

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 228

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE OPEN MEETINGS LAW; AMENDING SECTION 74-203, IDAHO CODE, TO
2 PROVIDE THAT ALL OPEN PUBLIC MEETINGS SHALL ALLOW FOR PUBLIC COMMENT, TO
3 PROVIDE CERTAIN REQUIREMENTS, AND TO PROVIDE AN EXCEPTION; AND AMENDING
4 SECTION 74-207, IDAHO CODE, TO PROVIDE FOR PUBLIC COMMENT; AND DECLAR-
5 ING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 74-203, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 74-203. GOVERNING BODIES -- REQUIREMENT FOR OPEN PUBLIC MEETINGS. (1)
11 Except as provided below, all meetings of a governing body of a public agency
12 shall be open to the public and all persons shall be permitted to attend any
13 meeting except as otherwise provided by this act. No decision at a meeting of
14 a governing body of a public agency shall be made by secret ballot.

15 (2) Deliberations of the board of tax appeals created in chapter 38, ti-
16 tle 63, Idaho Code, the public utilities commission and the industrial com-
17 mission in a fully submitted adjudicatory proceeding in which hearings, if
18 any are required, have been completed, and in which the legal rights, duties
19 or privileges of a party are to be determined are not required by this act to
20 take place in a meeting open to the public. Such deliberations may, however,
21 be made and/or conducted in a public meeting at the discretion of the agency.

22 (3) Meetings of the Idaho life and health insurance guaranty associa-
23 tion established under chapter 43, title 41, Idaho Code, the Idaho insurance
24 guaranty association established under chapter 36, title 41, Idaho Code, and
25 the surplus line association approved by the director of the Idaho depart-
26 ment of insurance as authorized under chapter 12, title 41, Idaho Code, are
27 not required by this act to take place in a meeting open to the public.

28 (4) A governing body shall not hold a meeting at any place where dis-
29 crimination on the basis of race, creed, color, sex, age or national origin
30 is practiced.

31 (5) All meetings may be conducted using telecommunications devices
32 which enable all members of a governing body participating in the meeting to
33 communicate with each other. Such devices may include, but are not limited
34 to, telephone , video conferencing, or internet website devices and similar
35 communications equipment. Participation by a member of the governing body
36 through telecommunications devices shall constitute presence in person by
37 such member at the meeting; provided however, that at least one (1) member
38 of the governing body, or the director of the public agency, or the chief ad-
39 ministrative officer of the public agency shall be physically present at the
40 location designated in the meeting notice, as required under section 74-204,
41 Idaho Code, to ensure that the public may attend such meeting in person. The

1 communications among members of a governing body must be audible to the pub-
2 lic attending the meeting in person and the members of the governing body.

3 (6) All meetings shall allow for public comment either in person or via
4 telephone, video conferencing, or internet website devices and similar com-
5 munications equipment and subject to the following:

6 (a) In each instance where notice of the time of the meeting is oth-
7 erwise given or the agenda for the meeting is otherwise posted, the
8 governing body shall also give notice of the means by which members of
9 the public may access the meeting and offer public comment. The agenda
10 shall identify and include an opportunity for all persons to attend via
11 telephone, video conferencing, or internet website.

12 (b) In the event of a disruption that prevents the governing body from
13 broadcasting the meeting to members of the public using the telephone,
14 video conferencing, or internet website option, or in the event of a
15 disruption within the governing body's control that prevents members
16 of the public from offering public comments using the telephone, video
17 conferencing, or internet website option, the governing body shall take
18 no further action on items appearing on the meeting agenda until public
19 access to the meeting via the telephone, video conferencing, or inter-
20 net website option is restored.

21 (c) The governing body shall not require public comments to be submit-
22 ted in advance of the meeting.

23 (d) (i) A governing body that provides a timed public comment pe-
24 riod for each agenda item shall not close the public comment period
25 for the agenda item or the opportunity to register to provide pub-
26 lic comment until that timed public comment period has elapsed.

27 (ii) A governing body that does not provide a timed public comment
28 period, but takes public comment separately on each agenda item,
29 shall allow a reasonable amount of time per agenda item to allow
30 public members the opportunity to provide public comment or other-
31 wise be recognized for the purpose of providing public comment.

32 (iii) A governing body that provides a timed general public com-
33 ment period that does not correspond to a specific agenda item
34 shall not close the public comment period or the opportunity
35 to register until the timed general public comment period has
36 elapsed.

37 (e) The provisions of this subsection shall not apply to a special meet-
38 ing held pursuant to section 74-204(2), Idaho Code.

39 SECTION 2. That Section 74-207, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 74-207. OPEN LEGISLATIVE MEETINGS REQUIRED. All meetings of any
42 standing, special or select committee of either house of the legislature of
43 the state of Idaho shall be open to the public at all times, except in extra-
44 ordinary circumstances as provided specifically in the rules of procedure
45 in either house, and any person may attend any meeting of a standing, spe-
46 cial or select committee, but may participate in the committee only with the
47 approval of the committee itself; however, the public shall have the oppor-
48 tunity to comment at any such meeting as provided in section 74-203(6), Idaho
49 Code.

1 SECTION 3. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2025.