

HOUSE BILL NO. 94  
INTRODUCED BY LAWSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING THE PUBLIC PARTICIPATION AND NOTICE REQUIREMENTS FOR OPEN MEETINGS; PROVIDING THAT AN AGENDA FOR AN OPEN MEETING ~~MAY~~ MUST INCLUDE AN ITEM ALLOWING PUBLIC COMMENT ON ANY PUBLIC MATTER WITHIN THE JURISDICTION OF THE AGENCY CONDUCTING THE MEETING; CLARIFYING THAT AN AGENCY MAY NOT TAKE ACTION ON ANY ~~ITEM~~ MATTER DISCUSSED UNLESS SPECIFIC NOTICE OF THAT ~~ITEM~~ MATTER IS INCLUDED ON AN AGENDA AND PUBLIC COMMENT HAS BEEN ALLOWED; CLARIFYING THAT THE GOVERNOR'S DUTY TO ENSURE THAT AGENCIES HAVE POLICIES AND PROCEDURES TO FACILITATE PUBLIC PARTICIPATION APPLIES TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; AMENDING SECTION 2-3-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 2-3-103, MCA, is amended to read:

**"2-3-103. Public participation -- governor to ~~insure~~ ensure guidelines adopted.** (1) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures ~~shall assure~~ must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public. The agenda for a meeting, as defined in 2-3-202, ~~may~~ MUST include an item allowing public comment on any PUBLIC matter within the jurisdiction of the agency conducting the meeting. However, the agency may not take action on any ~~item~~ MATTER discussed unless specific notice of that ~~item~~ MATTER is included on an agenda AND PUBLIC COMMENT HAS BEEN ALLOWED ON THAT MATTER. PUBLIC COMMENT RECEIVED AT A MEETING MUST BE INCORPORATED INTO THE OFFICIAL MINUTES OF THE MEETING, AS PROVIDED IN 2-3-212.

(2) The governor shall ~~insure~~ ensure that each board, bureau, commission, department, authority, agency, or officer of the executive branch of the state adopts coordinated rules for its programs; ~~which~~ The guidelines ~~shall~~ must provide policies and procedures to facilitate public participation in those programs, consistent with subsection (1) ~~of this section~~. These guidelines ~~shall~~ must be adopted as rules and published in a manner ~~which~~ so that the rules may be provided to a member of the public upon request."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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