

MINUTES  
**HOUSE LOCAL GOVERNMENT COMMITTEE**

**DATE:** Thursday, February 18, 2016

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

**PLACE:** Room EW05

**MEMBERS:** Chairman Luker, Vice Chairman Sims, Representatives Barbieri, Perry, Clow, Horman, Malek, Collins, Cheatham, Loertscher, Redman, Kloc, McCrostie, Nye

**ABSENT/  
EXCUSED:** Representative Perry

**GUESTS:** Justin Ruen, Association of Idaho Cities; David Matte, Idaho State Archives

**Chairman Luker** called the meeting to order at 1:32 P.M.

**H 443:** **Justin Ruen**, Association of Idaho Cities, presented **H 443**. This legislation would extend the authority that has already been granted to highway districts, and counties to cities that allows them to retain permanent records using digital media. The changes in this legislation will include adding a definition of historical records that states that historical records are records that due to age or cultural significance, are themselves artifacts of historical value that should be retained by the city if perpetuity or transferred to the State Archives. Provisions from Idaho Code 50-909 that deal with retention of records using photographic or digital media are now incorporated in Idaho Code 59-907 to make it easier for city clerks to find; this puts all city records retention provisions in one code section. Once a permanent, semi-permanent, or temporary record is retained in non-paper medium as authorized by this section then the original paper document is considered a duplicate of the record and can be disposed of or returned to sender. The provisions of the section that relates to retention and destruction of municipal records apply only to the record that is retained in the non-paper medium. In this legislation it requires city clerks to keep any equipment necessary to view and print records throughout the life of the record when they choose to keep a record in digital or photographic media.

**Justin Ruen**, Association of Idaho Cities, presented proposed amendments to **H 443**. These proposed amendments would include adding the following language, "historical records have enduring value based on the administrative, legal, fiscal, evidential, or historical information they contain to the historical records definition." The paragraph with the amended definition would also be amended to refer to Idaho Code Section 67-4126 which is the code section that empowers state archives to accept records from a state agency or local government. Another change will be to provide a process for notification of the State Archives when there is a proposal for permanent records to be preserved on a photographic or digital media, and are proposed to be destroyed.

In response to committee questions **Mr. Ruen** stated when semi-permanent record or temporary records are proposed for destruction the City Attorney needs to sign off on those records as part of the process. This prevents records from being destroyed in the event there is litigation or potential issues that may come up. All records are available to the public whether they are housed at the City or State Archives. Records can be changed to other forms of digital media if they can be successfully converted.

**David Matte**, Idaho State Archives, testified in support of H 443. The State Archives are in full support of this bill and believe this will help their partnerships with cities, in managing records, and identifying historical records.

**MOTION:** **Rep. Malek** made a motion to send H 443 to General Orders with amendments. **Motion carried by voice vote. Rep. McCrostie** will sponsor the bill on the floor.

Chairman Luker recognized the Page, **Olivia Thomas** for her help to the committee during the first half of the session.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:52 P.M.

---

Representative Luker  
Chair

---

Chelsea Cantrell  
Secretary