

HOUSE BILL NO. 513
INTRODUCED BY D. BARRETT

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE APPLICABILITY OF OPEN MEETING LAWS BY DEFINING THE PUBLIC ENTITIES THAT ARE SUBJECT TO THE OPEN MEETING REQUIREMENT; AMENDING SECTIONS 2-3-201, 2-3-202, AND 2-3-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 2-3-201, MCA, is amended to read:

"2-3-201. Legislative intent -- liberal construction. The legislature finds and declares that public ~~boards, commissions, councils, and other public agencies~~ entities in this state exist to aid in the conduct of the peoples' business. It is the intent of this part that actions and deliberations of all public ~~agencies shall~~ entities must be conducted openly. The people of the state do not wish to abdicate their sovereignty to the ~~agencies~~ which public entities that serve them. Toward these ends, the provisions of ~~the~~ this part ~~shall~~ must be liberally construed."

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

"2-3-202. Meeting defined Definitions. As used in this part, ~~the following definitions apply:~~

(1) ~~"meeting"~~ "Meeting" means the convening of a quorum of the constituent membership of a public ~~agency or association described in 2-3-203~~ entity, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the ~~agency~~ public entity has supervision, control, jurisdiction, or advisory power.

(2) "Public entity" means:

(a) any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules, determine contested cases, or enter into contracts;

(b) organizations by whatever name supported in whole or in part by public funds or expending public funds; or

(c) a group of individuals organized for a governmental or public purpose, including advisory councils and entities created by executive order."

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

"2-3-203. Meetings of public agencies and certain associations of public agencies entities to be open to public -- 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~~ entities must be open to the public.

(2) ~~All~~ Except as provided in subsection (3), all meetings of associations that are composed of ~~public or governmental bodies referred to in subsection (1)~~ public entities and that regulate the rights, duties, or privileges of any individual must be open to the public.

(3) ~~Provided, however, the~~ 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 must be open.

(4) (a) ~~However, except~~ 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~~ entity.

(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)~~ entities.

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

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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