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HOUSE BILL NO. 890

INTRODUCED BY B. BARKER, S. KERNS, C. KNUDSEN, T. BROCKMAN, P. GREEN, J. ETCHART

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR INCREASED TRANSPARENCY AND ACCOUNTABILITY IN GOVERNMENT BY REQUIRING CERTAIN GOVERNMENT ENTITIES AND AUTHORIZING CERTAIN GOVERNMENT ENTITIES TO RECORD THEIR PUBLIC MEETINGS IN AUDIO AND VIDEO FORMAT; REQUIRING THOSE ENTITIES TO MAKE THE AUDIO AND VIDEO RECORDINGS AVAILABLE ONLINE FOLLOWING THE PUBLIC MEETING; PROVIDING EXCEPTIONS; PROVIDING AN APPROPRIATION; ~~SUPERSEDING THE LOCAL GOVERNMENT UNFUNDED MANDATE LAWS;~~ AMENDING SECTIONS 2-3-214 AND 7-1-4141, MCA; AND PROVIDING EFFECTIVE DATES."

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 and subsection (6) of this section, 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 AND

- (e) the board of regents of higher education provided for in Article X, section 9, of the Montana constitution;

(2) THE FOLLOWING BOARDS MAY RECORD THEIR PUBLIC MEETINGS IN AN AUDIO AND VIDEO FORMAT:

- (f)(A) the governing board of a county provided for in Title 7, chapter 1, part 21;
- (g)(B) the governing board of a municipality provided for in Title 7, chapter 1, part 41;
- (h)(C) a first class or second class school district board of trustees provided for in Article X, section 8,

1 meeting as defined in 2-3-202 that has been publicly noticed as required by 2-3-103.

2 (6) The requirements of this section do not apply:

3 (a) to a board listed in subsection (1)(f) (2)(A) when a quorum is incidentally established solely on  
4 the basis of sharing a common office space; or

5 (b) if a board's access to internet services is limited to services operating with a download speed of  
6 5 megabits per second or less and an upload speed of 5 megabits per second or less.

7 (7) Expenditures by a school district on staff, consultants, equipment, software licenses, storage,  
8 or security made to fulfill the requirements of this section qualify as a school facility project under 20-9-525."

9

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

11 **"7-1-4141. Public meeting required.** (1) All meetings of municipal governing bodies, boards,  
12 authorities, committees, or other entities created by a municipality ~~shall~~must be open to the public except as  
13 provided in 2-3-203.

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

17

18 NEW SECTION. Section 3. Appropriation. There is appropriated \$5,000 from the state general fund  
19 to the department of administration for the biennium beginning July 1, 2023, for the purposes of adopting  
20 administrative rules under 2-17-518 to provide guidance and best practices for the local governments entities in  
21 ~~[section 1(1)(f) through (1)(i) 2-3-214(2)(a) through (2)(d)]~~ to create audio and video meeting recordings and  
22 store and make the records publicly available online.

23

24 NEW SECTION. Section 4. — Unfunded mandate laws superseded. The provisions of ~~[this act]~~  
25 expressly supersede and modify the requirements of 1-2-112 through 1-2-116 as they apply to local  
26 government units.

27

28 NEW SECTION. Section 4. Effective dates. (1) Except as provided in subsection (2), [this act] is