

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 WHAT CONSTITUTES A PUBLIC MATTER; 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) (A) 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 THAT IS NOT ON THE AGENDA OF THE MEETING AND THAT IS 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.

(B) FOR PURPOSES OF THIS SECTION, "PUBLIC MATTER" DOES NOT INCLUDE CONTESTED CASE AND OTHER ADJUDICATIVE PROCEEDINGS.

(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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