

House Bill 71

In The House

January 6, 1981	Introduced and referred to Committee on Judiciary.  On motion Chief Sponsor & Representatives were added as authors to the pre-filed bills.
February 23, 1981	Committee recommend bill do pass as amended.
February 24, 1981	Bill printed and placed on members' desks.  On motion rules suspended and bill placed on second reading this day.  Second reading do pass as amended.
February 25, 1981	On motion rules suspended and placed on third reading this day.  Third reading passed.

In The Senate

March 3, 1981	Introduced and referred to Committee on State Administration.
March 25, 1981	Committee recommend bill concurred as amended.
March 27, 1981	Second reading pass consideration.
March 28, 1981	Second reading pass consideration.
March 30, 1981	Second reading pass consideration.
March 31, 1981	Second reading concurred as amended.  On motion rules suspended. Bill placed on Calendar for third reading this day and allowed to be transmitted on the 71st Legislative day. Motion adopted.

March 31, 1981

Third reading concurred  
as amended.

In The House

April 1, 1981

Returned from Senate  
concurred as amended.

April 8, 1981

Second reading amendment  
not concurred.

On motion Conference  
Committee requested and  
appointed.

April 14, 1981

Conference Committee  
dissolved.

On motion new Conference  
Committee requested and  
appointed.

April 22, 1981

Conference Committee  
dissolved.

On motion new Free  
Conference Committee  
requested and appointed.

April 23, 1981

Died in Free Conference  
Committee.

1                    HOUSE BILL NO. 71  
2 INTRODUCED BY KEEDY

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENFRALLY REVISE THE  
5 OPEN MEETING LAW; AMENDING SECTIONS 2-3-203, 2-3-212, AND  
6 2-3-213, 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 2-3-203, MCA, is amended to read:

17        "2-3-203. Meetings of public agencies to be open to  
18 public -- exceptions. (1) ~~At Except as provided in~~  
19 ~~subsections (2) and (3),~~ meetings of public or governmental  
20 bodies, boards, bureaus, commissions, agencies of the state,  
21 or any political subdivision of the state or organizations  
22 or agencies supported in whole or in part by public funds or  
23 expending public funds shall be open to the public.

24        (2) ~~Provided, however, the presiding officer of any At~~  
25 ~~the request of the individual to whom the discussion~~

1 ~~pertains, the meeting may close--the meeting be closed~~ during  
2 the time the discussion relates to a matter of individual  
3 privacy and then if and only if the ~~presiding officer body~~  
4 determines that the demands of individual privacy clearly  
5 exceed the merits of public disclosure. ~~The--right--of~~  
6 ~~individual privacy may be waived--by--the--individual--about~~  
7 ~~whom the discussion pertains--only--in--that--event--the meeting~~  
8 ~~shall be open.~~

9        (3) However If it is agreed upon by the body, a  
10 meeting may be closed to discuss a strategy to be followed  
11 with respect to collective bargaining or litigation when an  
12 open meeting would have a detrimental effect on the  
13 bargaining or litigating position of the public agency.

14        (4) Any committee or subcommittee appointed by a  
15 public body for the purpose of conducting business which is  
16 within the jurisdiction of that agency shall be subject to  
17 the requirements of this section."

18        Section 3. Section 2-3-212, MCA, is amended to read:

19        "2-3-212. Minutes of meetings -- public inspection.

20 (1) Appropriate minutes of all meetings required by 2-3-203  
21 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

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1 body, agency, or organization in attendance;  
2 (c) the substance of all matters proposed, discussed,  
3 or decided; and

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

6 ~~(e) the name of the movant, the vote upon the motion,  
7 and the reasons given for closing any meeting within the  
8 exceptions of this chapter.~~

9 ~~(3) If a meeting is closed, minutes shall be kept in  
10 the same manner as for open meetings. Such minutes may be  
11 viewed by a court, in camera, if the question of whether the  
12 meeting was properly closed is submitted to a court.  
13 Abbreviated minutes containing a listing of all proposals  
14 discussed and all action taken must be available for public  
15 inspection."~~

16 Section 4. Section 2-3-213, MCA, is amended to read:  
17 "2-3-213. Voidability. Any decision made in violation  
18 of 2-3-203 may be declared void by a district court having  
19 jurisdiction. A suit to void any such decision must be  
20 commenced within 30 90 days of the date upon which the  
21 decision;

22 ~~(1) became known to the public; or  
23 (2) through the use of reasonable diligence should  
24 have become known to the complainant."~~

25 Section 5. Codification instruction. Section 1 is

1 intended to be codified as an integral part of Title 2,  
2 chapter 3, part 2, and the provisions of Title 2, chapter 3,  
3 part 2, apply to section 1.

-End-

Approved by Committee  
on Judiciary

HOUSE BILL NO. 71

INTRODUCED BY KEEDY, HUENNEKENS, HARPER, KESSLER,  
VINCENT, OBERG, YARDLEY, METCALF, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
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Section 2. Section 2-3-203, MCA, is amended to read:

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(4) Any committee or subcommittee appointed by a  
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within the jurisdiction of that agency shall be subject to  
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1 Section 3. Section 2-3-212, MCA, is amended to read:  
 2 "2-3-212. Minutes of meetings --- public inspections  
 3 (1) Appropriate minutes of all meetings required by 2-3-203  
 4 to be open shall be kept and shall be available for  
 5 inspection by the public.  
 6 (2) Such minutes shall include without limitation:  
 7 (a) date, time, and place of meeting;  
 8 (b) a list of the individual members of the public  
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 10 (c) the substance of all matters proposed, discussed,  
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 14 (e) the name of the mover, the vote upon the motion,  
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 22 proposals discussed and all action taken must be available  
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 8 Section 4. Codification instruction. Section 1 is  
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 10 chapter 3, part 2, and the provisions of Title 2, chapter 3,  
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time, and place of the meeting and shall include a general  
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AND SHALL BE GIVEN AT LEAST 48 HOURS BEFORE THE MEETING.  
THE PUBLIC OR GOVERNMENTAL BODY MAY PROVIDE FOR ACTING ON  
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March 25, 1981

SENATE STANDING COMMITTEE REPORT  
(State Administration)

That House Bill No. 71 be amended as follows:

1. Page 1, line 13.

Following: "meetings."

Insert: "A public or governmental body may, by rule adopted in a manner substantially similar to that provided for state agencies under Title 2, chapter 4, part 3, define and determine procedures for giving reasonable notice."

2. Page 1, line 14.

Following: "meeting"

Strike: "and"

Insert: ", "

3. Page 1, line 16 through line 19.

Following: "meeting"

Strike: remainder of line 16 through line 19

Insert: ", and shall be given at least 48 hours before the meeting.

The public or governmental body may provide for acting on emergency items or items that are unanticipated and are raised in good faith "

4. Page 4, line 1.

Following: "2-3-203"

Strike: "OR [SECTION 1]"

5. Page 4, line 3

Following: "the"

Insert: "earlier of the"

March 31, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendment to House Bill 71, third reading copy, as follows;

That the following amendment of the Senate Standing Committee on State Administration of March 25, 1981, be amended to read as follows:

3. Page 1, line 16.

Following: "meeting"

Insert: ", and shall be given at least 48 hours before the meeting. The public or governmental body may provide for acting on emergency items or items that are unanticipated and are raised in good faith"