

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 172

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

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

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 meetings 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 exists. 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 minimum 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 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 original 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 "ac-

1 tion item" to provide notice that action may be taken on that item. Multiple  
2 agenda items may be grouped together and voted upon as a single action item  
3 known as a consent agenda, provided the agenda items are not ordinances, fee  
4 resolutions, or items requiring more than a simple majority of the members  
5 present. During the meeting, if any member of the governing body requests an  
6 item or items be removed from the consent agenda, such item or items shall,  
7 prior to the vote on the consent agenda, be removed from the consent agenda  
8 and considered as a separate action for discussion and vote. Identifying an  
9 item as an action item on the agenda does not require a vote to be taken on  
10 that item.

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

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

22 (c) An agenda may be amended after the start of a meeting upon a motion  
23 that states the reason for the amendment and states the good faith rea-  
24 son the agenda item was not included in the original agenda posting. Fi-  
25 nal action may not be taken on an agenda item added after the start of  
26 a meeting unless an emergency is declared necessitating action at that  
27 meeting. The declaration and justification shall be reflected in the  
28 minutes.

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