

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 894

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO OPEN MEETINGS; AMENDING SECTION 74-203, IDAHO CODE, TO RE-
VISE PROVISIONS REGARDING REQUIREMENTS FOR OPEN PUBLIC MEETINGS; AND
DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

(5) All meetings may be conducted using telecommunications devices
which enable all members of a governing body participating in the meeting
to communicate with each other. Such devices may include, but are not lim-
ited to, telephone or video conferencing devices and similar communications
equipment. Participation by a member of the governing body through telecom-
munications devices shall constitute presence in person by such member at
the meeting; provided however, that at least one (1) member of the govern-
ing body, or the director of the public agency, or the chief administrative
officer of the public agency shall be physically present at the location
designated in the meeting notice, as required under section 74-204, Idaho
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) Except as otherwise provided in this subsection, no person attend-
4 ing open public meetings shall be prevented or prohibited from recording
5 such meetings. For purposes of this subsection, "recording" means the cap-
6 turing of audio, video, or photographs by electronic, digital, or other
7 means. A governing body may take measures to ensure the orderly conduct of
8 its open public meetings but shall not prohibit or unreasonably restrict
9 recording as provided under this subsection. No person shall be removed
10 or excluded from meetings for recording pursuant to the provisions of this
11 subsection. The provisions of this subsection shall not apply to:

12 (a) Executive sessions;

13 (b) Any meetings or hearings in a facility owned or operated by the
14 Idaho department of correction;

15 (c) Any meetings or hearings in a facility owned or operated by the
16 Idaho department of juvenile corrections; or

17 (d) Any meetings or hearings conducted by the Idaho commission of par-
18 dons and parole.

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