

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 606

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE OPEN MEETINGS LAW; AMENDING SECTION 74-202, IDAHO CODE, TO REVISE THE DEFINITION OF "PUBLIC AGENCY" AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 74-202, IDAHO CODE, RELATING TO OPEN PUBLIC MEETINGS; AMENDING CHAPTER 2, TITLE 74, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 74-202, IDAHO CODE, TO PROVIDE DEFINITIONS FOR OPEN PUBLIC MEETINGS; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 74-202, Idaho Code, be, and the same is hereby amended to read as follows:

74-202. OPEN PUBLIC MEETINGS -- DEFINITIONS. As used in this chapter:

(1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present, but shall not include those ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance with this chapter.

(2) "Deliberation" means the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature ~~which~~ that do not specifically relate to a matter then pending before the public agency for decision.

(3) "Executive session" means any meeting or part of a meeting of a governing body ~~which~~ that is closed to any persons for deliberation on certain matters.

(4) "Public agency" means:

(a) ~~a~~Any state board, committee, council, commission, department, authority, educational institution or other state agency ~~which is~~ created by or pursuant to statute or executive order of the governor, other than courts and their agencies and divisions, and the judicial council, and the district magistrates commission;

(b) ~~a~~Any regional board, commission, department or authority created by or pursuant to statute;

(c) ~~a~~Any county, city, school district, special district, or other municipal corporation or political subdivision of the state of Idaho;

(d) ~~a~~Any subagency of a public agency ~~which is~~ created by or pursuant to statute or executive order of the governor, ordinance, or other legislative act; and

(e) Notwithstanding the language of this subsection, the cybersecurity task force or a committee awarding the Idaho medal of achievement shall not constitute a public agency.

1 (5) "Governing body" means the members of any public agency ~~which that~~
 2 consists of two (2) or more members, with the authority to make decisions for
 3 or recommendations to a public agency regarding any matter.

4 (6) "Meeting" means the convening of a governing body of a public agency
 5 to make a decision or to deliberate toward a decision on any matter.

6 (a) "~~Regular~~ meeting" means the convening of a governing body of a pub-
 7 lic agency on the date fixed by law or rule, to conduct the business of
 8 the agency.

9 (b) "~~Special~~ meeting" is a convening of the governing body of a public
 10 agency pursuant to a special call for the conduct of business as speci-
 11 fied in the call.

12 SECTION 2. That Section 74-202, Idaho Code, be, and the same is hereby
 13 repealed.

14 SECTION 3. That Chapter 2, Title 74, Idaho Code, be, and the same is
 15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 16 ignated as Section 74-202, Idaho Code, and to read as follows:

17 74-202. OPEN PUBLIC MEETINGS -- DEFINITIONS. As used in this chapter:

18 (1) "Decision" means any determination, action, vote or final dispo-
 19 sition upon a motion, proposal, resolution, order, ordinance or measure on
 20 which a vote of a governing body is required, at any meeting at which a quorum
 21 is present, but shall not include those ministerial or administrative ac-
 22 tions necessary to carry out a decision previously adopted in a meeting held
 23 in compliance with this chapter.

24 (2) "Deliberation" means the receipt or exchange of information or
 25 opinion relating to a decision, but shall not include informal or impromptu
 26 discussions of a general nature that do not specifically relate to a matter
 27 then pending before the public agency for decision.

28 (3) "Executive session" means any meeting or part of a meeting of a gov-
 29 erning body that is closed to any persons for deliberation on certain mat-
 30 ters.

31 (4) "Public agency" means:

32 (a) Any state board, commission, department, authority, educational
 33 institution or other state agency created by or pursuant to statute,
 34 other than courts and their agencies and divisions, and the judicial
 35 council, and the district magistrates commission;

36 (b) Any regional board, commission, department or authority created by
 37 or pursuant to statute;

38 (c) Any county, city, school district, special district, or other mu-
 39 nicipal corporation or political subdivision of the state of Idaho; and

40 (d) Any subagency of a public agency created by or pursuant to statute,
 41 ordinance, or other legislative act.

42 (5) "Governing body" means the members of any public agency that con-
 43 sists of two (2) or more members, with the authority to make decisions for or
 44 recommendations to a public agency regarding any matter.

45 (6) "Meeting" means the convening of a governing body of a public agency
 46 to make a decision or to deliberate toward a decision on any matter.

1 (a) "Regular meeting" means the convening of a governing body of a pub-
2 lic agency on the date fixed by law or rule, to conduct the business of
3 the agency.

4 (b) "Special meeting" is a convening of the governing body of a public
5 agency pursuant to a special call for the conduct of business as speci-
6 fied in the call.

7 SECTION 4. Section 1 of this act shall be in full force and effect on and
8 after July 1, 2018. Sections 2 and 3 of this act shall be in full force and
9 effect on and after July 1, 2023.