

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 103

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO THE OPEN MEETINGS LAW; AMENDING SECTION 74-204, IDAHO CODE, TO
2 ESTABLISH PROVISIONS REGARDING MULTIPLE ACTION ITEMS ON AN AGENDA; AND
3 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
4

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

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

8 74-204. NOTICE OF MEETINGS -- AGENDAS. (1) Regular meetings. No less
9 than a five (5) calendar day meeting notice and a forty-eight (48) hour
10 agenda notice shall be given unless otherwise provided by statute. Provided
11 however, that any public agency that holds meetings at regular intervals of
12 at least once per calendar month scheduled in advance over the course of the
13 year may satisfy this meeting notice by giving meeting notices at least once
14 each year of its regular meeting schedule. The notice requirement for meet-
15 ings and agendas shall be satisfied by posting such notices and agendas in a
16 prominent place at the principal office of the public agency or, if no such
17 office exists, at the building where the meeting is to be held. The notice
18 for meetings and agendas shall also be posted electronically if the entity
19 maintains an online presence through a website or a social media platform.

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

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

38 (4) An agenda shall be required for each meeting. The agenda shall be
39 posted in the same manner as the notice of the meeting. An agenda may be
40 amended, provided that a good faith effort is made to include, in the orig-
41 inal agenda notice, all items known to be probable items of discussion. An
42 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. Identifying an item as an action item on the agenda does not require a vote to be taken on that item.

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

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

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

22 (d) Any action item containing more than one (1) action or decision, such as in a consent calendar or consent agenda, shall be passed only by unanimous consent with every voting member in agreement. If the vote is not unanimous, then each item shall be voted on separately as individual action items.

27 SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2025.