

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 150

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO OPEN MEETINGS; AMENDING SECTION 74-206, IDAHO CODE, TO PROVIDE
2 THAT THE GOVERNING BOARD OF A PUBLIC SCHOOL DISTRICT, CHARTER DISTRICT,
3 OR PUBLIC CHARTER SCHOOL MAY ENTER INTO EXECUTIVE SESSION ON A SIMPLE
4 ROLL CALL MAJORITY VOTE UNDER CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL
5 CORRECTIONS.
6

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

8 SECTION 1. That Section 74-206, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 74-206. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) An executive ses-
11 sion at which members of the public are excluded may be held, but only for the
12 purposes and only in the manner set forth in this section. The motion to go
13 into executive session shall identify the specific subsections of this sec-
14 tion that authorize the executive session. There shall be a roll call vote on
15 the motion and the vote shall be recorded in the minutes. An executive ses-
16 sion shall be authorized by a two-thirds (2/3) vote of the governing body. An
17 executive session may be held:

18 (a) To consider hiring a public officer, employee, staff member or in-
19 dividual agent, wherein the respective qualities of individuals are to
20 be evaluated in order to fill a particular vacancy or need. This para-
21 graph does not apply to filling a vacancy in an elective office or delib-
22 erations about staffing needs in general;

23 (b) To consider the evaluation, dismissal or disciplining of, or to
24 hear complaints or charges brought against, a public officer, employee,
25 staff member or individual agent, or public school student;

26 (c) To acquire an interest in real property ~~which is~~ not owned by a pub-
27 lic agency;

28 (d) To consider records that are exempt from disclosure as provided in
29 chapter 1, title 74, Idaho Code;

30 (e) To consider preliminary negotiations involving matters of trade or
31 commerce in which the governing body is in competition with governing
32 bodies in other states or nations;

33 (f) To communicate with legal counsel for the public agency to discuss
34 the legal ramifications of and legal options for pending litigation, or
35 controversies not yet being litigated but imminently likely to be liti-
36 gated. The mere presence of legal counsel at an executive session does
37 not satisfy this requirement;

38 (g) By the commission of pardons and parole, as provided by law;

39 (h) By the custody review board of the Idaho department of juvenile cor-
40 rections, as provided by law;

41 (i) To engage in communications with a representative of the public
42 agency's risk manager or insurance provider to discuss the adjustment

1 of a pending claim or prevention of a claim imminently likely to be
2 filed. The mere presence of a representative of the public agency's
3 risk manager or insurance provider at an executive session does not sat-
4 isfy this requirement; or

5 (j) To consider labor contract matters authorized under section
6 74-206A (1) (a) and (b), Idaho Code.

7 (2) The exceptions to the general policy in favor of open meetings
8 stated in this section shall be narrowly construed. It shall be a violation
9 of this ~~act~~ chapter to change the subject within the executive session to one
10 not identified within the motion to enter the executive session or to any
11 topic for which an executive session is not provided.

12 (3) No executive session may be held for the purpose of taking any final
13 action or making any final decision.

14 (4) If the governing board of a public school district, charter
15 district, or public charter school has vacancies such that fewer than
16 two-thirds (2/3) of board members have been seated, then the board may enter
17 into executive session on a simple roll call majority vote.