

1 ^H BILL NO. 302
 2 INTRODUCED BY *Meloy Vincent Hooper Haenkel*
 3 *Daniel Alesandri*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE OPEN
 5 MEETINGS LAW; ALLOWING CLOSED MEETINGS FOR DISCUSSIONS OF
 6 COLLECTIVE BARGAINING OR LITIGATION; DEFINING APPROPRIATE
 7 MINUTES AND MEETINGS; REQUIRING ADVANCE WRITTEN NOTICE OF
 8 MEETINGS; PERMITTING TAPE RECORDING OF OPEN MEETINGS;
 9 PROVIDING FOR VOIDABILITY; AMENDING SECTIONS 82-3402 and
 10 82-3403, R.C.M. 1947."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 82-3402, R.C.M. 1947, is amended to
 14 read as follows:

15 "82-3402. Meetings of public agencies to be open to
 16 public — exceptions. All meetings of public or governmental
 17 ~~bodies, boards, bureaus, commissions or~~ agencies (as defined
 18 in 82-4227) of the state or any political subdivision of the
 19 state, or ~~organization~~ organizations or agencies supported
 20 in whole or in part by public funds, or expending public
 21 funds, ~~at which any action is taken by such public~~
 22 ~~governmental body, board, bureau, commission or agency of~~
 23 ~~the state or any political subdivision of the state~~ shall be
 24 open to the public. Provided, however, the presiding officer
 25 of any meeting may close the meeting during the time ~~any of~~

1 ~~the following items are discussed, the discussion relates to~~
 2 ~~a matter of individual privacy, and then if, and only if,~~
 3 the presiding officer determines that the demands of
 4 individual privacy clearly exceed the merits of public
 5 disclosure. However, a meeting may be closed to discuss a
 6 strategy to be followed with respect to collective
 7 bargaining or litigation when an open meeting would have a
 8 detrimental effect on the bargaining or litigating position
 9 of the public agency.

10 ~~(1) The disciplining of any public officer or~~
 11 ~~employee, or any hearing on, or of, a complaint against a~~
 12 ~~public officer or employee, unless the public officer or~~
 13 ~~employee requests an open meeting.~~

14 ~~(2) The employment, appointment, promotion, dismissal,~~
 15 ~~demotion or resignation of any public officer or employee,~~
 16 ~~unless the public officer or employee requests an open~~
 17 ~~meeting.~~

18 ~~(3) The revocation of a license of any person licensed~~
 19 ~~under the laws of the state or any political subdivision of~~
 20 ~~the state, unless the person licensed requests an open~~
 21 ~~meeting.~~

22 ~~(4) Law enforcement, crime prevention, probation or~~
 23 ~~parole."~~

24 Section 2. There is a new R.C.M. section in Title 82,
 25 chapter 34, that reads as follows:

1 Meeting defined. As used in this chapter, "meeting"
 2 means the convening of a quorum of the constituent
 3 membership of a public agency, whether corporal or by means
 4 of electronic equipment, to discuss or act upon a matter
 5 over which the agency has supervision, control,
 6 jurisdiction, or advisory power.

7 Section 3. There is a new R.C.M. section in Title 82,
 8 chapter 34, that reads as follows:

9 Notice. (1) All public agencies shall give written
 10 public notice of any regular, special, or rescheduled
 11 meeting required to be open no later than 72 hours before
 12 the meeting. The notice shall include the agenda, date,
 13 time, and place of the meeting.

14 (2) Written public notice shall include but need not
 15 be limited to:

16 (a) either publication in the Montana administrative
 17 register or posting at the principal office of the public
 18 body or agency holding the meeting or, if no such office
 19 exists, at the building in which the meeting is to be held
 20 and in at least three other prominent places within the
 21 governmental unit; and

22 (b) mailing a copy of the notice to any person who
 23 requests notice of such meetings. Any such person shall be
 24 given notice of all special or rescheduled meetings in the
 25 same manner as is given to members of the public body or

1 agency.

2 (3) In case of emergency situations, notice of a
 3 meeting may be given under 19-201 and not be subject to
 4 subsection (1) of this section.

5 Section 4. Section 82-3403, R.C.M. 1947, is amended to
 6 read as follows:

7 "82-3403. Minutes of meetings -- public inspection.
 8 (1) Appropriate minutes of all meetings ~~declared~~ required to
 9 be open, shall be kept and shall be available for inspection
 10 by the public.

11 (2) Such minutes shall include without limitation:
 12 (a) date, time, and place of meeting;
 13 (b) a list of the individual members of the public
 14 body or agency in attendance; and
 15 (c) the substance of all matters proposed, discussed,
 16 or decided and, at the request of any member, a record, by
 17 individual members, of any votes taken."

18 Section 5. There is a new R.C.M. section in Title 82,
 19 chapter 34, that reads as follows:

20 Recording. All or any part of a meeting of a public
 21 body or agency required to be open may be recorded by any
 22 person in attendance, by means of a tape recorder or any
 23 other means of sonic reproduction, as long as the act of
 24 recording does not actively interfere with the conduct of
 25 the meeting.

1 Section 6. There is a new R.C.M. section in Title 12,
2 chapter 34, that reads as follows:

3 Voidability. Any agency decision made in violation of
4 82-3402 or [section 3 of this act] may be declared void by a
5 district court having jurisdiction. A suit to void any such
6 decision must be commenced within 90 days of the decision.

-End-

Approved by Committee
on State Administration

1 HOUSE BILL NO. 302

2 INTRODUCED BY MELOY, VINCENT,

3 HARPER, HUENNEKENS, DRISCOLL, DUSSAULT

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE OPEN
6 MEETINGS LAW; ALLOWING CLOSED MEETINGS FOR DISCUSSIONS OF
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11 82-3403, R.C.M. 1947."

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16 "82-3402. Meetings of public agencies to be open to
17 public -- exceptions. All meetings of public or governmental
18 ~~bodies, boards, bureaus, commissions or~~ agencies as defined
19 in 82-42271 of the state or any political subdivision of the
20 state, or ~~organization~~ organizations or agencies supported
21 in whole or in part by public funds, or expending public
22 funds, ~~at which any action is taken by such public~~
23 ~~governmental body, board, bureau, commission or agency of~~
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25 open to the public. Provided, however, the presiding officer

1 of any meeting may close the meeting during the time ~~any of~~
2 ~~the following items are discussed, the discussion relates to~~
3 a matter of individual privacy, and then if, and only if,
4 the presiding officer determines that the demands of
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6 disclosure. THE RIGHT OF INDIVIDUAL PRIVACY MAY BE WAIVED
7 BY THE INDIVIDUAL ABOUT WHOM THE DISCUSSION PERTAINS AND, IN
8 THAT EVENT, THE MEETING SHALL BE OPEN. However, a meeting
9 may be closed to discuss a strategy to be followed with
10 respect to collective bargaining or litigation when an open
11 meeting would have a detrimental effect on the bargaining or
12 litigating position of the public agency.

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14 ~~employee, or any hearing on, or of, a complaint against a~~
15 ~~public officer or employee, unless the public officer or~~
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17 ~~(2) The employment, appointment, promotion, dismissal,~~
18 ~~demotion or resignation of any public officer or employee,~~
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23 ~~the state, unless the person licensed requests an open~~
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25 ~~(4) Law enforcement, crime prevention, probation or~~

SECOND READING

1 parole."

2 Section 2. There is a new R.C.M. section in Title 82,
3 chapter 34, that reads as follows:

4 Meeting defined. As used in this chapter, "meeting"
5 means the convening of a quorum of the constituent
6 membership of a public agency, whether corporal or by means
7 of electronic equipment, to HEAR, discuss or act upon a
8 matter over which the agency has supervision, control,
9 jurisdiction, or advisory power.

10 Section 3. There is a new R.C.M. section in Title 82,
11 chapter 34, that reads as follows:

12 Notice. (1) All public agencies OF STATE GOVERNMENT
13 shall give written public notice of any regular, special, or
14 rescheduled meeting required to be open no later than 72
15 hours before the meeting. The notice shall include the
16 agenda, date, time, and place of the meeting.

17 (2) Written public notice shall include but need not
18 be limited to:

19 (a) either publication in the Montana administrative
20 register or posting at the principal office of the public
21 body or agency holding the meeting or, if no such office
22 exists, at the building in which the meeting is to be held
23 and in at least three other prominent places within the
24 governmental unit; and

25 (b) mailing a copy of the notice to any person who

1 requests notice of such meetings. Any such person shall be
2 given notice of all special or rescheduled meetings in the
3 same manner as is given to members of the public body or
4 agency.

5 (3) In case of emergency situations, notice of a
6 meeting may be given under 19-201 and not be subject to
7 subsection (1) of this section.

8 Section 4. Section 82-3403, R.C.M. 1947, is amended to
9 read as follows:

10 "82-3403. Minutes of meetings -- public inspection.
11 (1) Appropriate minutes of all meetings ~~declared~~ required
12 to be open, shall be kept and shall be available for inspection
13 by the public.

14 (2) Such minutes shall include without limitation:

15 (a) date, time, and place of meeting;

16 (b) a list of the individual members of the public
17 body or agency in attendance; and

18 (c) the substance of all matters proposed, discussed,
19 or decided and, at the request of any member, a record, by
20 individual members, of any votes taken."

21 Section 5. There is a new R.C.M section in Title 82,
22 chapter 34, that reads as follows:

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24 body or agency required to be open may be recorded by any
25 person in attendance, by means of a tape recorder or any

1 other means of sonic reproduction, as long as the act of
2 recording does not actively interfere with the conduct of
3 the meeting.

4 Section 6. There is a new R.C.M. section in Title 82,
5 chapter 34, that reads as follows:

6 Voidability. Any agency decision made in violation of
7 82-3402 or [section 3 of this act] may be declared void by a
8 district court having jurisdiction. A suit to void any such
9 decision must be commenced within 90 days of the decision.

10 SECTION 7. SEVERABILITY. IF A PART OF THIS ACT IS
11 INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID
12 PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN
13 ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT
14 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE
15 INVALID APPLICATIONS.

-End-

HOUSE BILL NO. 302

INTRODUCED BY MELOY, VINCENT,

HARPER, HUENNEKENS, DRISCOLL, DUSSAULT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE OPEN MEETINGS LAW; ALLOWING CLOSED MEETINGS FOR DISCUSSIONS OF COLLECTIVE BARGAINING OR LITIGATION; DEFINING APPROPRIATE MINUTES AND MEETINGS; REQUIRING ADVANCE WRITTEN NOTICE OF MEETINGS; ~~PERMITTING TAPE RECORDING OF OPEN MEETINGS;~~ PROVIDING FOR VOIDABILITY; AMENDING SECTIONS 82-3402 and 82-3403, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-3402, R.C.M. 1947, is amended to read as follows:

"82-3402. Meetings of public agencies to be open to public -- exceptions. All meetings of public or governmental bodies, boards, bureaus, commissions or agencies [as defined in 82-4227] of the state or any political subdivision of the state, or organization organizations or agencies supported in whole or in part by public funds, or expending public funds, ~~at which any action is taken by such public governmental body, board, bureau, commission or agency of the state or any political subdivision of the state~~ shall be open to the public. Provided, however, the presiding officer

of any meeting may close the meeting during the time ~~any of the following items are discussed, the discussion relates to a matter of individual privacy, and then if, and only if,~~ and only if, the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. THE RIGHT OF INDIVIDUAL PRIVACY MAY BE WAIVED BY THE INDIVIDUAL ABOUT WHOM THE DISCUSSION PERTAINS AND, IN THAT EVENT, THE MEETING SHALL BE OPEN. However, a meeting may be closed to discuss a strategy to be followed with respect to collective bargaining or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public agency.

~~{1}--The disciplining of any public officer or employee or any hearing on or of a complaint against a public officer or employee, unless the public officer or employee requests an open meeting.~~

~~{2}--The employment, appointment, promotion, dismissal, demotion or resignation of any public officer or employee, unless the public officer or employee requests an open meeting.~~

~~{3}--The revocation of a license of any person licensed under the laws of the state or any political subdivision of the state, unless the person licensed requests an open meeting.~~

~~{4}--Law enforcement, crime prevention, probation or~~

1 ~~parotes"~~

2 Section 2. There is a new R.C.M. section in Title 82,
3 chapter 34, that reads as follows:

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5 means the convening of a quorum of the constituent
6 membership of a public agency, whether corporal or by means
7 of electronic equipment, to HEAR, discuss or act upon a
8 matter over which the agency has supervision, control,
9 jurisdiction, or advisory power.

10 Section 3. There is a new R.C.M. section in Title 82,
11 chapter 34, that reads as follows:

12 Notice. (1) All public agencies OF STATE GOVERNMENT (AS
13 DEFINED IN 82-42271 shall give written public notice of any
14 regular, special, or rescheduled meeting required to be open
15 no later than 72 hours before the meeting. The notice shall
16 include the agenda, date, time, and place of the meeting.

17 (2) Written public notice shall include but need not
18 be limited to:

19 (a) either publication in the Montana administrative
20 register or posting at the principal office of the public
21 body or agency holding the meeting or, if no such office
22 exists, at the building in which the meeting is to be held
23 and in at least three other prominent places within the
24 governmental unit; and

25 (b) mailing a copy of the notice to any person who

1 requests notice of such meetings. Any such person shall be
2 given notice of all special or rescheduled meetings in the
3 same manner as is given to members of the public body or
4 agency.

5 (3) In case of emergency situations, notice of a
6 meeting may be given under 19-201 and not be subject to
7 subsection (1) of this section.

8 Section 4. Section 82-3403, R.C.M. 1947, is amended to
9 read as follows:

10 *82-3403. Minutes of meetings — public inspection.
11 ~~(1) Appropriate minutes of all meetings declared required to~~
12 ~~be open, shall be kept and shall be available for inspection~~
13 ~~by the public.~~

14 (2) Such minutes shall include without limitation:
15 (a) date, time, and place of meeting;
16 (b) a list of the individual members of the public
17 body or agency in attendance; and
18 (c) the substance of all matters proposed, discussed,
19 or decided and, at the request of any member, a record, by
20 individual members, of any votes taken."

21 ~~Section 5. There is a new R.C.M. section in Title 82,~~
22 ~~chapter 34, that reads as follows:~~

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24 ~~body or agency required to be open may be recorded by any~~
25 ~~person in attendance, by means of a tape recorder or any~~

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2 ~~recording does not actively interfere with the conduct of~~
3 ~~the meeting.~~

4 Section 5. There is a new R.C.M. section in Title 82,
5 chapter 34, that reads as follows:

6 Voidability. Any agency decision made in violation of
7 82-3402 ~~or [section 3 of this act]~~ may be declared void by a
8 district court having jurisdiction. A suit to void any such
9 decision must be commenced within 90 days of the decision.

10 SECTION 6. SEVERABILITY. IF A PART OF THIS ACT IS
11 INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID
12 PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN
13 ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT
14 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE
15 INVALID APPLICATIONS.

-End-

April 2, 1977

STANDING COMMITTEE REPORT
Senate Committee on State Administration

That House Bill No. 302 be amended as follows:

1. Amend title, line 8.

Following: "MEETINGS;"

Strike: REQUIRING ADVANCE WRITTEN NOTICE OF MEETINGS;"

2. Amend title, line 10.

Following: line 9

Insert: "PERMITTING TAPE RECORDINGS OF OPEN MEETINGS;"

3. Amend page 1, section 1, lines 18 and 19.

Following: "or"

Insert: "bodies, boards, bureaus, commissions, or"

Following: "agencies"

Strike: "(as defined in 82-4227)"

Insert: "other than conference, caucus, subcommittee, or other meetings not governed by Article V, section 10, of the Montana constitution,"

4. Amend page 2, section 1, line 12.

Following: "agency."

Insert: " Meetings of the legislature governed by Article V, section 10, of the Montana constitution may not be closed."

5. Amend page 3, section 3, lines 10 through line 7 on page 4.

Following: line 9

Strike: section 3 in its entirety

Renumber: subsequent sections

6. Amend page 4, section 4, line 11.

Following: "required"

Insert: "by 82-3402"

7. Amend page 4, section 4, line 17.

Following: "body"

Strike: "or"

Insert: ", "

Following: "agency"

Insert: ", or organization"

8. Amend page 5.

Following: line 3

Insert: "Section 5. There is a new R.C.M. section in Title 82, chapter 34, that reads as follows:

Recording. All or any part of a meeting of a public body or agency required to be open may be recorded by any person in attendance, by means of a tape recorder or any other means of sonic reproduction, as long as the act of recording does not actively interfere with the conduct of the meeting."

Renumber: subsequent sections

9. Amend page 5, section 5, line 6.
Following: "Any"
Strike: "agency"

10. Amend page 5, section 5, line 9.
Following: "within"
Strike: "90"
Insert: "30"

April 6, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 302 be amended as follows:

1. Amend Senate Standing Committee amendments dated April 2, 1977.
Following: amendment no. 2
Strike amendments no. 3 and 4 in their entirety

1 HOUSE BILL NO. 302

2 INTRODUCED BY MELOY, VINCENT,

3 HARPER, HUENNEKENS, DRISCOLL, DUSSAULT

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE OPEN
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11 VOIDABILITY; AMENDING SECTIONS 82-3402 and 82-3403, R.C.M.
12 1947."

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16 read as follows:

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18 public -- exceptions. All meetings of public or governmental
19 ~~bodies, boards, bureaus, commissions or~~ ~~OFFICES, BOARDS,~~
20 ~~BUREAUS, COMMISSIONS, OR~~ agencies ~~as defined in 82-4227,~~
21 (AS DEFINED IN 82-4227) ~~OTHER THAN CONFERENCE CAUCUSES,~~
22 ~~SUBCOMMITTEE, OR OTHER MEETINGS NOT GOVERNED BY ARTICLE V,~~
23 SECTION 10 OF THE MONTANA CONSTITUTION, of the state or any
24 political subdivision of the state, or organization
25 organizations or agencies supported in whole or in part by

1 public funds, or expending public funds, ~~at which any action~~
2 ~~is taken by such public governmental body, board, bureau,~~
3 ~~commission or agency of the state or any political~~
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5 Provided, however, the presiding officer of any meeting may
6 close the meeting during the time ~~any of the following items~~
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8 individual privacy, and then if, and only if, the presiding
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12 WHOM THE DISCUSSION PERTAINS AND, IN THAT EVENT, THE MEETING
13 SHALL BE OPEN. However, a meeting may be closed to discuss a
14 strategy to be followed with respect to collective
15 bargaining or litigation when an open meeting would have a
16 detrimental effect on the bargaining or litigating position
17 of the public agency. MEETINGS OF THE LEGISLATURE GOVERNED
18 BY ARTICLE V, SECTION 10 OF THE MONTANA CONSTITUTION MAY
19 NOT BE CLOSED.

20 (1) ~~The disciplining of any public officer or~~
21 ~~employee or any hearing on or of a complaint against a~~
22 ~~public officer or employee unless the public officer or~~
23 ~~employee requests an open meeting.~~

24 (2) ~~The employment, appointment, promotion, dismissal,~~
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2 meeting;

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4 under the laws of the state or any political subdivision of
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2 ~~SECTION 6. SEVERABILITY. IF A PART OF THIS ACT IS~~
 3 ~~INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID~~
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-End-

HOUSE BILL NO. 302

INTRODUCED BY MELOY, VINCENT,
HARPER, HUENNEKENS, DRISCOLL, DUSSAULT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE OPEN MEETINGS LAW; ALLOWING CLOSED MEETINGS FOR DISCUSSIONS OF COLLECTIVE BARGAINING OR LITIGATION; DEFINING APPROPRIATE MINUTES AND MEETINGS; ~~REQUIRING ADVANCE WRITTEN NOTICE OF MEETINGS; PERMITTING TAPE RECORDING OF OPEN MEETINGS;~~ PERMITTING TAPE RECORDINGS OF OPEN MEETINGS; PROVIDING FOR VOIDABILITY; AMENDING SECTIONS 82-3402 and 82-3403, R.C.M. 1947."

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Section 1. Section 82-3402, R.C.M. 1947, is amended to read as follows:

"82-3402. Meetings of public agencies to be open to public -- exceptions. All meetings of public or governmental ~~bodies, boards, bureaus, commissions or~~ BODIES, BOARDS, BUREAUS, COMMISSIONS, OR ~~BODIES, BOARDS, BUREAUS, COMMISSIONS, OR~~ agencies ~~(as defined in 82-4227) (AS REFINED IN 82-4227) OTHER THAN CONFERENCE, CAUCUS, SUBCOMMITTEE, OR OTHER MEETINGS NOT GOVERNED BY ARTICLE V, SECTION 10, OF THE MONTANA CONSTITUTION~~ of the state or any political subdivision of the state or organization organizations or

agencies supported in whole or in part by public funds, or expending public funds, ~~at which any action is taken by such public governmental body, board, bureau, commission or agency of the state or any political subdivision of the state~~ shall be open to the public. Provided, however, the presiding officer of any meeting may close the meeting during the time ~~any of the following items are discussed~~ the discussion relates to a matter of individual privacy, and then if, and only if, the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure, THE RIGHT OF INDIVIDUAL PRIVACY MAY BE WAIVED BY THE INDIVIDUAL ABOUT WHOM THE DISCUSSION PERTAINS AND, IN THAT EVENT, THE MEETING SHALL BE OPEN. ~~However, a meeting may be closed to discuss a strategy to be followed with respect to collective bargaining or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public agency.~~ ~~MEETINGS OF THE LEGISLATURE GOVERNED BY ARTICLE V, SECTION 10, OF THE MONTANA CONSTITUTION MAY NOT BE CLOSED.~~

- (1) ~~The disciplining of any public officer or employee or any hearing on or of a complaint against a public officer or employee, unless the public officer or employee requests an open meeting.~~
- (2) ~~The employment, appointment, promotion, dismissal,~~

1 ~~demotion or resignation of any public officer or employee~~
 2 ~~unless the public officer or employee requests an open~~
 3 ~~meeting.~~

4 ~~(3) The revocation of a license of any person licensed~~
 5 ~~under the laws of the state or any political subdivision of~~
 6 ~~the state, unless the person licensed requests an open~~
 7 ~~meeting.~~

8 ~~(4) Law enforcement, crime prevention, probation or~~
 9 ~~parole."~~

10 Section 2. There is a new R.C.M. section in Title 82,
 11 chapter 34, that reads as follows:

12 Meeting defined. As used in this chapter, "meeting"
 13 means the convening of a quorum of the constituent
 14 membership of a public agency, whether corporal or by means
 15 of electronic equipment, to HEAR, discuss or act upon a
 16 matter over which the agency has supervision, control,
 17 jurisdiction, or advisory power.

18 ~~Section 3. There is a new R.C.M. section in Title 82~~
 19 ~~chapter 34, that reads as follows:~~

20 ~~Notices (1) All public agencies OF STATE GOVERNMENT~~
 21 ~~(AS DEFINED IN 82-4227) shall give written public notice of~~
 22 ~~any regular, special, or rescheduled meeting required to be~~
 23 ~~open no later than 72 hours before the meeting. The notice~~
 24 ~~shall include the agenda, date, time, and place of the~~
 25 ~~meeting.~~

1 ~~(2) Written public notice shall include but need not~~
 2 ~~be limited to:~~

3 ~~(a) either publication in the Montana administrative~~
 4 ~~register or posting at the principal office of the public~~
 5 ~~body or agency holding the meeting or, if no such office~~
 6 ~~exists, at the building in which the meeting is to be held~~
 7 ~~and in at least three other prominent places within the~~
 8 ~~governmental unit; and~~

9 ~~(b) mailing a copy of the notice to any person who~~
 10 ~~requests notice of such meetings. Any such person shall be~~
 11 ~~given notice of all special or rescheduled meetings in the~~
 12 ~~same manner as is given to members of the public body or~~
 13 ~~agency.~~

14 ~~(3) In case of emergency situations, notice of a~~
 15 ~~meeting may be given under 19-201 and not be subject to~~
 16 ~~subsection (1) of this section.~~

17 Section 3. Section 82-3403, R.C.M. 1947, is amended to
 18 read as follows:

19 "82-3403. Minutes of meetings -- public inspection.
 20 (1) Appropriate minutes of all meetings declared required BY
 21 82-3402 to be open, shall be kept and shall be available for
 22 inspection by the public.

23 (2) Such minutes shall include without limitation:
 24 (a) date, time, and place of meeting;
 25 (b) a list of the individual members of the public

1 ~~body or agency, OR ORGANIZATION in attendance; and~~
 2 ~~(c) the substance of all matters proposed, discussed,~~
 3 ~~or decided and, at the request of any member, a record, by~~
 4 ~~individual members, of any votes taken."~~

5 ~~Section 5. There is a new R.C.M. section in Title 82,~~
 6 ~~chapter 34, that reads as follows:~~

7 ~~Recording. All or any part of a meeting of a public~~
 8 ~~body or agency required to be open may be recorded by any~~
 9 ~~person in attendance, by means of a tape recorder or any~~
 10 ~~other means of sonic reproduction, as long as the act of~~
 11 ~~recording does not actively interfere with the conduct of~~
 12 ~~the meeting.~~

13 ~~SECTION 4. THERE IS A NEW R.C.M. SECTION IN TITLE 82,~~
 14 ~~CHAPTER 34, THAT READS AS FOLLOWS:~~

15 ~~Recording. Accredited press representatives may not be~~
 16 ~~excluded from any open meeting under this act and may not be~~
 17 ~~prohibited from taking photographs, televising, or recording~~
 18 ~~such meetings. The presiding officer may assure that such~~
 19 ~~activities do not interfere with the conduct of the meeting.~~

20 ~~SECTION 5. THERE IS A NEW R.C.M. SECTION IN TITLE 82,~~
 21 ~~CHAPTER 34, THAT READS AS FOLLOWS:~~

22 ~~Recording. All or any part of a meeting of a public~~
 23 ~~body or agency required to be open may be recorded by any~~
 24 ~~person in attendance, by means of a tape recorder or any~~
 25 ~~other means of sonic reproduction, as long as the act of~~

1 ~~recording does not actively interfere with the conduct of~~
 2 ~~the meeting.~~

3 Section 5. There is a new R.C.M. section in Title 82,
 4 chapter 34, that reads as follows:

5 Voidability. Any agency decision made in violation of
 6 62-3402 or [section 3 of this act] may be declared void by a
 7 district court having jurisdiction. A suit to void any such
 8 decision must be commenced within 90 30 days of the
 9 decision.

10 SECTION 6. SEVERABILITY. IF A PART OF THIS ACT IS
 11 INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID
 12 PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN
 13 ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT
 14 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE
 15 INVALID APPLICATIONS.

-End-