

SB 167 INTRODUCED BY ECK, COBB, COHEN, ET AL.
PUBLIC NOTICE OF LEGISLATIVE MEETINGS

1/21	INTRODUCED	
1/21	REFERRED TO STATE ADMINISTRATION	
1/26	HEARING	
1/28	COMMITTEE REPORT--BILL PASSED AS AMENDED	
1/31	2ND READING PASS MOTION FAILED	12 34
1/31	2ND READING INDEFINITELY POSTPONE MOTION FAILED	23 24
1/31	REREFERRED TO STATE ADMINISTRATION	
2/06	TABLED IN COMMITTEE AS AMENDED	

1 *Senate* BILL NO. *167*
 2 INTRODUCED BY *Ed Beck Don Beam*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PUBLIC NOTICE
 5 OF STANDING AND CONFERENCE COMMITTEE MEETINGS OF THE MONTANA
 6 LEGISLATURE."

7
 8 WHEREAS, Article II, section 9, of the Montana
 9 Constitution mandates that no person shall be deprived of
 10 the right to observe the deliberation of all public bodies;
 11 and

12 WHEREAS, the Legislature of the State of Montana is not
 13 exempt from the requirement in section 2-3-203, MCA, that
 14 meetings of governmental bodies must be open to the public;
 15 and

16 WHEREAS, without public notice, an open meeting is open
 17 in theory only, not in practice (Huntley v. Bd. of County
 18 Comm'rs, 186 M 148, 606 P2d 1069 (1980)); and

19 WHEREAS, to ensure public participation and orderly,
 20 open hearings on bills and resolutions before the Montana
 21 Legislature, a schedule for public notice of meetings must
 22 be established.

23
 24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 Section 1. Public notice of bills or resolutions to be

1 considered by committees in house of origin -- forty-eight
 2 hours. When the legislature is in session, public notice
 3 provided for in [section 3] must be given at least 48 hours
 4 prior to consideration of a bill or resolution by a standing
 5 committee in the house of origin.

6 Section 2. Public notice of bills or resolutions to be
 7 considered by committees in the second house or by
 8 conference committees -- twenty-four hours. When the
 9 legislature is in session, public notice provided for in
 10 [section 3] must be given at least 24 hours prior to
 11 consideration of a bill or resolution by a standing
 12 committee of the second house or by a conference committee.

13 Section 3. Public notice. The time, place, and subject
 14 matter of each standing or conference committee meeting,
 15 together with a list of the number and title of each bill or
 16 resolution to be considered, must be posted in a central
 17 location of the state capitol set aside for this purpose.

18 Section 4. Public notice when less than forty-eight
 19 hours remain of a session. When less than 48 hours remain of
 20 a legislative session, public notice of bills or resolutions
 21 to be considered in standing or conference committees must
 22 be given for at least one-half of the time remaining in the
 23 session. For example, if 12 hours remain of the session,
 24 public notice as provided for in [section 3] must be given
 25 at least 6 hours before consideration of a bill or

1 resolution.

2 Section 5. Codification instruction. Sections 1
3 through 4 are intended to be codified as an integral part of
4 Title 5, chapter 5, and the provisions of Title 5, chapter
5 5, apply to sections 1 through 4.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

SENATE BILL NO. 167

INTRODUCED BY ECK, COBB, COHEN, REAM, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PUBLIC NOTICE OF STANDING AND CONFERENCE COMMITTEE MEETINGS OF THE MONTANA LEGISLATURE."

WHEREAS, Article II, section 9, of the Montana Constitution mandates that no person shall be deprived of the right to observe the deliberation of all public bodies; and

WHEREAS, the Legislature of the State of Montana is not exempt from the requirement in section 2-3-203, MCA, that meetings of governmental bodies must be open to the public; and

WHEREAS, without public notice, an open meeting is open in theory only, not in practice (Huntley v. Bd. of County Comm'rs, 186 M 148, 606 P2d 1069 (1980)); and

WHEREAS, to ensure public participation and orderly, open hearings on bills and resolutions before the Montana Legislature, a schedule for public notice of meetings must be established.

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

Section 1. Public notice of bills or resolutions to be

considered by committees in house of origin -- forty-eight hours. When the legislature is in session, public notice provided for in [section 3] must be given at least 48 hours prior to consideration of a bill or resolution by a standing committee in the house of origin.

Section 2. Public notice of bills or resolutions to be considered by committees in the second house ~~or~~ by ~~conference~~ committees -- twenty-four hours. When the legislature is in session, public notice provided for in [section 3] must be given at least 24 hours prior to consideration of a bill or resolution by a standing committee of the second house ~~or by a conference committee.~~

Section 3. Public notice. The time, place, and subject matter of each standing or conference committee meeting, together with a list of the number and title of each bill or resolution to be considered, must be posted in a central location of the state capitol set aside for this purpose.

~~Section 4. Public notice when less than forty-eight hours remain of a session; when less than 48 hours remain of a legislative session, public notice of bills or resolutions to be considered in standing or conference committees must be given for at least one-half of the time remaining in the session. For example, if 12 hours remain of the session, public notice as provided for in [section 3] must be given at least 6 hours before consideration of a~~



1 ~~bill-or-resolution-~~

2 SECTION 4. PUBLIC NOTICE -- SPECIAL SESSION --
3 CONFERENCE COMMITTEES. (1) IF THE LEGISLATURE IS CALLED
4 INTO SPECIAL SESSION OR IF A CONFERENCE COMMITTEE IS CALLED
5 DURING A REGULAR OR SPECIAL SESSION, REASONABLE PUBLIC
6 NOTICE MUST BE GIVEN PRIOR TO CONSIDERATION OF A BILL OR
7 RESOLUTION.

8 (2) AS USED IN THIS SECTION, "REASONABLE PUBLIC
9 NOTICE" MEANS THAT THE TIME, PLACE, AND SUBJECT MATTER OF A
10 BILL OR RESOLUTION ARE READ FROM THE ROSTRUM AND POSTED IN A
11 CENTRAL LOCATION SET ASIDE FOR THIS PURPOSE IN THE STATE
12 CAPITOL.

13 Section 5. Codification instruction. Sections 1
14 through 4 are intended to be codified as an integral part of
15 Title 5, chapter 5, and the provisions of Title 5, chapter
16 5, apply to sections 1 through 4.

-End-