

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 04, 2014

TIME: 9:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/
EXCUSED:** None

GUESTS: Troy Rohn, Boise State University; Raeleen Welton, Westerberg and Associates; Jack Lyman, Idaho Mining Association.

Chairman Loertscher called the meeting to order at 9:30 a.m.

MOTION: **Rep. Woodings** made a motion to approve the minutes of the January 29, 2014 meeting. **Motion carried by voice vote.**

RS 22555: **Phil McGrane**, Ada County Chief Deputy Clerk, presented **RS 22555**, proposed legislation to update county public records retention requirements to allow for the photographic or digital storage of records and the subsequent release or destruction of paper records. The language used mirrors the requirements for cities in Idaho Code § 50-909, with the exception of permanent records. This legislation allows for permanent records to be stored permanently in a digital or photographic medium and for paper records to be returned or destroyed, which is the current practice with other permanent records.

In response to committee questions, **Mr. McGrane** stated the language in the legislation reflects the current statutes which regulate the manner in which original paper documents are handled. He explained the County has multiple backup copies of the original documents in various locations so they are not lost and there are many standards currently in the statutes to protect them. He said most documents are scanned in as PDF documents and scanning equipment would be necessary. He stated compared to paying for extensive storage space to store the documents, scanning machines are less expensive. He said this legislation offers an option for counties, not a restriction. He stated the language mirrors the County statute, which would allow decisions to be made on a county by county basis. He said that all records are essentially public records by nature of the statute. He stated this legislation does not pertain to land records as the city and/or county do not keep those records, they return them to the owners and have done so since 2005. He stated the vast majority of original records prior to 2005 were first microfilmed and then destroyed as outlined in the statutes. He said the medium chosen for retention must meet the quality standards of the American National Standards Institute (ANSI). He stated the attorneys for the County advised to repeal the identified sections because it was the best approach.

MOTION: **Rep. Woodings** made a motion to introduce **RS 22555**.

Rep. Barbieri spoke to the motion and stated he was concerned of the discretion issue to destroy documents and suggested it should be tightened up. **Chairman Loertscher** spoke to the motion and stated that reliance on electronic documents is limited.

Rep. Batt spoke to the motion and stated this type of digital document storage could be like Cloud storage and has a concern of why the standard before was so high only allowing the destruction of documents to be allowed by way of an order from the district court.

Rep. Packer spoke to the motion and stated she understands the need to cut costs but worries about accessing original copies that stand the chance of being digitally altered.

SUBSTITUTE MOTION:

Rep. Packer made a substitute motion to return **RS 22555** to the sponsor. She stated the language should be tightened up.

In support of the original motion, **Rep. Anderson(1)** suggested the committee should have a bill hearing and can amend the language at that time. **In support** of the original motion, **Rep. Monks** suggested the sponsor use more specific rules and language and proceed cautiously.

MOTION WITHDRAWN:

Rep. Packer withdrew her substitute motion to return **RS 22555** to the sponsor.

VOTE ON ORIGINAL MOTION:

Chairman Loertscher called for a vote on the original motion to introduce **RS 22555**. **Motion carried by voice vote.**

RS 22688:

Rep. Morse presented **RS 22688**, proposed legislation that repeals provisions of state law preventing the garnishment, or execution of a final judgment against monies owed to an elected official of the State of Idaho. The bill repeals this privileged treatment and leaves all other aspects of the statute intact. The effect of this legislation is to treat all citizens of the State, the same.

In response to committee questions, **Rep. Morse** stated the original law was put into place sometime between 1937-1939. He stated a legislator's per-diems would not be subjected to this. He stated there is immunity for legislators during the session and the intent of the proposed legislation is to put legislators in the same standing as citizens.

MOTION:

Rep. Packer made a motion to introduce **RS 22688**.

Rep. Luker spoke to the motion and stated the language in the entire statute should be cleaned up. He suggested changing line 10, by adding the word "to" after "do" and insert the words "or against the state as applicable" after "person" on line 13. **Rep. Barbieri** spoke to the motion and stated the words "owing by" on line 9 is confusing and the whole statute needs to be cleaned up.

SUBSTITUTE MOTION:

Rep. Barbieri made a substitute motion to return **RS 22688** to the sponsor.

Chairman Loertscher asked **Rep. Morse** to make the necessary changes and return to the committee at a later date with the changes.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:21 a.m.

Representative Loertscher
Chair

Kasey Perkins
Secretary