



**TECHNET**  
THE VOICE OF THE  
INNOVATION ECONOMY

Attachment 5 - H 588 letter of opposition from TechNet

TechNet Northwest  
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February 29, 2024

The Honorable Jim Guthrie  
Chair, Senate Committee on State Affairs  
700 W Jefferson St  
Boise, ID 83702

**RE: TechNet concerns re: HB 588**

Dear Chair Guthrie and Members of the Committee:

I am writing on behalf of TechNet and its members to express concerns about HB 588, which would create different response timelines under the *Idaho Public Records Act* based on residency status.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.2 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

As currently drafted, the bill essentially creates a second class of public records requestors that consists of US citizens, businesses, and all other entities that do not reside in Idaho. By creating response timelines that are up to 11 working days longer for non-residents, the bill raises barriers to access for scientists, public advocacy groups, non-profits, book publishers, software companies, entrepreneurs, risk management services, land records companies, realtors, and any one of the many industries, jobs, and professions that use and rely on public records as part of their work. TechNet urges you to avoid increasing timelines for non-resident access to the public records of Idaho as it will interrupt the flow of information and commerce.

In its current form, HB 588 does not contemplate the administrative burden of determining who is a resident. Under this bill, in addition to their other responsibilities under the *Idaho Public Records Act*, all records custodians will also have to manage proof of residency requirements.

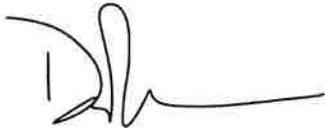
Our understanding is that HB 588 was introduced to address the very specific issue of the Legislative Services Office (LSO) receiving an inordinate number of public records requests last year. The bill fails to consider that burdensome requests are just as likely to come from a resident as from a non-resident. The bill will very likely not address any concerns about burdensome requests as non-residents could simply designate a registered and licensed business representative in the state, thus avoiding the increased response timelines.

Overall, if Idaho wishes to address burdensome public records requests, there are other more effective and efficient ways to address this concern without unfairly differentiating between residents and non-resident requests. Several states have successfully addressed this through a variety of different approaches including through vexatious requestor designations, placing limits on the amount of time that a custodian must take on records requests from a requestor, and establishing a mediation process for the purpose of stopping requests that constitute harassment.

TechNet encourages the legislature to consider these policy alternatives and craft a more comprehensive policy to address burdensome requests that is more likely to result in the desired outcome.

Please don't hesitate to reach out if TechNet can be a resource on this issue.

Best,

A handwritten signature in black ink, appearing to be 'D Edmonson', with a long horizontal stroke extending to the right.

David Edmonson  
Senior Vice President, State Policy and Government Relations  
TechNet