

HOUSE BILL 345

IN THE HOUSE

January 24, 1979

Introduced and referred to
Committee on Judiciary.

February 7, 1979

Committee recommend bill,
do not pass.

February 8, 1979

Report adopted. Objection.

On motion, taken from printing
and referred to Committee on
Judiciary.

1 HOUSE BILL NO. 345
2 INTRODUCED BY VINCENT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 OPEN MEETING LAW; AMENDING SECTIONS 2-3-202, 2-3-203, AND
6 2-3-212, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 NEW SECTION. Section 1. Notice. The public and
10 governmental bodies referred to in 2-3-203 shall give
11 reasonable notice to the public of all regular and special
12 meetings. Such notice shall be designed to inform the public
13 of the date, time, and place of the meeting and shall
14 include a general description of the items to be considered
15 at the meeting.

16 Section 2. Section 2-3-202, MCA, is amended to read:
17 "2-3-202. Meeting defined. As used in this part,
18 "meeting" means the convening of a quorum of the constituent
19 membership of a public agency, including committees,
20 subcommittees or agents of the agency, whether corporal or
21 by means of electronic equipment, to hear, discuss, or act
22 upon a matter over which the agency has supervision,
23 control, jurisdiction, or advisory power."

24 Section 3. Section 2-3-203, MCA, is amended to read:
25 "2-3-203. Meetings of public agencies to be open to

1 public -- exceptions. (1) All meetings of public or
2 governmental bodies, boards, bureaus, commissions, or
3 agencies of the state or any political subdivision of the
4 state or organizations or agencies supported in whole or in
5 part by public funds or expending public funds shall be open
6 to the public.

7 (2) Provided, however, the presiding officer of any
8 meeting may close the meeting during the time the discussion
9 relates to a matter of individual privacy and then if and
10 only if the presiding officer determines that the demands of
11 individual privacy clearly exceed the merits of public
12 disclosure. The right of individual privacy may be waived by
13 the individual about whom the discussion pertains and, in
14 that event, the meeting shall be open.

15 (3) However, a meeting may be closed to discuss a
16 strategy to be followed with respect to collective
17 bargaining or litigation when an open meeting would have a
18 detrimental effect on the bargaining or litigating position
19 of the public agency.

20 (4) The public body may not appoint a committee,
21 subcommittee, or agent for the purpose of conducting
22 business which is within the jurisdiction of the agency and
23 thereby avoid the requirements of this section."

24 Section 4. Section 2-3-212, MCA, is amended to read:
25 "2-3-212. Minutes of meetings -- public inspection.

1 (1) Appropriate minutes of all meetings required by 2-3-203
2 to be open shall be kept and shall be available for
3 inspection by the public.

4 (2) Such minutes shall include without limitation:

5 (a) date, time, and place of meetings;

6 (b) a list of the individual members of the public
7 body, agency, or organization in attendance;

8 (c) the substance of all matters proposed, discussed,
9 or decided; and

10 (d) at the request of any member, a record by
11 individual members of any votes taken; and

12 (e) the name of the movant, the vote thereon, and the
13 reasons given for closing any meeting within the exceptions
14 of this chapter.

15 (3) In the event a meeting is closed within the
16 exceptions provided in this chapter, minutes shall be kept
17 in the same manner as for open meetings. Such minutes may
18 be viewed by a court, in camera, in the event the question
19 of whether the meeting was properly closed is submitted to a
20 court."

21 **NEW SECTION.** Section 5. Right of privacy. A meeting
22 may be closed under the right of privacy as provided in
23 2-3-203(2) only when the individual concerned asserts the
24 right of individual privacy. A body may not assert the
25 right of privacy on behalf of the individual. The right of

1 individual privacy may be waived by the individual about
2 whom the discussion pertains and, in that event, the meeting
3 shall be open.

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