

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 267

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-337, IDAHO CODE, TO REVISE
THE DEFINITION OF "STATE AGENCY."

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

SECTION 1. That Section 9-337, Idaho Code, be, and the same is hereby
amended to read as follows:

9-337. DEFINITIONS. As used in sections 9-337 through 9-347, Idaho
Code:

(1) "Applicant" means any person formally seeking a paid or volunteer
position with a public agency. "Applicant" does not include any person seek-
ing appointment to a position normally filled by election.

(2) "Copy" means transcribing by handwriting, photocopying, duplicat-
ing machine and reproducing by any other means so long as the public record is
not altered or damaged.

(3) "Custodian" means the person having personal custody and control of
the public records in question. If no such designation is made by the pub-
lic agency or independent public body corporate and politic, then custodian
means any public official having custody of, control of, or authorized ac-
cess to public records and includes all delegates of such officials, employ-
ees or representatives.

(4) "Independent public body corporate and politic" means the Idaho
housing and finance association as created in chapter 62, title 67, Idaho
Code.

(5) "Inspect" means the right to listen, view and make notes of public
records as long as the public record is not altered or damaged.

(6) "Investigatory record" means information with respect to an iden-
tifiable person, group of persons or entities compiled by a public agency or
independent public body corporate and politic pursuant to its statutory au-
thority in the course of investigating a specific act, omission, failure to
act, or other conduct over which the public agency or independent public body
corporate and politic has regulatory authority or law enforcement author-
ity.

(7) "Law enforcement agency" means any state or local agency given law
enforcement powers or which has authority to investigate, enforce, prose-
cute or punish violations of state or federal criminal statutes, ordinances
or regulations.

(8) "Local agency" means a county, city, school district, municipal
corporation, district, public health district, political subdivision, or
any agency thereof, or any committee of a local agency, or any combination
thereof.

1 (9) "Person" means any natural person, corporation, partnership, firm,
2 association, joint venture, state or local agency or any other recognized
3 legal entity.

4 (10) "Prisoner" means a person who has been convicted of a crime and is
5 either incarcerated or on parole for that crime or who is being held in cus-
6 tody for trial or sentencing.

7 (11) "Public agency" means any state or local agency as defined in this
8 section.

9 (12) "Public official" means any state, county, local district, inde-
10 pendent public body corporate and politic or governmental official or em-
11 ployee, whether elected, appointed or hired.

12 (13) "Public record" includes, but is not limited to, any writing con-
13 taining information relating to the conduct or administration of the pub-
14 lic's business prepared, owned, used or retained by any state agency, in-
15 dependent public body corporate and politic or local agency regardless of
16 physical form or characteristics.

17 (14) "State agency" means every state officer, department, division,
18 bureau, commission and board or any committee of a state agency including
19 those in the legislative or judicial branch, except the state militia, but
20 including any nongovernmental entity which participates in the public em-
21 ployment retirement system of Idaho.

22 (15) "Writing" includes, but is not limited to, handwriting, typewrit-
23 ing, printing, photostating, photographing and every means of recording,
24 including letters, words, pictures, sounds or symbols or combination
25 thereof, and all papers, maps, magnetic or paper tapes, photographic films
26 and prints, magnetic or punched cards, discs, drums or other documents.