

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 537

BY LOCAL GOVERNMENT 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 DECLAR-  
4 ING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
5

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

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

9 74-203. GOVERNING BODIES -- REQUIREMENT FOR OPEN PUBLIC MEETINGS. (1)  
10 Except as provided below, all meetings of a governing body of a public agency  
11 shall be open to the public and all persons shall be permitted to attend any  
12 meeting except as otherwise provided by this act. No decision at a meeting of  
13 a governing body of a public agency shall be made by secret ballot.

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

21 (3) Meetings of the Idaho life and health insurance guaranty associa-  
22 tion established under chapter 43, title 41, Idaho Code, the Idaho insurance  
23 guaranty association established under chapter 36, title 41, Idaho Code, the  
24 surplus line association approved by the director of the Idaho department of  
25 insurance as authorized under chapter 12, title 41, Idaho Code, and the Idaho  
26 depredating wildlife appeals board established under chapter 55, title 22,  
27 Idaho Code, are not required by this act to take place in a meeting open to the  
28 public.

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

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

1     communications among members of a governing body must be audible to the public  
2     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 shall be 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 make  
18    all reasonable efforts to remedy the disruption and restore access be-  
19    fore proceeding with items on the meeting agenda.

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

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

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

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

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

38     SECTION 2. An emergency existing therefor, which emergency is hereby  
39     declared to exist, this act shall be in full force and effect on and after  
40     July 1, 2026.