

SENATE BILL NO. 250

INTRODUCED BY YELLOWTAIL  
BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

IN THE SENATE

JANUARY 25, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 16, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 17, 1993	PRINTING REPORT.
FEBRUARY 18, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
FEBRUARY 20, 1993	SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 46; NOES, 2.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
	FIRST READING.
MARCH 4, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 6, 1993	SECOND READING, CONCURRED IN.
MARCH 9, 1993	THIRD READING, CONCURRED IN. AYES, 65; NOES, 32.
MARCH 10, 1993	RETURNED TO SENATE.

IN THE SENATE

MARCH 11, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 ~~Senate~~ BILL NO. 250  
 2 INTRODUCED BY Hollander  
 3 BY REQUEST OF THE SENATE JUDICIARY COMMITTEE  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CONFORMING THE OPEN  
 6 MEETING LAW TO THE INTERPRETATION OF THE PUBLIC  
 7 PARTICIPATION AND RIGHT TO KNOW PROVISIONS OF THE MONTANA  
 8 CONSTITUTION BY REMOVING CERTAIN EXCEPTIONS; AND AMENDING  
 9 SECTION 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 and certain  
 14 associations of public agencies to be open to public --  
 15 exceptions exception. (1) All meetings of public or  
 16 governmental bodies, boards, bureaus, commissions, agencies  
 17 of the state, or any political subdivision of the state or  
 18 organizations or agencies supported in whole or in part by  
 19 public funds or expending public funds must be open to the  
 20 public.

21 (2) All meetings of associations that are composed of  
 22 public or governmental bodies referred to in subsection (1)  
 23 and that regulate the rights, duties, or privileges of any  
 24 individual must be open to the public.

25 (3) 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~~ must be open.

8 (4) ~~However, a meeting may be closed to discuss a~~  
 9 ~~strategy to be followed with respect to collective~~  
 10 ~~bargaining or litigation when an open meeting would have a~~  
 11 ~~detrimental effect on the bargaining or litigating position~~  
 12 ~~of the public agency.~~

13 (5) Any committee or subcommittee appointed by a public  
 14 body or an association described in subsection (2) for the  
 15 purpose of conducting business which is within the  
 16 jurisdiction of that agency ~~shall be~~ is subject to the  
 17 requirements of this section."

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

SENATE BILL NO. 250  
INTRODUCED BY YELLOWTAIL  
BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CONFORMING THE OPEN MEETING LAW TO THE INTERPRETATION OF THE PUBLIC PARTICIPATION AND RIGHT TO KNOW PROVISIONS OF THE MONTANA CONSTITUTION BY REMOVING CERTAIN-EXCEPTIONS THE EXCEPTION FOR COLLECTIVE BARGAINING STRATEGY MEETINGS; AND 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:

"2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions ~~exception~~ EXCEPTIONS. (1) All meetings of public or governmental bodies, boards, bureaus, commissions, agencies 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 must be open to the public.

(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~~ must 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-~~ (A) HOWEVER, EXCEPT AS PROVIDED IN SUBSECTION (4)(B), A MEETING MAY BE CLOSED TO DISCUSS A STRATEGY TO BE FOLLOWED WITH RESPECT TO LITIGATION WHEN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE LITIGATING POSITION OF THE PUBLIC AGENCY.

(B) A MEETING MAY NOT BE CLOSED TO DISCUSS STRATEGY TO BE FOLLOWED IN LITIGATION IN WHICH THE ONLY PARTIES ARE PUBLIC BODIES OR ASSOCIATIONS DESCRIBED IN SUBSECTIONS (1) AND (2).

~~(5)~~ (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~~ is subject to the

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1 requirements of this section."

-End-

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(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 must 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.~~ (A) HOWEVER, EXCEPT AS PROVIDED IN SUBSECTION (4)(B), A MEETING MAY BE CLOSED TO DISCUSS A STRATEGY TO BE FOLLOWED WITH RESPECT TO LITIGATION WHEN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE LITIGATING POSITION OF THE PUBLIC AGENCY.

(B) A MEETING MAY NOT BE CLOSED TO DISCUSS STRATEGY TO BE FOLLOWED IN LITIGATION IN WHICH THE ONLY PARTIES ARE PUBLIC BODIES OR ASSOCIATIONS DESCRIBED IN SUBSECTIONS (1) AND (2).

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(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.~~ (A) HOWEVER, EXCEPT AS PROVIDED IN SUBSECTION (4)(B), A MEETING MAY BE CLOSED TO DISCUSS A STRATEGY TO BE FOLLOWED WITH RESPECT TO LITIGATION WHEN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE LITIGATING POSITION OF THE PUBLIC AGENCY.

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