

IN THE SENATE

SENATE BILL NO. 1304

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

1 AN ACT
2 RELATING TO THE OPEN MEETINGS LAW; AMENDING CHAPTER 2, TITLE 74, IDAHO CODE,
3 BY THE ADDITION OF A NEW SECTION 74-204A, IDAHO CODE, TO PROVIDE LEG-
4 ISLATIVE INTENT AND TO ESTABLISH PROVISIONS REGARDING PUBLIC TESTIMONY
5 AT MEETINGS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
6 DATE.

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

8 SECTION 1. That Chapter 2, Title 74, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 74-204A, Idaho Code, and to read as follows:

11 74-204A. ADDRESSING GOVERNMENT BY PUBLIC TESTIMONY. (1) It is the in-
12 tent of the legislature that members of the public be able to address govern-
13 ment on issues that directly affect the public.

14 (2) All meetings shall provide a reasonable opportunity for public tes-
15 timony to address matters pertaining to a public agency, subject to the fol-
16 lowing:

17 (a) Issues to be addressed before the public agency shall be limited to
18 only those matters that are within the subject matter jurisdiction of
19 the agency;

20 (b) Citizens may address the public agency on issues within the juris-
21 diction of the public agency's authority; and

22 (c) The public agency may adopt reasonable policies for conducting the
23 meeting that afford citizens a reasonable opportunity to participate
24 prior to the final decision. Such policies may include but are not lim-
25 ited to:

26 (i) Limiting the meeting time allocated for public testimony; and

27 (ii) Limiting the amount of time for individuals to speak to no
28 less than two (2) minutes.

29 (3) A public agency shall not be required to provide an opportunity
30 for public testimony when an item has already been considered by the public
31 agency at a meeting where members of the public were afforded the opportunity
32 to address the public agency unless there is a substantial change to the item
33 since public testimony was given.

34 (4) Citizens may submit written testimony and any relevant documents to
35 be added to the public record by electronic communication or by hand-deliv-
36 ery prior to a meeting.

37 SECTION 2. An emergency existing therefor, which emergency is hereby
38 declared to exist, this act shall be in full force and effect on and after
39 July 1, 2024.