

Senate Bill 154

In The Senate

January 16, 1981	Introduced and referred to Committee on Education.
February 5, 1981	Committee recommend bill do pass as amended.
February 6, 1981	Bill printed and placed on members' desks.
February 7, 1981	Second reading do pass.
February 9, 1981	Correctly engrossed.
February 10, 1981	Third reading do pass.

In The House

February 11, 1981	Introduced and referred to Committee on Education.
March 7, 1981	Committee recommend bill not concurred.

In The Senate

March 7, 1981	Returned from House not concurred.
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In The House

March 9, 1981	On motion to recall Senate Bill 154 from the Senate for futher consideration. Motion adopted.
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In The Senate

March 10, 1981	On motion request of House granted for return of Senate Bill 154 for futher consideration. Motion adopted.
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In The House

March 11, 1981	Motion to move second reading to Education Committee. Motion adopted.
	Referred to Committee on Education.
April 23, 1981	Died in Committee.

Seifer
Elbert
Amended
 BILL NO. 154
Amended
 INTRODUCED BY *Amended*, *Amended*, *Amended*, *Amended*
Amended
 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE OPEN *Amended*
Amended

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE OPEN
 5 MEETING LAW TO SPECIFY THE NOTICE OF MEETINGS THAT THE
 6 TRUSTEES OF A SCHOOL DISTRICT MUST GIVE THE PUBLIC; AMENDING
 7 SECTION 20-3-322, MCA."

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

10 Section 1. Section 20-3-322, MCA, is amended to read:

11 "20-3-322. Meetings and quorum. (1) The trustees of a
 12 district shall hold at least the following number of regular
 13 meetings:

14 (a) an organization meeting, as prescribed by
 15 20-3-321;

16 (b) a preliminary budget meeting, as prescribed by
 17 20-9-113; and

18 (c) in first-class elementary districts, not less than
 19 one regular meeting per month; or

20 (d) in any other district, regular meetings during the
 21 months of April, July, October, and January.

22 (2) The trustees of the district shall adopt a policy
 23 setting the day and time for the minimum number of regular
 24 school meetings prescribed in subsection (1)(c) or (1)(d)
 25 and, in addition, any other regular meeting days the

1 trustees wish to establish; such meetings shall be conducted
 2 in school buildings or on other property belonging to the
 3 district.

4 (3) Special meetings of the trustees may be called by
 5 the chairman or any two members of the trustees by giving
 6 each member a 48-hour written notice of the meeting.

7 (4) No business shall be transacted by the trustees of
 8 a district unless it is transacted at a regular meeting or a
 9 properly called special meeting. A quorum for any meeting
 10 shall be a majority of the trustees' membership. All trustee
 11 meetings shall be public meetings, as prescribed by 2-3-201,
 12 except that the trustees may recess to an executive session
 13 under the provisions of 2-3-203.

14 ~~(5) The trustees of a district shall give notice of~~
 15 ~~all meetings in the manner prescribed in [section 2]."~~

16 NEW SECTION. Section 2. Notice of meetings of board
 17 of trustees of a school district. (1) The board of trustees
 18 of a school district as defined in 20-6-101 shall give
 19 notice of meetings in the following manner:

20 (a) by posting a notice of the meeting at least 48
 21 hours before the meeting on the main door of the building in
 22 which the school district administration office is located.
 23 If there is no such administration office, the notice must
 24 be posted on the main door of the principal school building
 25 in the district.

1 (b) by making the notice of the meeting available at
 2 least 48 hours before the meeting to a daily newspaper of
 3 general circulation in the district and an appropriate radio
 4 or television station that serves the people of the
 5 district;

6 (c) by including in the notice of the meeting the
 7 place, time, and intended agenda of the meeting;

8 (d) by giving notice by telephone of any special
 9 meeting to the news media described in subsection (1)(b);

10 (e) by informing the news media described in
 11 subsection (1)(b) by written notice once a year of the
 12 proposed meeting dates and times and where agendas will be
 13 available.

14 (2) The trustees shall give notice of any rescheduled
 15 regular meeting in the same manner as provided for special
 16 meetings in subsection (1)(d).

17 (3) In the event of an emergency, the board of
 18 trustees of the district may meet at the earliest time that
 19 a majority of members can assemble and no public notice is
 20 required.

21 (4) At a meeting of the board of trustees, the
 22 trustees may take action only on the agenda items that were
 23 announced in the notice required by subsection (1), except
 24 that the board may act on other items if such items are
 25 raised spontaneously in good faith.

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

-End-

Approved by Committee
on Education

SENATE BILL NO. 154

INTRODUCED BY KOLSTAD, IVERSON, KITSELMAN, SEIFERT, GOULD,
ELLIDT, HEMSTAD, GALT, OBERG, HANSON, HAFFERMAN,
KEYSER, YARDLEY, WALDRON, LEE, TVEIT, J. O'HARA,
OCHSNER, AKLESTAD, NELSON, HAMMOND, CRIPPEN

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING--THE--OPEN
MEETINGS--LAW TO SPECIFY THE NOTICE OF MEETINGS THAT THE
TRUSTEES OF A SCHOOL DISTRICT MUST GIVE THE PUBLIC AND
PROVIDING FOR EMERGENCY MEETINGS BY TRUSTEES OF A SCHOOL
DISTRICT; AMENDING SECTION 20-3-322, MCA."

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

Section 1. Section 20-3-322, MCA, is amended to read:

"20-3-322. Meetings and quorum. (1) The trustees of a
district shall hold at least the following number of regular
meetings:

(a) an organization meeting, as prescribed by
20-3-321;

(b) a preliminary budget meeting, as prescribed by
20-9-113; and

(c) in first-class elementary districts, not less than
one regular meeting per month; or

(d) in any other district, regular meetings during the
months of April, July, October, and January.

(2) The trustees of the district shall adopt a policy
setting the day and time for the minimum number of regular
school meetings prescribed in subsection (1)(c) or (1)(d)
and, in addition, any other regular meeting days the
trustees wish to establish; such meetings shall be conducted
in school buildings or on other property belonging to the
district.

(3) Special meetings of the trustees may be called by
the chairman or any two members of the trustees by giving
each member a 48-hour written notice of the meeting.

(4) IN THE EVENT OF AN EMERGENCY SITUATION, THE
TRUSTEES OF A DISTRICT MAY MEET AT THE EARLIEST TIME THAT A
MAJORITY OF THE TRUSTEES' MEMBERSHIP CAN ASSEMBLE.

~~(4)~~ (5) No business shall be transacted by the trustees
of a district unless it is transacted at a regular meeting
or, a properly called special meeting, OR AN EMERGENCY
MEETING. A quorum for any meeting shall be a majority of the
trustees' membership. All trustee meetings shall be public
meetings, as prescribed by 2-3-201, except that the trustees
may recess to an executive session under the provisions of
2-3-203.

~~(5)~~ (6) The trustees of a district shall give notice of
all meetings in the manner prescribed in [section 2]."

NEW SECTION. Section 2.--~~Notice--of--meetings--of--board~~
~~of--trustees--of--a--school--district.--(1)--The--board--of--trustees~~

1 of a school district as defined in 20-6-101 shall give
2 notice of meetings in the following manner:

3 (a) by posting a notice of the meeting at least 48
4 hours before the meeting on the main door of the building in
5 which the school district administration office is located;
6 if there is no such administration office, the notice must
7 be posted on the main door of the principal school building
8 in the district;

9 (b) by making the notice of the meeting available at
10 least 48 hours before the meeting to a daily newspaper of
11 general circulation in the district and an appropriate radio
12 or television station that serves the people of the
13 district;

14 (c) by including in the notice of the meeting the
15 place, time, and intended agenda of the meeting;

16 (d) by giving notice by telephone of any special
17 meeting to the news media described in subsection (1)(b);

18 (e) by informing the news media described in
19 subsection (1)(b) by written notice once a year of the
20 proposed meeting dates and times and where agendas will be
21 available;

22 (2) the trustees shall give notice of any rescheduled
23 regular meeting in the same manner as provided for special
24 meetings in subsection (1)(d);

25 (3) in the event of an emergency, the board of

1 trustees of the district may meet at the earliest time that
2 a majority of members can assemble and no public notice is
3 required;

4 (4) At a meeting of the board of trustees, the
5 trustees may take action only on the agenda items that were
6 announced in the notice required by subsection (1) except
7 that the board may act on other items if such items are
8 raised spontaneously in good faith;

9 Section 3v Codification instruction: section 2 is
10 intended to be codified as an integral part of title 2v
11 chapter 3v part 2v and the provisions of title 2v chapter 3v
12 part 2v apply to section 2. NOTICE OF MEETINGS OF BOARD OF
13 TRUSTEES OF A SCHOOL DISTRICT. (1) THE BOARD OF TRUSTEES OF
14 A SCHOOL DISTRICT AS DEFINED IN 20-6-101 SHALL GIVE NOTICE
15 OF REGULAR MEETINGS IN THE FOLLOWING MANNER:

16 (A) BY POSTING A NOTICE OF THE MEETING AT LEAST 48
17 HOURS BEFORE THE MEETING ON THE MAIN DOOR OF THE BUILDING IN
18 WHICH THE SCHOOL DISTRICT ADMINISTRATION OFFICE IS LOCATED;
19 IF THERE IS NO SUCH ADMINISTRATION OFFICE, THE NOTICE MUST
20 BE POSTED ON THE MAIN DOOR OF THE PRINCIPAL SCHOOL BUILDING
21 IN THE DISTRICT;

22 (B) BY PROVIDING A COPY OF THE NOTICE AT LEAST 48
23 HOURS BEFORE THE MEETING TO A DAILY NEWSPAPER OF GENERAL
24 CIRCULATION IN FIRST-CLASS DISTRICTS;

25 (C) BY PROVIDING A COPY OF THE NOTICE IN TIME FOR

1 PUBLICATION PRIOR TO THE MEETING IN A WEEKLY NEWSPAPER OF
2 GENERAL CIRCULATION IN SECOND-CLASS AND THIRD-CLASS
3 DISTRICTS;

4 (D) BY INCLUDING IN THE NOTICE OF THE MEETING THE
5 PLACE, TIME, AND INTENDED AGENDA OF THE MEETING; AND

6 (E) BY DELIVERING WRITTEN NOTICE OF THE MEETING AT
7 LEAST 48 HOURS BEFORE THE MEETING TO ANY INDIVIDUAL WHO IS
8 SCHEDULED TO BE THE SUBJECT OF DISCUSSION OR ACTION AT ANY
9 MEETING.

10 (2) THE BOARD SHALL GIVE NOTICE OF SPECIAL MEETINGS IN
11 THE MANNER PROVIDED IN (A), (D), AND (E) OF SUBSECTION (1).

12 (3) IN THE EVENT OF AN EMERGENCY SITUATION AS PROVIDED
13 IN 20-3-322(4), NO PUBLIC NOTICE IS REQUIRED; HOWEVER, THE
14 TRUSTEES SHALL CONTACT ANY INDIVIDUAL WHO IS TO BE THE
15 SUBJECT OF DISCUSSION OR ACTION AT SUCH AN EMERGENCY
16 MEETING.

17 (4) AT A REGULAR OR SPECIAL MEETING OF THE BOARD OF
18 TRUSTEES, THE TRUSTEES MAY TAKE ACTION ONLY ON THE AGENDA
19 ITEMS THAT WERE ANNOUNCED IN THE NOTICE REQUIRED BY
20 SUBSECTIONS (1) AND (2), EXCEPT THAT THE BOARD MAY ACT ON
21 NONPERSONNEL-RELATED ITEMS IF SUCH ITEMS ARE RAISED
22 SPONTANEOUSLY IN GOOD FAITH.

23 SECTION 3. CODIFICATION INSTRUCTION. SECTION 2 IS
24 INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 20,
25 CHAPTER 3, PART 3, AND THE PROVISIONS OF TITLE 20, CHAPTER

1 3, PART 3 APPLY TO SECTION 2.

-End-

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 months of April, July, October, and January.

(2) The trustees of the district shall adopt a policy
 setting the day and time for the minimum number of regular
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 the chairman or any two members of the trustees by giving
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(4) IN THE EVENT OF AN EMERGENCY SITUATION, THE
TRUSTEES OF A DISTRICT MAY MEET AT THE EARLIEST TIME THAT A
MAJORITY OF THE TRUSTEES' MEMBERSHIP CAN ASSEMBLE.

~~(4)(5)~~ No business shall be transacted by the trustees
 of a district unless it is transacted at a regular meeting
~~or~~ a properly called special meeting, OR AN EMERGENCY
MEETING. A quorum for any meeting shall be a majority of the
 trustees' membership. All trustee meetings shall be public
 meetings, as prescribed by 2-3-201, except that the trustees
 may recess to an executive session under the provisions of
 2-3-203.

~~(5)(6)~~ The trustees of a district shall give notice of
all meetings in the manner prescribed in [section 2]."

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8 raised spontaneously in good faith;

9 Section 3v-603f(1) instruction, section 2-2-13
10 intended to be codified as an integral part of title 2,
11 chapter 3v, part 2v, and the provisions of title 2, chapter 3v,
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