

1 HOUSE BILL NO. 328

2 INTRODUCED BY B. BARKER, S. GUNDERSON, S. KERNS, C. KNUDSEN, S. GIST, G. NIKOLAKAKOS, A.
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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; AMENDING SECTIONS 2-3-214 AND 7-
11 1-4141, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

16 **"2-3-214. Recording of meetings for certain boards.** (1) Except as provided in 2-3-203, the
17 following boards shall record their public meetings in ~~a-an audio and~~ video ~~or audio~~-format:

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

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

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

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

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

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

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

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

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

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

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