

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 611

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO TRANSPARENT AND ETHICAL GOVERNMENT; AMENDING SECTION 74-204,
IDAHO CODE, TO REVISE PROVISIONS REGARDING OPEN MEETING NOTICES AND
AGENDAS.

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

SECTION 1. That Section 74-204, Idaho Code, be, and the same is hereby
amended to read as follows:

74-204. NOTICE OF MEETINGS -- AGENDAS. (1) Regular meetings. No less
than a five (5) calendar day meeting notice and a forty-eight (48) hour
agenda notice shall be given unless otherwise provided by statute. Provided
however, that any public agency that holds meetings at regular intervals of
at least once per calendar month scheduled in advance over the course of the
year may satisfy this meeting notice by giving meeting notices at least once
each year of its regular meeting schedule. The notice requirement for meet-
ings and agendas shall be satisfied by posting such notices and agendas in a
prominent place at the principal office of the public agency, or, if no such
office exists, at the building where the meeting is to be held. The notice
for meetings and agendas shall also be posted electronically if the entity
maintains an online presence through a website or a social media platform.

(2) Special meetings. No special meeting shall be held without at least
a twenty-four (24) hour meeting and agenda notice, unless an emergency ex-
ists. An emergency is a situation involving injury or damage to persons or
property, or immediate financial loss, or the likelihood of such injury,
damage or loss, when the notice requirements of this section would make such
notice impracticable, or increase the likelihood or severity of such injury,
damage or loss, and the reason for the emergency is stated at the outset of
the meeting. The notice required under this section shall include at a min-
imum the meeting date, time, place and name of the public agency calling for
the meeting. The secretary or other designee of each public agency shall
maintain a list of the news media requesting notification of meetings and
shall make a good faith effort to provide advance notification to them of the
time and place of each meeting.

(3) Executive sessions. If only an executive session only will be held,
a twenty-four (24) hour meeting and agenda notice shall be given according
to the notice provisions stated in subsection (2) of this section and shall
state the reason and the specific provision of law authorizing the executive
session.

(4) An agenda shall be required for each meeting. The agenda shall be
posted in the same manner as the notice of the meeting. An agenda may be
amended, provided that a good faith effort is made to include, in the orig-
inal agenda notice, all items known to be probable items of discussion. An
agenda item that requires a vote shall be identified on the agenda as an

1 "action item" to provide notice that action may be taken on that item. Iden-
2 tifying an item as an action item on the agenda does not require a vote to be
3 taken on that item.

4 (a) If an amendment to an agenda is made after an agenda has been posted
5 but forty-eight (48) hours or more prior to the start of a regular meet-
6 ing, or twenty-four (24) hours or more prior to the start of a special
7 meeting, then the agenda is amended upon the posting of the amended
8 agenda.

9 (b) If an amendment to an agenda is proposed after an agenda has been
10 posted and less than forty-eight (48) hours prior to a regular meeting
11 or less than twenty-four (24) hours prior to a special meeting but prior
12 to the start of the meeting, the proposed amended agenda shall be posted
13 but shall not become effective until a motion is made at the meeting and
14 the governing body votes to amend the agenda.

15 (c) An agenda may be amended after the start of a meeting upon a mo-
16 tion that states the reason for the amendment and states the good faith
17 reason the agenda item was not included in the original agenda posting.
18 Final action may not be taken on an agenda item added after the start of
19 a meeting unless an emergency is declared necessitating action at that
20 meeting. The declaration and justification shall be reflected in the
21 minutes.