

1 HOUSE BILL NO. 328
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 6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR INCREASED TRANSPARENCY AND
 7 ACCOUNTABILITY IN GOVERNMENT BY REQUIRING CERTAIN GOVERNMENT ENTITIES TO RECORD
 8 THEIR PUBLIC MEETINGS IN AUDIO AND VIDEO FORMAT; REQUIRING THOSE ENTITIES TO PUBLISH
 9 THE AUDIO AND VIDEO RECORDINGS TO THE GOVERNMENT WEBSITE ~~WITHIN 1 BUSINESS DAY~~
 10 AFTER THE PUBLIC MEETING; ~~PROVIDING AN APPROPRIATION; SUPERSEDING THE LOCAL~~
 11 ~~GOVERNMENT UNFUNDED MANDATE LAWS~~; AMENDING SECTIONS 2-3-214 AND 7-1-4141, MCA; AND
 12 PROVIDING ~~AN A DELAYED~~ EFFECTIVE DATE."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15
 16 **Section 1.** Section 2-3-214, MCA, is amended to read:

17 **"2-3-214. Recording of meetings for certain boards.** (1) Except as provided in 2-3-203, the
 18 following boards shall record their public meetings in a an audio and video or audio format:

- 19 (a) the board of investments provided for in 2-15-1808;
- 20 (b) the public employees' retirement board provided for in 2-15-1009;
- 21 (c) the teachers' retirement board provided for in 2-15-1010;
- 22 (d) the board of public education provided for in Article X, section 9, of the Montana constitution;
- 23 ~~and~~
- 24 (e) the board of regents of higher education provided for in Article X, section 9, of the Montana
- 25 constitution;
- 26 (f) the governing board of a county provided for in Title 7, chapter 1, part 21;
- 27 (g) the governing board of a municipality provided for in Title 7, chapter 1, part 41;
- 28 (h) a school district board of trustees provided for in Article X, section 8, of the Montana

1 constitution except for a third class district as provided in 20-6-201 and 20-6-301; and

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

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

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

9 (b) The boards listed in subsections (1)(f) through (1)(i) shall make the audio and video recordings
10 publicly available within 5 business days after the meeting with a link to the recording on the respective board's
11 website. If the board does not maintain a website, it shall maintain a social media page and provide a link on
12 the social media page.

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

16 (3) For the boards listed in subsections (1)(f) through (1)(i) that maintain minutes as required by 2-
17 3-212, audio and video recordings created pursuant to this section are not required to be the official record of
18 the meeting and may be destroyed after being retained online for 1 year pursuant to this section.

19 (4) A board is not required to disrupt or reschedule a meeting if there is a technological failure of
20 the meeting recording. If the recording is not able to be made available online, the board shall prominently post
21 a notice in the same manner as a notice of a public meeting and shall post a notice at all locations where the
22 meeting recording links are available. The notice must explain the reason that the meeting was not recorded
23 and describe the steps taken to remedy the technological failure prior to the next meeting.

24 (5) (a) The requirements of this section apply only when a board is hearing, discussing, or acting
25 on a matter over which the board has supervision, control, jurisdiction, or advisory power at a public meeting as
26 defined in 2-3-202 that has been publicly noticed as required by 2-3-103.

27 (b) The requirements of this section do not apply to a board listed in subsection (1)(f) when a
28 quorum is incidentally established solely on the basis of sharing common office space.

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

3

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

5 **"7-1-4141. Public meeting required.** (1) All meetings of municipal governing bodies, boards,
6 authorities, committees, or other entities created by a municipality shall ~~must~~ be open to the public except as
7 provided in 2-3-203.

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

10

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

16

17 NEW SECTION. Section 3. Unfunded mandate laws superseded. The provisions of [this act]
18 expressly supersede and modify the requirements of 1-2-112 through 1-2-116 as they apply to local
19 government units.

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21 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, ~~2023~~ 2024.

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