

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 233

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PUBLIC RECORDS ACT; AMENDING SECTION 74-109, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN EXEMPTIONS, TO PROVIDE EXEMPTIONS FOR CERTAIN COMMUNICATIONS, TO PROVIDE EXEMPTIONS FOR CERTAIN PERSONAL INFORMATION AND TO DEFINE TERMS.

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

SECTION 1. That Section 74-109, Idaho Code, be, and the same is hereby amended to read as follows:

74-109. RECORDS EXEMPT FROM DISCLOSURE -- DRAFT LEGISLATION AND SUPPORTING MATERIALS, TAX COMMISSION, UNCLAIMED PROPERTY, PETROLEUM CLEAN WATER TRUST FUND. The following records are exempt from disclosure:

(1) Records consisting of draft legislation and documents including, but not limited to, communications specifically related to ~~such~~ draft legislation ~~or research.~~

(2) Research requests and related communications submitted to the legislative services office by a member of the Idaho legislature for the purpose of placing ~~such~~ draft legislation into a form suitable for introduction as official proposed legislation of the legislature of the state of Idaho, unless the individual legislator having submitted or requested such records or research agrees to waive the provisions of confidentiality provided by this subsection.

(~~2~~3) All papers, physical and electronic records and correspondence or other supporting materials comprising the work papers in the possession of the legislative services office or the director of legislative performance evaluations.

(4) All papers, physical and electronic records and correspondence or other supporting materials comprising the work papers in the possession of the division of legislative audits prior to release of the related final audit and.

(5) All papers, physical and electronic records and correspondence or other supporting materials comprising the work papers in the possession of the director of legislative performance evaluations prior to release of the related final audit.

(6) All other records or materials in the possession of the legislative services office or the director of legislative performance evaluations that would otherwise be confidential or exempt from disclosure.

(7) (a) Communications between members of the Idaho legislature and communications between members and legislative staff.

(b) Personal identifying information related to a private citizen included in or as part of communications between private citizens and members of the legislature.

1           (i) For purposes of this section, the term "private citizen" does  
 2 not include lobbyists registered with the office of the secretary  
 3 of state, public officials, or representatives of an organization  
 4 communicating views or opinions of that organization.

5           (ii) Except as provided in subparagraph (iii) of this paragraph,  
 6 for purposes of this section, "public official" means any person  
 7 holding public office in the following capacity:

8               1. As an elected public official, meaning any person hold-  
 9 ing public office of a governmental entity by virtue of an  
 10 elected process, including persons appointed to a vacant  
 11 elected office of a governmental entity but excluding mem-  
 12 bers of the judiciary;

13               2. As an appointed public official, meaning any person hold-  
 14 ing public office of a governmental entity by virtue of for-  
 15 mal appointment as required by law; or

16               3. As an employed public official, meaning any person hold-  
 17 ing public office of a governmental entity by virtue of em-  
 18 ployment, or a person employed by a governmental entity on a  
 19 consultative basis.

20           (iii) For purposes of this section, the term "public official"  
 21 does not mean an elected or appointed legislative public official  
 22 holding office as a legislator.

23           (38) Records consisting of draft congressional and legislative redis-  
 24 tricting plans and documents specifically related to such draft redistrict-  
 25 ing plans or research requests submitted to the commission staff by a member  
 26 of the commission for reapportionment for the purpose of placing such draft  
 27 redistricting plan into form suitable for presentation to the full member-  
 28 ship of the commission, unless the individual commission member having sub-  
 29 mitted or requested such plans or research agrees to waive the provisions of  
 30 confidentiality provided by this subsection.

31           (49) Records that identify the method by which the Idaho state tax com-  
 32 mission selects tax returns for audit review.

33           (510) Records that identify the method by which the administrator of the  
 34 unclaimed property law set forth in chapter 5, title 14, Idaho Code, selects  
 35 reports for audit review or conducts audit review of such reports and the  
 36 identity of individuals or entities under audit.

37           (611) Underwriting and claims records of the Idaho petroleum clean  
 38 water trust fund obtained pursuant to section 41-4905, 41-4909, 41-4911A,  
 39 41-4912 or 41-4912A, Idaho Code. Provided however, that this subsection  
 40 shall not prevent the Idaho petroleum clean water trust fund's submittal to  
 41 the Idaho department of environmental quality, or other regulatory agencies  
 42 of information necessary to satisfy an insured's corrective action require-  
 43 ment under applicable federal or state standards in the event of a release  
 44 into the environment from a petroleum storage tank; and provided further  
 45 that nothing in this subsection shall prevent the Idaho petroleum clean wa-  
 46 ter trust fund from providing auditing, reporting, or actuarial information  
 47 as otherwise required of it pursuant to section 41-4919, 41-4925A, 41-4928,  
 48 41-4930, 41-4932, 41-4937 or 41-4938, Idaho Code.