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.

l	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
б	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 ofpublicagencies to be open to
14	public exceptions. (1) All meetings of publicor
15	governmeated 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
50	part by public funds or expending public funds sha ll-be-open
21	ee-the-publics: 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.

Montana Legislative Council

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

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."

Section 2. Section 2-3-202, MCA, is amended to read: 18 "2-3-202. Meeting defined. As used in this part, 19 "meeting" means the convening of a quorum of the constituent 20 membership of a public agency or association described in 21 2-3-203, whether corporal or by means of electronic 22 equipment, to hear, discuss, or act upon a matter over which 23 the agency has supervision, control, jurisdiction, or 24 advisory power." 25

-End-INTRODUCED BILL -2-50-23

50th Legislature

SB 0023/02

APPROVED BY COMMITTEE ON JUDICIARY

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 ORGANIBATIONSTHATHAVEPUBLICAGENCY
6	Representatives-as-members-and-that-consider-recommendor
7	DICTATEPOLICIESANDPROCEDURES-GOVERNING-PUBLICLY-PUNDED
8	ACTIVITIES CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES MUST BE
9	OPEN TO THE PUBLIC; AND AMENDING SECTIONS 2-3-202 AND
10	2-3-203, MCA."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 2-3-203, MCA, is amended to read:
14	"2-3-203. Meetings ofpublicagencies OF PUBLIC
15	AGENCIES AND CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES to be
16	open to public exceptions. (1) All meetings of public-or
17	governmental the-following PUBLIC OR GOVERNMENTAL bodies;
18	must-be-open-to-the-public;
19	<pre>fat boards, bureaus, commissions, agencies of the</pre>
20	state, or any political subdivision of the state $\overline{7}$ or OR
21	(b) organizations or agencies supported in whole or in
22	part by public funds or expending public funds shall-be-open
23	to-the-public. 7-or MUST BE OPEN TO THE PUBLIC.
24	tct-organizations-or-associations-withmembersfrom
25	any-of-the-public-entities-described-in-subsection-(2)(a)-or



1	(2)(b)-and-that-consider,-recommend,-or-dictate-policies-and
2	procedures-governing-publicly-funded-activities-
3	(2) ALL MEETINGS OF ASSOCIATIONS THAT ARE COMPOSED OF
4	PUBLIC OR GOVERNMENTAL BODIES REFERRED TO IN SUBSECTION (1)
5	AND THAT REGULATE THE RIGHTS, DUTIES, OR PRIVILEGES OF ANY
6	INDIVIDUAL MUST BE OPEN TO THE PUBLIC.
7	<pre>t2;(3) Provided, however, the presiding officer of any</pre>
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)<u>(4)</u> 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	<pre>(4)(5) Any committee or subcommittee appointed by a</pre>
21	public body OR AN ASSOCIATION DESCRIBED IN SUBSECTION (2)
22	for the purpose of conducting business which is within the
23	jurisdiction of that agency shall be subject to the

- 24 requirements of this section."
- 25 Section 2. Section 2-3-202, MCA, is amended to read: SECOND READING SB 23 -2-

SB 0023/02

SB 23

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

-End-

50th Legislature

SB 0023/02

1

2

3

4

5

6

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 ORGANIBATIONSTHATHAVEPUBLICAGENCY
6	RBPRESENTATIVES-AS-MEMBERS-AND-THAT-CONSIDER,-RECOMMEND,OR
7	dictatepoliciesandprocedures-governing-publicly-punded
8	ACTIVITIES CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES MUST BE
9	OPEN TO THE PUBLIC; AND AMENDING SECTIONS 2-3-202 AND
10	2-3-203, MCA."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 2-3-203, MCA, is amended to read:
14	"2-3-203. Meetings ofpublicagencies OF PUBLIC
15	AGENCIES AND CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES to be
16	open to public exceptions. (1) All meetings of public-or
17	governmental the-following PUBLIC OR GOVERNMENTAL bodies,
18	must-be-open-to-the-public:
19	ter boards, bureaus, commissions, agencies of the
20	state, or any political subdivision of the state <u>;</u> or <u>OR</u>
21	$\frac{1}{100}$ organizations or agencies supported in whole or in
22	part by public funds or expending public funds shall-be-open
23	to-the-public.
24	(c)organizations-or-associationswithmembersfrom
25	any-of-the-public-entities-described-in-subsection-(2)(a)-or

(2)(b)-and-that-considery-recommendy-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

SB 0023/02

7 (2)(3) Provided, however, the presiding officer of any meeting may close the meeting during the time the discussion 8 relates to a matter of individual privacy and then if and 9 10 only if the presiding officer determines that the demands of 11 individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by 12 13 the individual about whom the discussion pertains and, in that event, the meeting shall be open. 14

INDIVIDUAL MUST BE OPEN TO THE PUBLIC.

15 (3)(4) 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 detrimental effect on the bargaining or litigating position 18 19 of the public agency.

20 (4)(5) Any committee or subcommittee appointed by a 21 public body OR AN ASSOCIATION DESCRIBED IN SUBSECTION (2) 22 for the purpose of conducting business which is within the 23 jurisdiction of that agency shall be subject to the requirements of this section." 24

Section 2. Section 2-3-202, MCA, is amended to read: 25 THIRD READING -2-



SB 23

SB 0023/02

SB 23

1 "2-3-202. Meeting defined. As used in this part, 7 "meeting" means the convening of a quorum of the constituent 8 membership of a public agency or association described in 9 <u>2-3-203</u>, whether corporal or by means of electronic 9 equipment, to hear, discuss, or act upon a matter over which 9 the agency has supervision, control, jurisdiction, or 9 advisory power."

-End-

-3-

SENATE BILL NO. 23 INTRODUCED BY HALLIGAN A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT ORGANIBATIONS---THAT---HAVE---PUBLIC--AGENCY MEETINGS OF Representatives-as-members-and-that-considert-recommendt--or DICTATE--POLICIES--AND--PR62EDURES-COVERNING-PUBLICLY-PUNBED 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 bodies7,

must-be-open-to-the-public:

tat boards, bureaus, commissions, agencies of the state, or any political subdivision of the stater or OR

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

(c)--organizations-or-escheiations--with--members--from

nny-o the-public-entities-described-in-subsection-(2)(a)-or



1	(2)(b)-and-that-consider;-recommend;-or-dictate-policies-and		
2	procedures-governing-publicly-funded-activities-		
3	(2) ALL MEETINGS OF ASSOCIATIONS THAT ARE COMPOSED OF		
4	PUBLIC OR GOVERNMENTAL BODIES REFERRED TO IN SUBSECTION (1)		
5	AND THAT REGULATE THE RIGHTS, DUTIES, OR PRIVILEGES OF ANY		
6	INDIVIDUAL MUST BE OPEN TO THE FUBLIC.		
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)(4) 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)(5) Any committee or subcommittee appointed by a		
21	public body OR AN ASSOCIATION DESCRIBED IN SUBSECTION (2)		
22	for the purpose of conducting business which is within the		
23	jurisdiction of that agency shall be subject to the		
24	requirements of this section."		
25	Section 2. Section 2-3-202, MCA, is amended to read: REFERENCE BILL		
	-2- SB 23		

SB 0023/02

SB 23

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 <u>2-3-203</u>, 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-