

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 95

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO STATE LOTTERY; AMENDING SECTION 67-7437, IDAHO CODE,
2 TO PROVIDE THAT THE STATE LOTTERY SHALL NOT DISCLOSE CERTAIN IDENTIFY-
3 ING INFORMATION OF CERTAIN PRIZE WINNERS, TO PROVIDE CRITERIA FOR WRIT-
4 TEN AUTHORIZATION BY A PRIZE WINNER TO DISCLOSE IDENTIFYING INFORMATION
5 AND TO PROVIDE AN EXCEPTION TO CERTAIN AGENCIES AND VENDORS; AND AMEND-
6 ING SECTION 74-106, IDAHO CODE, TO PROVIDE THAT CERTAIN IDENTIFYING IN-
7 FORMATION AND RECORDS OF PRIZE WINNERS SHALL BE EXEMPT FROM DISCLOSURE.
8

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

10 SECTION 1. That Section 67-7437, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 67-7437. PRIZES. Except as otherwise provided in this section, any
13 prize won under this chapter is not assignable. If the prize winner dies
14 before the prize is paid, the prize shall be paid to the estate of the prize
15 winner. A prize is subject to garnishment and recovery for unpaid taxes,
16 child or spousal support or public assistance benefits paid and recoverable
17 by the state or any county, or by a person pursuant to a judgment and execu-
18 tion under an order of the court. A prize shall also be subject to immediate
19 withholding and set-off to collect any support delinquency or state taxes
20 owed upon notification from the department of health and welfare pursuant to
21 section 56-203E, Idaho Code, or the state tax commission pursuant to section
22 63-3060, Idaho Code. The state lottery shall not pay a prize claim until the
23 lottery ticket or share has passed the validation tests established by the
24 state lottery.

25 No prize shall be paid arising from claimed tickets or shares that are
26 stolen, counterfeit, altered, fraudulent, unissued, produced or issued
27 in error, unreadable, not received or not recorded by the state lottery by
28 applicable deadlines, lacking in captions that confirm and agree with the
29 state lottery play symbols as appropriate to the game involved, or not in
30 compliance with such additional specific rules and regulations and public or
31 confidential validation and security tests of the state lottery appropriate
32 to the particular lottery game involved. Confidential validation or secu-
33 rity tests shall be subject to disclosure according to chapter 1, title 74,
34 Idaho Code.

35 No particular prize in any lottery game may be paid more than once, and
36 in the event of a binding determination that more than one (1) claimant is en-
37 titled to a particular prize, the sole remedy of such claimants is the award
38 to each of them an equal share in the prize.

39 No identifying information of any prize winner who wins six hundred
40 dollars (\$600) or more shall be publicly disclosed by the state lottery or
41 its agents, except upon the written authorization of the prize winner. Such
42 written authorization shall be specific as to the identifying information

1 authorized for release, shall be executed only after the person has been
2 confirmed a prize winner and shall not be required as a condition of payment
3 of any prize. Nothing in this section shall prevent the state lottery from
4 sharing the identifying information of a prize winner with state agencies
5 that require such information by law and the multi-state lottery associa-
6 tion, or any other entity responsible for transferring jackpot prizes to
7 Idaho. Nothing in this section shall limit the state lottery from identify-
8 ing the vendor of a winning ticket.

9 SECTION 2. That Section 74-106, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PER-
12 SONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following
13 records are exempt from disclosure:

14 (1) Except as provided in this subsection, all personnel records of
15 a current or former public official other than the public official's pub-
16 lic service or employment history, classification, pay grade and step,
17 longevity, gross salary and salary history, status, workplace and employing
18 agency. All other personnel information relating to a public employee or ap-
19 plicant including, but not limited to, information regarding sex, race, mar-
20 ital status, birth date, home address and telephone number, applications,
21 testing and scoring materials, grievances, correspondence and performance
22 evaluations, shall not be disclosed to the public without the employee's or
23 applicant's written consent. Names of applicants to classified or merit
24 system positions shall not be disclosed to the public without the appli-
25 cant's written consent. Disclosure of names as part of a background check
26 is permitted. Names of the five (5) final applicants to all other positions
27 shall be available to the public. If such group is less than five (5) final-
28 ists, then the entire list of applicants shall be available to the public. A
29 public official or authorized representative may inspect and copy his per-
30 sonnel records, except for material used to screen and test for employment.

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

39 (3) Information and records submitted to the Idaho state lottery for
40 the performance of background investigations of employees, lottery retail-
41 ers and major procurement contractors; audit records of lottery retailers,
42 vendors and major procurement contractors submitted to or performed by the
43 Idaho state lottery; validation and security tests of the state lottery for
44 lottery games; business records and information submitted pursuant to sec-
45 tions 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such docu-
46 ments and information obtained and held for the purposes of lottery security
47 and investigative action as determined by lottery rules unless the public
48 interest in disclosure substantially outweighs the private need for protec-
49 tion from public disclosure.

- 1 (4) Records of a personal nature as follows:
2 (a) Records of personal debt filed with a public agency or independent
3 public body corporate and politic pursuant to law;
4 (b) Personal bank records compiled by a public depositor for the pur-
5 pose of public funds transactions conducted pursuant to law;
6 (c) Records of ownership of financial obligations and instruments of a
7 public agency or independent public body corporate and politic, such as
8 bonds, compiled by the public agency or independent public body corpo-
9 rate and politic pursuant to law;
10 (d) Records, with regard to the ownership of, or security interests in,
11 registered public obligations;
12 (e) Vital statistics records; and
13 (f) Military records as described in and pursuant to section 65-301,
14 Idaho Code.
- 15 (5) Information in an income or other tax return measured by items of
16 income or sales, which is gathered by a public agency for the purpose of ad-
17 ministering the tax, except such information to the extent disclosed in a
18 written decision of the tax commission pursuant to a taxpayer protest of a
19 deficiency determination by the tax commission, under the provisions of sec-
20 tion 63-3045B, Idaho Code.
- 21 (6) Records of a personal nature related directly or indirectly to the
22 application for and provision of statutory services rendered to persons
23 applying for public care for people who are elderly, indigent or have mental
24 or physical disabilities, or participation in an environmental or a public
25 health study, provided the provisions of this subsection making records
26 exempt from disclosure shall not apply to the extent that such records or
27 information contained in those records are necessary for a background check
28 on an individual that is required by federal law regulating the sale of
29 firearms, guns or ammunition.
- 30 (7) Employment security information, except that a person may agree,
31 through written, informed consent, to waive the exemption so that a third
32 party may obtain information pertaining to the person, unless access to the
33 information by the person is restricted by subsection (3) (a), (3) (b) or
34 (3) (d) of section 74-113, Idaho Code. Notwithstanding the provisions of
35 section 74-113, Idaho Code, a person may not review identifying information
36 concerning an informant who reported to the department of labor a suspected
37 violation by the person of the employment security law, chapter 13, title 72,
38 Idaho Code, under an assurance of confidentiality. As used in this section
39 and in chapter 13, title 72, Idaho Code, "employment security information"
40 means any information descriptive of an identifiable person or persons that
41 is received by, recorded by, prepared by, furnished to or collected by the
42 department of labor or the industrial commission in the administration of
43 the employment security law.
- 44 (8) Any personal records, other than names, business addresses and
45 business phone numbers, such as parentage, race, religion, sex, height,
46 weight, tax identification and social security numbers, financial worth or
47 medical condition submitted to any public agency or independent public body
48 corporate and politic pursuant to a statutory requirement for licensing,
49 certification, permit or bonding.

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

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

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

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

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

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

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

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

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

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

46 (19) Records and information contained in the registry of immunizations
47 against childhood diseases maintained in the department of health and wel-
48 fare, including information disseminated to others from the registry by the
49 department of health and welfare.

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

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

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

8 (c) Mortgage portfolio loan documents;

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

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

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

33 (23) Records and information contained in the trauma registry created
34 by chapter 20, title 57, Idaho Code, together with any reports, analyses and
35 compilations created from such information and records.

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

39 (25) The physical voter registration application on file in the county
40 clerk's office; however, a redacted copy of said application shall be made
41 available consistent with the requirements of this section. Information
42 from the voter registration application maintained in the statewide voter
43 registration database, including age, will be made available except for
44 the voter's driver's license number, date of birth and, upon a showing that
45 the voter comes within the provisions of subsection (30) of this section or
46 upon showing of good cause by the voter to the county clerk in consultation
47 with the county prosecuting attorney, the physical residence address of the
48 voter. For the purposes of this subsection good cause shall include the pro-
49 tection of life and property and protection of victims of domestic violence
50 and similar crimes.

1 (26) File numbers, passwords and information in the files of the health
2 care directive registry maintained by the secretary of state under section
3 39-4515, Idaho Code, are confidential and shall not be disclosed to any per-
4 son other than to the person who executed the health care directive or the re-
5 vocation thereof and that person's legal representatives, to the person who
6 registered the health care directive or revocation thereof, and to physi-
7 cians, hospitals, medical personnel, nursing homes, and other persons who
8 have been granted file number and password access to the documents within
9 that specific file.

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

14 (a) If requested by a law enforcement agency, to the law enforcement
15 agency; or

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

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

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

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

32 (a) If directed by a court order, to a person identified in the court
33 order;

34 (b) If requested by a law enforcement agency, to the law enforcement
35 agency;

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

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

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

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

49 (33) Personal information including, but not limited to, property val-
50 ues, personal and business addresses, phone numbers, dates of birth, social

1 security and driver's license numbers or any other identifying numbers or
2 information maintained by the administrator of the unclaimed property law
3 set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection
4 shall prohibit the release of names, last known city of residence, property
5 value ranges and general property information by the administrator for the
6 purpose of reuniting unclaimed property with its owner.

7 (34) Information and records that contain identifying information of a
8 lottery prize winner, except upon written authorization of the prize win-
9 ner, provided that the name and state of residence of the prize winner shall
10 not be exempt from disclosure after six (6) months from the date the prize is
11 claimed.