

1 HOUSE BILL NO. 301

2 INTRODUCED BY J. KNOX

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PUBLIC MEETING MAY BE CLOSED TO GIVE
5 DIRECTION AND CONVEY INTENT TO PARTIES WHO ARE TO CONDUCT ACTUAL LABOR CONTRACT
6 NEGOTIATIONS; AND AMENDING SECTION 2-3-203, MCA."

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

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

11 **"2-3-203. Meetings of public agencies and certain associations of public agencies to be open to**
12 **public -- exceptions.** (1) All meetings of public or governmental bodies, boards, bureaus, commissions, agencies
13 of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by
14 public funds or expending public funds, including the supreme court, must be open to the public.

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

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

21 (4) (a) Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be
22 followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position
23 of the public agency.

24 (b) A meeting may not be closed to discuss strategy to be followed in litigation in which the only parties
25 are public bodies or associations described in subsections (1) and (2).

26 (5) A meeting may be closed to give direction and convey intent to parties who are to conduct actual
27 labor contract negotiations.

28 ~~(5)(6)~~ The supreme court may close a meeting that involves judicial deliberations in an adversarial
29 proceeding.

30 ~~(6)(7)~~ Any committee or subcommittee appointed by a public body or an association described in

1 subsection (2) for the purpose of conducting business that is within the jurisdiction of that agency is subject to
2 the requirements of this section."

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