

TALKING POINTS
on
EXPANDING MONTANA'S OPEN MEETING LAW

BACKGROUND:

Montana has strong law regarding open meetings. The law, however, only applies to governmental agencies and those organizations that receive state funding. This Montana Constitutional right (Article 11, Section 9) is based on the belief that all citizens should be able to observe how the government does business at every level of state government.

PROBLEM:

Homeowner and landowner associations do not fully enjoy these rights.

- The law does not apply to them because most do not receive any direct monetary support from the State of Montana.

ISSUES BEARING ON THE PROBLEM:

As private, non-profit corporations who do not receive state dollars, homeowner/landowner associations are governed by MCA Title 35 Chapter 2

- In the same category as other voluntary non-profits such as the Lion's Club or American Legion

While these associations may not receive direct monetary benefit from the state, they do enjoy an indirect benefit of reduced taxes as non-profit organizations in the Montana Tax Code

If you don't like the administration of the local Lion's Club, you can quit, go home and find something else to do with your time

- If you don't like the administration of your homeowner association, you must sell your home in order to quit

Many homeowner/landowner associations provide basic necessities such as road access, water systems, sewer systems, etc.

- A private homeowner/landowner association that is performing functions typically performed by a local (city or county) government should be required to comply with open meeting laws

A Montana resident should not have to forfeit open meeting rights simply because the home he/she selects is in a subdivision governed by a homeowner association and not a municipality that would fall under the open meeting law

CONCLUSION:

Homeowners & landowners need the protection of Montana's open meeting laws applied to their associations.

RECOMMENDATION:

The 2009 legislature should amend the existing open meeting law in Montana to include homeowners' and landowners' associations

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