

HOUSE BILL NO. 328

INTRODUCED BY B. BARKER, S. GUNDERSON, S. KERNS, C. KNUDSEN, S. GIST, G. NIKOLAKAKOS, A. BUCKLEY, P. FIELDER, E. STAFMAN, T. MOORE, J. DOOLING, D. LOGE, G. PARRY, P. GREEN, D. ZOLNIKOV, R. MINER, J. TREBAS, J. KASSMIER, N. DURAM, E. BUTCHER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR INCREASED TRANSPARENCY AND ACCOUNTABILITY IN GOVERNMENT BY REQUIRING CERTAIN GOVERNMENT ENTITIES TO RECORD THEIR PUBLIC MEETINGS IN AUDIO AND VIDEO FORMAT; REQUIRING THOSE ENTITIES TO PUBLISH THE AUDIO AND VIDEO RECORDINGS TO THE GOVERNMENT WEBSITE WITHIN 1 BUSINESS DAY AFTER THE PUBLIC MEETING; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-3-214 AND 7-1-4141, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-3-214, MCA, is amended to read:

"2-3-214. Recording of meetings for certain boards. (1) Except as provided in 2-3-203, the following boards shall record their public meetings in ~~a~~an audio and video ~~or audio~~ format:

- (a) the board of investments provided for in 2-15-1808;
(b) the public employees' retirement board provided for in 2-15-1009;
(c) the teachers' retirement board provided for in 2-15-1010;
(d) the board of public education provided for in Article X, section 9, of the Montana constitution;

and

- (e) the board of regents of higher education provided for in Article X, section 9, of the Montana constitution;
(f) the governing board of a county provided for in Title 7, chapter 1, part 21;
(g) the governing board of a municipality provided for in Title 7, chapter 1, part 41;
(h) a school district board of trustees provided for in Article X, section 8, of the Montana

constitution; and



1 (i) a local board of health provided for in Title 50, chapter 2, part 1.

2 ~~(2) All good faith efforts to record meetings in a video format must be made, but if a board is unable to~~  
3 ~~record a meeting in a video format, it must record the meeting in an audio format.~~

4 ~~(3)(2)~~ (a) The boards listed in subsection (1) ~~must~~shall make the audio and video ~~or audio~~-recordings  
5 of meetings under subsection (1) publicly available within 1 business day after the meeting through broadcast  
6 on the state government broadcasting service as provided in 5-11-1111 or through publication of streaming  
7 audio and video ~~or audio~~-content on the respective board's website.

8 (b) The department of administration may develop a memorandum of understanding with the  
9 legislative services division for broadcasting executive branch content on the state government broadcasting  
10 service or live-streaming audio ~~or~~and video executive branch content over the internet."  
11

12 **Section 2.** Section 7-1-4141, MCA, is amended to read:

13 **"7-1-4141. Public meeting required.** (1) All meetings of municipal governing bodies, boards,  
14 authorities, committees, or other entities created by a municipality ~~shall~~must be open to the public except as  
15 provided in 2-3-203.

16 (2) ~~Appropriate~~ Subject to the requirements of 2-3-214, appropriate minutes ~~shall~~must be kept of  
17 all public meetings and ~~shall~~must be made available ~~upon~~on request to the public for inspection and copying."  
18

19 NEW SECTION. **Section 3. Appropriation.** There is appropriated \$271,500 from the state general  
20 fund to the department of administration for the biennium beginning July 1, 2023. The appropriation must be  
21 used to provide \$500 grants to the government agencies listed in [section 1(1)(f) through (1)(i)] for the purposes  
22 of purchasing audio and video recording equipment, training staff, and updating processes to comply with the  
23 requirements of [section 1]. Any funds remaining as of June 30, 2024, must revert to the general fund.  
24

25 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2023.

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