

HOUSE BILL NO. 413

1/23 Introduced
1/23 Referred to Judiciary
2/06 Hearing
2/09 Adverse Committee Report
2/09 Objection to Adverse Committee Report
2/11 2nd Reading Do Not Pass
2/11 Bill Killed

1 HOUSE BILL NO. 413
2 INTRODUCED BY Kadar

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING COLLECTIVE
5 BARGAINING AND LITIGATION STRATEGY EXEMPTIONS FROM THE OPEN
6 MEETING LAW; AMENDING SECTION 2-3-203, MCA."

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

9 Section 1. Section 2-3-203, MCA, is amended to read:

10 "2-3-203. Meetings of public agencies to be open to
11 public -- exceptions. (1) All meetings of public or
12 governmental bodies, boards, bureaus, commissions, agencies
13 of the state, or any political subdivision of the state or
14 organizations or agencies supported in whole or in part by
15 public funds or expending public funds shall be open to the
16 public.

17 (2) Provided, however, the presiding officer of any
18 meeting may close the meeting during the time the discussion
19 relates to a matter of individual privacy and then if and
20 only if the presiding officer determines that the demands of
21 individual privacy clearly exceed the merits of public
22 disclosure. The right of individual privacy may be waived by
23 the individual about whom the discussion pertains and, in
24 that event, the meeting shall be open.

25 ~~(3) However, a meeting may be closed to discuss a~~

1 ~~strategy--to--be--followed--with--respect--to--collective~~
2 ~~bargaining--or--litigation--when--an--open--meeting--would--have--a~~
3 ~~detrimental--effect--on--the--bargaining--or--litigating--position~~
4 ~~of--the--public--agency:~~

5 ~~++(3) Any committee or subcommittee appointed by a~~
6 ~~public body for the purpose of conducting business which is~~
7 ~~within the jurisdiction of that agency shall be subject to~~
8 ~~the requirements of this section."~~

-End-



RECOMMEND DO NOT PASS
OBJECTION RAISED TO
ADVERSE COMMITTEE REPORT

ON MOTION,
PLACED ON SECOND READING

HOUSE BILL NO. 413

INTRODUCED BY KADAS

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING COLLECTIVE
BARGAINING--AND CERTAIN LITIGATION STRATEGY EXEMPTIONS FROM
THE OPEN MEETING LAW; AMENDING SECTION 2-3-203, MCA."

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

Section 1. Section 2-3-203, MCA, is amended to read:

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of the state, or any political subdivision of the state or
organizations or agencies supported in whole or in part by
public funds or expending public funds shall be open to the
public.

(2) Provided, however, the presiding officer of any
meeting may close the meeting during the time 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.

~~{3}--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-~~

{3} 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. FOR THE PURPOSES OF THIS SUBSECTION,
"LITIGATION" MEANS A CIVIL ACTION IN WHICH A COMPLAINT HAS
BEEN FILED OR A CRIMINAL PROCEEDING IN WHICH A COMPLAINT OR
INFORMATION HAS BEEN FILED OR AN INDICTMENT HAS BEEN FOUND.

~~{4}{3}{4}~~ Any committee or subcommittee appointed by a
public body for the purpose of conducting business which is
within the jurisdiction of that agency shall be subject to
the requirements of this section."

-End-