

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Thursday, February 16, 2023

**TIME:** 1:30 P.M.

**PLACE:** Room EW05

**MEMBERS:** Chairman Ehardt, Vice Chairman Kingsley, Representatives Clow, Erickson, Skaug, Weber, Alfieri, Cheatum, Cornilles, Dixon(24), Hawkins, Healey, Price, Wroten, Berch, Green, Galaviz

**ABSENT/  
EXCUSED:** Rep. Skaug, Rep. Cornilles

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Ehardt** called the meeting to order at 1:31 PM.

**H 90:** **Rep. Erickson** presented **H 90**, and yielded his time to **Kelley Packer**, Executive Director of the Association of Idaho Cities. This legislation recognizes publication services can put required public notices on an electronic platform, and gives the option for local public entities, such as city councils or county governments, to use the digital time stamp as a starting time frame for required public notices. This legislation also provides a hold-harmless provision. This provision would provide, in the event the publication service provides the correct information for public notices on the electronic platform but said information is incorrect on the physical publication, the local public entity and the publication services will be held harmless, and the required process of providing public notice will not have to restart.

**MOTION:** **Rep. Wroten** made a motion to send **H 90** to the floor with a **DO PASS** recommendation.

When answering questions, **Ms. Packer** clarified **H 90** would allow a municipal government to use either the online publication or physical publication for starting time for the required public notices. This legislation would not create additional cost to municipal governments since most newspapers already post public notices to their electronic platforms.

**VOTE ON MOTION:** **Chairman Ehardt** called for a vote on the motion to send **H 90** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Price** requested to be recorded as voting **NAY**. **Rep. Erickson** will sponsor the bill on the floor.

**H 88:** **Rep. Erickson** presented **H 88**, and yielded his time to **Julie Hart**, representing the City of Idaho Falls. This legislation would add two new categories for the classification of city records; municipal media recordings and law enforcement media recordings. It would not change the retention schedule of the four categories of classification outlined in the Idaho Code; permanent records, semi-permanent records, temporary records, and historical records. This legislation would allow digital recordings that hold no evidentiary value to be held for a minimum of 90 days, instead of the minimum of two years. This would help cities lower the costs of storing video footage. Municipal media recording would be digital files containing visual or audio components, but does not contain evidentiary information. Law enforcement media recordings would be digital files created by municipal law enforcement. Municipal media recordings and law enforcement media recordings associated by a law enforcement report or prosecution within 90 days will be classified as a permanent, semi-permanent, or temporary record by the city council.

This legislation will help cities reduce the cost of storing digital recordings, with the City of Idaho Falls expected to save \$1.7 million a year if **H 88** passes. Most of the current costs generated from cities storing footage with no evidentiary value.

**Rep. Berch** pointed out a mistake in the wording of **H 88**, which stated municipal and law enforcement recordings may be destroyed without the approval of the city council.

When answering questions, **Ms. Hart** clarified **H 88** would have municipal and law enforcement recordings associated with a law enforcement report or prosecution would be reclassified and saved after 90 days. What is deleted after the 90 day minimum would not be dictated by an individual, but by Idaho statute. Idaho Falls has done its best to keep the costs of storing footage as low as possible, but such footage takes a heavy amount of data. Much of this footage has no evidentiary value, and are having to be stored for a minimum of two years. Cities like Idaho Falls have no intention of removing footage that could be related to crime or public safety.

**Rep. Alfieri** stated it seems cities have put themselves into a financial corner due to recording their citizens, and are now having to ask for relief for that decision. It is an issue when cities say they have the right to record, then have the right to delete these recordings without the say of the people.

**Randy Fife**, city attorney of the City of Idaho Falls, testified **in support** of **H 88**. He stated every city in Idaho is required to retain every document it creates for a minimum of two years whether or not it has evidentiary value, which takes up a lot of storage. When determining whether footage is relevant to a crime or incident, the part of the footage involving the crime or incident will be kept, while the remaining footage, having no evidentiary value, can be deleted after 90 days.

When answering questions, **Mr. Fife** clarified municipal and law enforcement media records not associated with a law enforcement report or prosecution could be deleted after the minimum 90 days. When a law enforcement report is made, the relevant times of the recordings would be connected with the report. There would not be an intent to manually review every recording, but to review the relevant footage connected to a law enforcement report. He agreed with **Rep. Berch** that there is an inconsistency with the bill's language, and stated a correction was needed. The purpose of this legislation is to allow cities to reduce the burden made by documents that hold no governmental purpose. Counties do not have the same record retention requirements as cities, and are able to delete footage with no governmental value after 14 days.

**MOTION:**

**Rep. Healey** made a motion to **HOLD H 88** in Committee until February 22, 2023.

**Rep. Berch** spoke to the motion. He stated what is needed is a corrected bill, and was not sure if holding **H 88** until another meeting would address what needs to be changed.

**Joseph Nilsson**, chief information technology officer for the City of Idaho Falls, spoke **in support** of **H 88**. The \$1.7 million stated in the fiscal note is not the current amount Idaho Falls would save. If this legislation passes, the city will plan to purchase more cameras, and will expect to still save money since they will no longer need to hold for two years the extra non-evidentiary footage the cameras will make. The intent of this bill is not to get rid of anything evidentiary, but to allow cities to better serve their citizens by decreasing their spending.

When answering questions, **Mr. Nilsson** clarified Idaho Falls has two half-petabyte data centers for holding video footage, and they try not to overburden their taxpayers with the storage they use.

**Field Herrington**, deputy city attorney for the City of Post Falls, spoke **in support** of **H 88**. As they are making the move from on-site storage to the enhanced security of the cloud and the police department retaining an average of 60 to 80 terabytes a year, it has become very costly and unmanageable. With this legislation, the 90 days minimum would provide enough time to see if there is any evidentiary value of a recording. Any municipal or law enforcement media recordings holding evidentiary value would be reclassified as a permanent, semi-permanent, or temporary record and would not be deleted after 90 days.

When answering questions, **Mr. Herrington** clarified there is not a possibility of lawsuits on recording individuals without permission due to people not having a reasonable expectation of privacy when they are out in public, and citizens are able to make those same kind of recordings when out in public. Police recordings are generally accepted.

**Ms. Hart** thanked the Committee for the time and interests committed to **H 88**. She said the city is trying to find a happy medium in regards to recordings in public and privacy.

Committee members expressed concerns regarding the legislation not being ready, and whether to pass **H 88** and fixing it later or having new legislation made with the corrections needed. Committee members discussed having one piece of legislation addressing storing footage for all levels of government, and whether it being better to hold **H 88** and address the issue next session.

**VOTE ON MOTION:**

**Chairman Ehardt** called a vote on the motion to **HOLD H 88** in Committee until February 22, 2023. **Motion carried by voice vote.**

**Chairman Ehardt** acknowledge the House page, **Trew Lammers**, and this being her last meeting with the Committee. Ms. Lammers stated the experience has been eye opening, and she has learned more about the inner workings of our state government.

**ADJOURN:**

There being no further business to come before the Committee, the meeting adjourned at 2:53 PM.

---

Representative Ehardt  
Chair

---

Elijah Phipps  
Secretary