

SENATE BILL NO. 23  
INTRODUCED BY HALLIGAN

IN THE SENATE

JANUARY 5, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

JANUARY 24, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 26, 1987                   PRINTING REPORT.

JANUARY 28, 1987                   SECOND READING, DO PASS.

JANUARY 29, 1987                   ENGROSSING REPORT.

JANUARY 30, 1987                   THIRD READING, PASSED.  
AYES, 47; NOES, 2.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

MARCH 11, 1987                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 13, 1987                   SECOND READING, CONCURRED IN.

MARCH 14, 1987                   THIRD READING, CONCURRED IN.  
AYES, 81; NOES, 15.

RETURNED TO SENATE.

IN THE SENATE

MARCH 17, 1987                   RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1                    SENATE    BILL NO.    23  
2    INTRODUCED BY    HALLIGAN

3  
4    A BILL FOR AN ACT ENTITLED:    "AN ACT TO REQUIRE THAT  
5    MEETINGS OF ORGANIZATIONS THAT HAVE PUBLIC AGENCY  
6    REPRESENTATIVES AS MEMBERS AND THAT CONSIDER, RECOMMEND, OR  
7    DICTATE POLICIES AND PROCEDURES GOVERNING PUBLICLY FUNDED  
8    ACTIVITIES MUST BE OPEN TO THE PUBLIC; AND AMENDING SECTIONS  
9    2-3-202 AND 2-3-203, MCA."

10  
11    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12            Section 1. Section 2-3-203, MCA, is amended to read:  
13            "2-3-203. Meetings ~~of--public--agencies~~ to be open to  
14    public -- exceptions. (1) All meetings of public---or  
15    governmental: the following bodies; must be open to the  
16    public:

17            (a) boards, bureaus, commissions, agencies of the  
18    state, or any political subdivision of the state; or

19            (b) organizations or agencies supported in whole or in  
20    part by public funds or expending public funds ~~shall-be-open~~  
21    to-the-public; or

22            (c) organizations or associations with members from  
23    any of the public entities described in subsection (2)(a) or  
24    (2)(b) and that consider, recommend, or dictate policies and  
25    procedures governing publicly funded activities.

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

9            (3) However, a meeting may be closed to discuss a  
10    strategy to be followed with respect to collective  
11    bargaining or litigation when an open meeting would have a  
12    detrimental effect on the bargaining or litigating position  
13    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 2. Section 2-3-202, MCA, is amended to read:

19            "2-3-202. Meeting defined. As used in this part,  
20    "meeting" means the convening of a quorum of the constituent  
21    membership of a public agency or association described in  
22    2-3-203, whether corporal or by means of electronic  
23    equipment, to hear, discuss, or act upon a matter over which  
24    the agency has supervision, control, jurisdiction, or  
25    advisory power."

-End-  
-2-

INTRODUCED BILL  
SB-23



APPROVED BY COMMITTEE  
ON JUDICIARY

SENATE BILL NO. 23  
INTRODUCED BY HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT MEETINGS OF ORGANIZATIONS---THAT---HAVE---PUBLIC---AGENCY REPRESENTATIVES-AS-MEMBERS-AND-THAT-CONSIDER, RECOMMEND, OR DICTATE--POLICIES--AND--PROCEDURES-GOVERNING-PUBLICLY-FUNDED ACTIVITIES CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES MUST BE OPEN TO THE PUBLIC; AND AMENDING SECTIONS 2-3-202 AND 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:

"2-3-203. Meetings of---public--agencies OF PUBLIC AGENCIES AND CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES to be open to public -- exceptions. (1) All meetings of public-or governmental the-following PUBLIC OR GOVERNMENTAL bodies, must-be-open-to-the-public:

(a) boards, bureaus, commissions, agencies of the state, or any political subdivision of the state; or OR

(b) organizations or agencies supported in whole or in part by public funds or expending public funds shall-be-open to-the-public;-or MUST BE OPEN TO THE PUBLIC.

(c) -organizations-or-associations-with-members--from any-of-the-public-entities-described-in-subsection-(2)(a)-or

~~(2)(b)-and-that-consider, recommend, or dictate policies and procedures governing publicly-funded activities.~~

(2) ALL MEETINGS OF ASSOCIATIONS THAT ARE COMPOSED OF PUBLIC OR GOVERNMENTAL BODIES REFERRED TO IN SUBSECTION (1) AND THAT REGULATE THE RIGHTS, DUTIES, OR PRIVILEGES OF ANY INDIVIDUAL MUST BE OPEN TO THE PUBLIC.

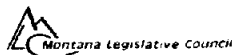
(3) Provided, however, the presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The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

(4) 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.

(5) Any committee or subcommittee appointed by a public body OR AN ASSOCIATION DESCRIBED IN SUBSECTION (2) for the purpose of conducting business which is within the jurisdiction of that agency shall be subject to the requirements of this section."

Section 2. Section 2-3-202, MCA, is amended to read:

**SECOND READING**



1           "2-3-202. Meeting defined. As used in this part,  
2 "meeting" means the convening of a quorum of the constituent  
3 membership of a public agency or association described in  
4 2-3-203, whether corporal or by means of electronic  
5 equipment, to hear, discuss, or act upon a matter over which  
6 the agency has supervision, control, jurisdiction, or  
7 advisory power."

-End-

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INTRODUCED BY HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT MEETINGS OF ORGANISATIONS---THAT---HAVE---PUBLIC--AGENCY REPRESENTATIVES--AS--MEMBERS--AND--THAT--CONSIDER,--RECOMMEND,--OR DICTATE--POLICIES--AND--PROCEDURES--GOVERNING--PUBLICLY--FUNDED ACTIVITIES CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES MUST BE OPEN TO THE PUBLIC; AND AMENDING SECTIONS 2-3-202 AND 2-3-203, MCA."

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

"2-3-203. Meetings of---public--agencies OF PUBLIC AGENCIES AND CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES to be open to public -- exceptions. (1) All meetings of public-or governmental the-following PUBLIC OR GOVERNMENTAL bodies, must-be-open-to-the-public:

(a) boards, bureaus, commissions, agencies of the state, or any political subdivision of the state; or OR

(b) organizations or agencies supported in whole or in part by public funds or expending public funds shall-be-open to-the-public; or MUST BE OPEN TO THE PUBLIC.

(c) organizations or associations with members from any-of-the-public-entities-described-in-subsection-(2)(a) or

~~(2)(b) and that consider, recommend, or dictate policies and procedures governing publicly-funded activities.~~

(2) ALL MEETINGS OF ASSOCIATIONS THAT ARE COMPOSED OF PUBLIC OR GOVERNMENTAL BODIES REFERRED TO IN SUBSECTION (1) AND THAT REGULATE THE RIGHTS, DUTIES, OR PRIVILEGES OF ANY INDIVIDUAL MUST BE OPEN TO THE PUBLIC.

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Section 2. Section 2-3-202, MCA, is amended to read:

THIRD READING



1       "2-3-202. Meeting defined. As used in this part,  
2 "meeting" means the convening of a quorum of the constituent  
3 membership of a public agency or association described in  
4 2-3-203, whether corporal or by means of electronic  
5 equipment, to hear, discuss, or act upon a matter over which  
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(a) boards, bureaus, commissions, agencies of the state, or any political subdivision of the state; or OR

(b) organizations or agencies supported in whole or in part by public funds or expending public funds shall-be-open to-the-public; or MUST BE OPEN TO THE PUBLIC.

(c) --organizations-or-associations--with--members--from any-o. the-public-entities-described-in-subsection-(2)(a)-or

~~(2)(b)-and-that-consider, recommend, or dictate policies and procedures governing publicly-funded activities.~~

(2) ALL MEETINGS OF ASSOCIATIONS THAT ARE COMPOSED OF PUBLIC OR GOVERNMENTAL BODIES REFERRED TO IN SUBSECTION (1) AND THAT REGULATE THE RIGHTS, DUTIES, OR PRIVILEGES OF ANY INDIVIDUAL MUST BE OPEN TO THE PUBLIC.

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Section 2. Section 2-3-202, MCA, is amended to read:

REFERENCE BILL



1 "2-3-202. Meeting defined. As used in this part,  
2 "meeting" means the convening of a quorum of the constituent  
3 membership of a public agency or association described in  
4 2-3-203, whether corporal or by means of electronic  
5 equipment, to hear, discuss, or act upon a matter over which  
6 the agency has supervision, control, jurisdiction, or  
7 advisory power."

-End-