

EXHIBIT 27
DATE 3/31/05
#B 794

HOUSE JOINT RESOLUTION _____

INTRODUCED BY _____

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO REVIEW ISSUES RELATED TO ENHANCING THE PENALTIES BY STATE AND LOCAL GOVERNMENT AGENCIES AND PUBLIC SERVANTS FOR VIOLATIONS OF MONTANANS' CONSTITUTIONAL RIGHTS UNDER ARTICLE II, SECTIONS 8 & 9 TO KNOW AND PARTICIPATE IN GOVERNMENT OPERATIONS AND DECISIONS.

WHEREAS, prior to 1972, Montana had a long history of secrecy in state and local government,

WHEREAS, in response to the history of secret government, Montana's Constitutional Convention gave each Montanan a constitutional right to access public documents and deliberations and participate in government decisions, and

WHEREAS, Montana now has the strongest public right to know or sunshine laws in the United States and,

WHEREAS, the substantive law is sufficient to assure Montanans' constitutional rights under Article II, Sections 8 & 9 of the Montana Constitution, and

WHEREAS, many state and local government agencies have failed to implement the substantive laws, some of which has been in place for over a third of a century, and

WHEREAS, Montana's Constitutional Convention limited the Montana Legislature's ability to reduce the public's right to know but expanded the Legislature's ability to enhance the public's right to know, and

WHEREAS, some governments and other entities in Montana are denying access to the public in violation of the Montana Constitution and statutes, and

WHEREAS, the public's ability to gain access to information and meetings and participate in their government's decisions is essentially limited to filing law suits,

WHEREAS, individual members of public often lack the resources to file lawsuits and are, therefore, practically denied access to their government's deliberations, information as well as the right to participate in government decisions,

NOW , THEREFORE BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217 MCA, or direct sufficient staff resources to study the reasons for the increased violations of the public's right to know and right to participate in government operations and decisions.

BE IT FURTHER RESOLVED, that the appropriate committee consider enhancing the penalties for violations of Montanans' constitutional rights under Article II, Sections 8 & 9 and the statutes implementing the Constitution in order to assure compliance by affected parties and governments.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements and proposed legislation be concluded prior to September 15, 2006.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments or recommendations of the appropriate committee be reported to the 60th Legislature.

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