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

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

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

30 (15) "Lobbyist's employer" means the person or persons by for whom a
 31 lobbyist is employed, directly or indirectly, and all persons by whom he is
 32 compensated for acting as a lobbyist an employee, and by whom the lobbyist is
 33 compensated for acting as a lobbyist.

34 (~~§~~16) "Measure" means any proposal, to be voted statewide, submitted
 35 to the people for their approval or rejection at an election, including any
 36 initiative, referendum, recall election for statewide or legislative dis-
 37 trict offices, or revision of or amendment to the state constitution. An
 38 initiative or referendum proposal shall be deemed a measure when the attor-
 39 ney general reviews it and gives it a ballot title. A recall shall be deemed
 40 a measure upon approval of the recall petition as to form pursuant to section
 41 34-1704, Idaho Code.

42 (~~§~~17) "Nonbusiness entity" means any group of two (2) or more individu-
 43 als, corporation, association, firm, partnership, committee, club or other
 44 organization which:

45 (~~1~~a) Does not have as its principal purpose the conduct of business ac-
 46 tivities for profit; and

47 (~~2~~b) Received during the preceding or current calendar year contribu-
 48 tions, gifts or membership fees, which in the aggregate exceeded ten
 49 percent (10%) of its total receipts for such year.

1 (18) "Person" means an individual, corporation, association, firm,
2 partnership, committee, political party, club or other organization or
3 group of persons.

4 (19) "Political committee" means:

5 (1a) Any person specifically designated to support or oppose any candi-
6 date or measure; or

7 (2b) Any person who receives contributions and makes expenditures in
8 an amount exceeding five hundred dollars (\$500) in any calendar year
9 for the purpose of supporting or opposing one (1) or more candidates or
10 measures. Any entity registered with the federal election commission
11 shall not be considered a political committee for purposes of this chap-
12 ter.

13 (3c) A county, district or regional committee of a recognized politi-
14 cal party shall not be considered a political committee for the purposes
15 of this chapter unless such party committee has expenditures exceeding
16 five thousand dollars (\$5,000) in a calendar year.

17 (20) "Political treasurer" means an individual appointed by a candi-
18 date or political committee as provided in section 67-6603, Idaho Code.

19 (21) "Public office" means any state office or position, state sena-
20 tor, state representative, and judge of the district court that is filled by
21 election.

22 SECTION 2. That Section 67-6606, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 67-6606. EXPENDITURES BY NONBUSINESS ENTITY. (1) Any nonbusiness en-
25 tity, which is not a political committee as defined in section 67-6602(p),
26 Idaho Code, making expenditures in or directed to voters in the state of
27 Idaho in an amount exceeding one thousand dollars (\$1,000) in any calendar
28 year for the purpose of supporting or opposing one (1) or more candidates or
29 measures shall file a statement with the secretary of state. The statement
30 shall include:

31 (a) The name and address of the nonbusiness entity and the name and ad-
32 dress of its principal officer or directors.

33 (b) The name and address of each person whose fees, dues, payments
34 or other consideration paid to such nonbusiness entity during either
35 of the prior two (2) calendar years has exceeded five hundred dollars
36 (\$500) or who has paid or has agreed to pay fees, dues, payments or other
37 consideration exceeding five hundred dollars (\$500) to such entity dur-
38 ing the current year.

39 (2) This statement shall be filed within thirty (30) days of when the
40 one thousand dollar (\$1,000) threshold mentioned in subsection (1) of this
41 section is exceeded.

42 SECTION 3. That Section 67-6617, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 67-6617. REGISTRATION OF LOBBYISTS. (a1) Before doing any lobbying,
45 or within thirty (30) days after being employed, designated, or contracted
46 as a lobbyist, whichever occurs first, a lobbyist shall register by filing
47 with the secretary of state a lobbyist registration statement, in such de-

1 tail as the secretary of state shall prescribe, accompanied by payment of a
 2 registration fee of ten dollars (\$10.00) ~~(which shall to be deposited by the~~
 3 ~~secretary of state in the state treasury), showing.~~ The lobbyist registra-
 4 tion statement shall include:

5 (1a) ~~His~~ The lobbyist's name, permanent business address, and any tem-
 6 porary residential and business address in Ada ~~C~~ounty during the leg-
 7 islative session;

8 (2b) The name, address, and notification e-mail address to be used un-
 9 der section 67-6619(2), Idaho Code, for the employer, client, or desig-
 10 minated contact, as well as the general nature of the occupation or busi-
 11 ness of the lobbyist's employer or client, and the duration of his em-
 12 ployment or contract;

13 (c) In the case of a designated lobbyist for a corporate entity as de-
 14 scribed under section 67-6618(7), Idaho Code, the name and notification
 15 e-mail address of the corporate entity that is already registered as a
 16 lobbyist and for whom the designated lobbyist will be reporting all cor-
 17 porate and employee activities;

18 (3d) Whether the person from whom he receives compensation employs him
 19 solely as a lobbyist or whether he is a regular employee performing ser-
 20 vices for his employer which include but are not limited to lobbying of
 21 legislation;

22 (4e) The general subject or subjects of the lobbyist's legislative in-
 23 terest; and

24 (5f) The name and address of the person who will have custody of the ac-
 25 counts, bills, receipts, books, papers, and documents required to be
 26 kept under this act.

27 (b2) Any lobbyist who receives or is to receive compensation from more
 28 than one (1) person for his services as a lobbyist shall file a separate no-
 29 tice of representation, accompanied by the fee of ten dollars (\$10.00) for
 30 each separate notice of representation, with respect to each such person;
 31 except that where a lobbyist whose fee for acting as such in respect to the
 32 same legislation or type of legislation is, or is to be, paid or contributed
 33 by more than one (1) person, then such lobbyist may file a single statement,
 34 in which he shall detail the name, business address and general occupation of
 35 each person so paying or contributing.

36 (e3) Whenever a change, modification, or termination of the lobbyist's
 37 employment or contract occurs, the lobbyist shall, within one (1) week of
 38 such change, modification or termination, furnish full information regard-
 39 ing the same by filing with the secretary of state an amended registration
 40 statement.

41 (d4) Each lobbyist who has registered shall file a new registration
 42 statement, revised as appropriate, on or before each January 10, and failure
 43 to do so shall terminate his registration.

44 SECTION 4. That Section 67-6618, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 67-6618. EXEMPTION FROM REGISTRATION. The following persons and ac-
 47 tivities shall be exempt from registration and reporting under sections
 48 67-6617 and 67-6619, Idaho Code:

1 (a1) Persons who limit their lobbying activities to appearances before
2 public sessions of committees of the legislature or to appearances or par-
3 ticipation in public meetings, public hearings or public proceedings held or
4 initiated by executive officials or their employees.

5 (b2) Persons who are employees of an entity engaged in the business of
6 publishing, broadcasting or televising, while engaged in the gathering and
7 dissemination of news and comment thereon to the general public in the ordi-
8 nary course of business.

9 (c3) Persons who do not receive any compensation for lobbying and per-
10 sons whose compensation for lobbying does not exceed two hundred fifty dol-
11 lars (\$250) in the aggregate during any calendar quarter, including persons
12 who lobby on behalf of their employer or employers, and the lobbying activity
13 represents less than the equivalent of two hundred fifty dollars (\$250) of
14 the employee's time per calendar year quarter, based on an hourly proration
15 of said employee's compensation.

16 (4) Members of a trade association who are acting on behalf of and at
17 the request of the trade association, if such association has registered as
18 a lobbyist pursuant to this chapter, and if any expenditures are reported by
19 the association pursuant to section 67-6619, Idaho Code.

20 (d5) Elected state officers and state executive officers appointed by
21 the governor subject to confirmation by the senate; elected officials of po-
22 litical subdivisions of the state of Idaho, acting in their official capac-
23 ity.

24 (e6) A person who represents a bona fide church (of which he is a member)
25 solely for the purpose of protecting the constitutional right to the free ex-
26 ercise of religion.

27 (f7) (1a) ~~Employees of a corporation~~ corporate entity, if such
28 ~~corporation~~ corporate entity:

29 (i) Has registered as a lobbyist pursuant to this chapter 66, ti-
30 tle 67, Idaho Code, and;

31 (ii) Has ~~designated~~ appointed one (1) or more of its employees or
32 contractors as its official designated lobbyist; and

33 (iii) The person so ~~designated~~ appointed by the ~~corporation~~ has
34 also registered as a corporate entity has completed the designated
35 lobbyist registration.

36 (2b) ~~The corporation and the lobbyist designated pursuant to this sub-~~
37 ~~section~~ corporate entity shall, through its designated lobbyist, fully
38 and accurately report all expenditures made by employees who are exempt
39 hereunder, in the manner and at the times required by section 67-6618,
40 Idaho Code, and, in addition thereto, shall report the names of all em-
41 ployees who make or authorize expenditures in the aggregate sum of fifty
42 dollars (\$50.00) or more during any calendar year on behalf of the cor-
43 porate entity's lobbying activities.

44 SECTION 5. That Section 67-6619, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 67-6619. REPORTING BY LOBBYISTS. (1) Any lobbyist registered under
47 section 67-6617, Idaho Code, shall file with the secretary of state an an-
48 nual report of his lobbying activities signed by ~~both the lobbyist and the~~
49 ~~lobbyist's employer or employers.~~ The reports shall be made in the form and

1 manner prescribed by the secretary of state and shall be filed on January
 2 31 of each year. In addition to the annual report, while the legislature is
 3 in session, every registered lobbyist shall file interim monthly periodic
 4 reports for each month or portion thereof that the legislature is in session,
 5 ~~which reports need to be signed only by the lobbyist and~~ which shall be filed
 6 within fifteen (15) days of the first day of the month for the activities of
 7 the month just past, provided however, that any lobbyist covered under this
 8 chapter whose lobbying activities are confined only to executive officials
 9 shall be required to file interim periodic reports semiannually on January
 10 31 and July 31, ~~which reports need to be signed by the lobbyist and the lob-~~
 11 ~~byist's employer or employers.~~

12 (2) Once a lobbyist has filed an annual or semiannual report, each per-
 13 son identified as an employer, client, or designated contact on the report
 14 will be electronically notified that the report has been filed by the lob-
 15 byist, using the contact information provided for the employer, client, or
 16 designated contact upon registration.

17 (23) Each annual, semiannual and monthly periodic report shall con-
 18 tain:

19 (a) The total of all expenditures made or incurred on behalf of such
 20 lobbyist by the lobbyist's employer ~~or~~ employers, client, or clients,
 21 not including payments made directly to the lobbyist, during the period
 22 covered by the report. The totals shall be segregated according to fi-
 23 nancial category including, but not limited to: entertainment, food
 24 and refreshment, honoraria, travel, lodging, advertising and other
 25 like expenditures. Reimbursed personal living and travel expenses of a
 26 lobbyist made or incurred directly or indirectly for any lobbying pur-
 27 pose need not be reported.

28 (b) The name of any legislator or executive official to whom or for
 29 whose benefit on any one (1) occasion, ~~an expenditure in excess of: (i)~~
 30 ~~seventy-five dollars (\$75.00) per person from 2008 through December 31,~~
 31 ~~2010, and (ii) in excess of one hundred dollars (\$100) per person on and~~
 32 ~~after January 1, 2011,~~ for the purpose of lobbying, is made or incurred
 33 and the date, name of payee, purpose and amount of such expenditure.
 34 Expenditures for the benefit of the members of the household of a legis-
 35 lator or executive official shall also be itemized if such expenditure
 36 exceeds the amount listed in this subsection.

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.

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

49 (e) The itemization threshold in subsection (23) (b) of this section
 50 shall be adjusted biennially by directive of the secretary of state, us-

1 ing consumer price index data compiled by the United States department
2 of labor.

3 (34) Reports ~~provided by this section required~~ to be filed under the
4 provisions of this section ~~may shall~~ be filed ~~by means of an electronic fac-~~
5 ~~simile transmission machine and may be filed by other electronic means as ap-~~
6 ~~proved by the secretary of state online with the secretary of state, except~~
7 ~~as provided in section 67-6623, Idaho Code, by no later than midnight on the~~
8 ~~date the filing is due.~~

9 SECTION 6. That Section 67-6619A, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 67-6619A. REPORTS BY STATE ENTITIES. Any office or agency of state
12 government or a state funded educational institution that offers gifts of
13 any kind through interaction with the legislative or executive department of
14 state government shall file the same reports lobbyists are required to file
15 pursuant to section 67-6619, Idaho Code, with the exception of reporting
16 under section 67-6619(23) (d), Idaho Code, unless the office, agency or state
17 funded educational institution is otherwise represented by a lobbyist who
18 files all necessary reports and documentation as provided by law.

19 SECTION 7. That Section 67-6621, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 67-6621. DUTIES OF LOBBYISTS. A person required to register as a lob-
22 byist under this act shall also have the following obligations, the viola-
23 tion of which shall constitute cause for revocation of his registration, and
24 may subject such person, and such person's employer or client, if such em-
25 ployer or client aids, abets, ratifies or confirms any such act, to other
26 civil liabilities, as provided by this act:

27 (1) Such persons shall obtain and preserve all accounts, bills,
28 receipts, books, papers, and documents necessary to substantiate the fi-
29 nancial reports required to be made under this act for a period of at least
30 three (3) years from the date of the filing of the statement containing such
31 items, which accounts, bills, receipts, books, papers and documents shall
32 be made available for inspection by the secretary of state at any reasonable
33 time during such three (3) year period; provided, however, that if a lobbyist
34 is required under the terms of his employment contract to turn any records
35 over to his employer or client, responsibility for the preservation of such
36 records under this subsection shall rest with such employer or client.

37 (2) In addition, a person required to register as a lobbyist shall not:

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

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

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

44 (d) Knowingly represent an interest adverse to any of his employers or
45 clients without first obtaining such employers' or clients' consent
46 thereto after full disclosure to such employers or clients of such ad-
47 verse interest;

1 (e) Exercise any economic reprisal, extortion, or unlawful retaliation
2 upon any legislator by reason of such legislator's position with
3 respect to, or his vote upon, any pending or proposed legislation;

4 (f) Accept any employment as a lobbyist for a compensation dependent
5 in any manner upon the passage or defeat of any proposed or pending leg-
6 islation or upon any other contingency connected with the action of the
7 legislature or of either branch thereof or of any committee thereof.
8 This contingent fee prohibition shall also apply to lobbying activities
9 that pertain to communications with executive officials as described in
10 section 67-6602 (~~§~~), Idaho Code.

11 SECTION 8. That Section 74-106, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PER-
14 SONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following
15 records are exempt from disclosure:

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

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

44 (3) Information and records submitted to the Idaho state lottery for
45 the performance of background investigations of employees, lottery retail-
46 ers and major procurement contractors; audit records of lottery retailers,
47 vendors and major procurement contractors submitted to or performed by the
48 Idaho state lottery; validation and security tests of the state lottery for
49 lottery games; business records and information submitted pursuant to sec-

1 tions 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such docu-
2 ments and information obtained and held for the purposes of lottery security
3 and investigative action as determined by lottery rules unless the public
4 interest in disclosure substantially outweighs the private need for protec-
5 tion from public disclosure.

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

7 (a) Records of personal debt filed with a public agency or independent
8 public body corporate and politic pursuant to law;

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

11 (c) Records of ownership of financial obligations and instruments of a
12 public agency or independent public body corporate and politic, such as
13 bonds, compiled by the public agency or independent public body corpo-
14 rate and politic pursuant to law;

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

17 (e) Vital statistics records; and

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

20 (5) Information in an income or other tax return measured by items of
21 income or sales, which is gathered by a public agency for the purpose of ad-
22 ministering the tax, except such information to the extent disclosed in a
23 written decision of the tax commission pursuant to a taxpayer protest of a
24 deficiency determination by the tax commission, under the provisions of sec-
25 tion 63-3045B, Idaho Code.

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

35 (7) Employment security information, except that a person may agree,
36 through written, informed consent, to waive the exemption so that a third
37 party may obtain information pertaining to the person, unless access to the
38 information by the person is restricted by subsection (3) (a), (3) (b) or
39 (3) (d) of section 74-113, Idaho Code. Notwithstanding the provisions of
40 section 74-113, Idaho Code, a person may not review identifying information
41 concerning an informant who reported to the department of labor a suspected
42 violation by the person of the employment security law, chapter 13, title 72,
43 Idaho Code, under an assurance of confidentiality. As used in this section
44 and in chapter 13, title 72, Idaho Code, "employment security information"
45 means any information descriptive of an identifiable person or persons that
46 is received by, recorded by, prepared by, furnished to or collected by the
47 department of labor or the industrial commission in the administration of
48 the employment security law.

49 (8) Any personal records, other than names, business addresses and
50 business phone numbers, such as parentage, race, religion, sex, height,

1 weight, tax identification and social security numbers, financial worth or
2 medical condition submitted to any public agency or independent public body
3 corporate and politic pursuant to a statutory requirement for licensing,
4 certification, permit or bonding.

5 (9) Unless otherwise provided by agency rule, information obtained as
6 part of an inquiry into a person's fitness to be granted or retain a license,
7 certificate, permit, privilege, commission or position, private associa-
8 tion peer review committee records authorized in title 54, Idaho Code. Any
9 agency ~~which~~ that has records exempt from disclosure under the provisions of
10 this subsection shall annually make available a statistical summary of the
11 number and types of matters considered and their disposition.

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

14 (11) Complaints received by the board of medicine and investigations
15 and informal proceedings, including informal proceedings of any committee
16 of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and
17 rules adopted thereunder.

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

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

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

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

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

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

41 (18) Records of the department of health and welfare relating to a sur-
42 vey, resurvey or complaint investigation of a licensed nursing facility
43 shall be exempt from disclosure. Such records shall, however, be subject to
44 disclosure as public records as soon as the facility in question has received
45 the report, and no later than the fourteenth day following the date that de-
46 partment of health and welfare representatives officially exit the facility
47 pursuant to federal regulations. Provided however, that for purposes of
48 confidentiality, no record shall be released under this section ~~which~~ that
49 specifically identifies any nursing facility resident.

1 (19) Records and information contained in the registry of immunizations
2 against childhood diseases maintained in the department of health and wel-
3 fare, including information disseminated to others from the registry by the
4 department of health and welfare.

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

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

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

12 (c) Mortgage portfolio loan documents;

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

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

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

37 (23) Records and information contained in the ~~trauma~~ time sensitive
38 emergency registry created by chapter 20, title 57, Idaho Code, together
39 with any reports, analyses and compilations created from such information
40 and records.

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

44 (25) The physical voter registration application on file in the county
45 clerk's office; however, a redacted copy of said application shall be made
46 available consistent with the requirements of this section. Information
47 from the voter registration application maintained in the statewide voter
48 registration database, including age, will be made available except for
49 the voter's driver's license number, date of birth and, upon a showing that
50 the voter comes within the provisions of subsection (30) of this section or

1 upon showing of good cause by the voter to the county clerk in consultation
2 with the county prosecuting attorney, the physical residence address of the
3 voter. For the purposes of this subsection, good cause shall include the
4 protection of life and property and protection of victims of domestic vio-
5 lence and similar crimes.

6 (26) File numbers, passwords and information in the files of the health
7 care directive registry maintained by the secretary of state under section
8 39-4515, Idaho Code, are confidential and shall not be disclosed to any per-
9 son other than to the person who executed the health care directive or the re-
10 vocation thereof and that person's legal representatives, to the person who
11 registered the health care directive or revocation thereof, and to physi-
12 cians, hospitals, medical personnel, nursing homes, and other persons who
13 have been granted file number and password access to the documents within
14 that specific file.

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

19 (a) If requested by a law enforcement agency, to the law enforcement
20 agency; or

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

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

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

33 (30) The Idaho residential street address and telephone number of an
34 eligible law enforcement officer and such officer's residing household mem-
35 ber(s) as provided for in chapter 58, title 19, Idaho Code, except under the
36 following circumstances:

37 (a) If directed by a court order, to a person identified in the court
38 order;

39 (b) If requested by a law enforcement agency, to the law enforcement
40 agency;

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

44 (d) If the law enforcement officer provides written permission for dis-
45 closure of such information.

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

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

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

12 (34) Any personal information collected by the secretary of state, pur-
13 suant to section 67-906(1)(b), Idaho Code, for the purpose of allowing indi-
14 viduals to access the statewide electronic filing system authorized in sec-
15 tion 67-906, Idaho Code, and any notification e-mail addresses submitted as
16 part of a lobbyist's registration under section 67-6617, Idaho Code, of an
17 employer, client, or designated contact for the purpose of electronic noti-
18 fication of that employer, client, or designated contact of a report filed
19 under section 67-6619, Idaho Code.