

1 (5) (a)The Subject to subsections (5)(b) and (5)(c), the supreme court may close a meeting that
2 involves judicial deliberations in an adversarial proceeding.

3 (b) All closed meetings of the supreme court must by recorded by electronic means with the
4 recording constituting the official record of the meeting. A written record of the meeting must also be made and
5 must include the information specified in 2-3-212(2) and (3), including all documents considered by the
6 supreme court.

7 (c) The electronic recording and written record provided for in subsection (5)(b) must be available
8 for inspection by the public once the case that was subject to closed judicial deliberations becomes final. The
9 supreme court may redact confidential information when the demands of individual privacy of a party or witness
10 clearly exceed the merits of public disclosure.

11 (6) Any committee or subcommittee appointed by a public body or an association described in
12 subsection (2) for the purpose of conducting business that is within the jurisdiction of that agency is subject to
13 the requirements of this section.

14 (7) For the purpose of this section, a case becomes final after the time to appeal the supreme
15 court's order to the United States supreme court has expired. If an appeal is pursued, a case becomes final
16 when all the issues on appeal are settled and no other issues can be appealed to any other court. If the
17 supreme court remands a case in whole or in part to a lower court, the case becomes final when all the issues
18 on appeal are settled and no other issues can be appealed to any other court."

19
20 **Section 2.** Section 2-3-212, MCA, is amended to read:

21 **"2-3-212. Minutes of meetings -- public inspection.** (1) Appropriate minutes of all meetings
22 required by 2-3-203 to be open must be kept and must be available for inspection by the public. If an audio
23 recording of a meeting is made and designated as official, the recording constitutes the official record of the
24 meeting. If an official recording is made, a written record of the meeting must also be made and must include
25 the information specified in subsection (2).

26 (2) Minutes must include without limitation:

27 (a) the date, time, and place of the meeting;

28 (b) a list of the individual members of the public body, agency, or organization who were in

1 attendance;

2 (c) the substance of all matters proposed, discussed, or decided; and

3 (d) at the request of any member, a record of votes by individual members for any votes taken.

4 (3) If the minutes are recorded and designated as the official record, a log or time stamp for each
5 main agenda item is required for the purpose of providing assistance to the public in accessing that portion of
6 the meeting.

7 (4) Any time a presiding officer closes a public meeting pursuant to 2-3-203, the presiding officer
8 shall ensure that minutes taken in compliance with subsection (2) are kept of the closed portion of the meeting.

9 ~~The~~ Except as provided in 2-3-203(5)(c), the minutes from the closed portion of the meeting may not be made
10 available for inspection except pursuant to a court order."

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12 **Section 3.** Section 2-6-1002, MCA, is amended to read:

13 **"2-6-1002. Definitions.** As used in this chapter, the following definitions apply:

14 (1) "Confidential information" means information that is accorded confidential status or is prohibited
15 from disclosure as provided by applicable law. The term includes information that is:

16 (a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds
17 the merits of public disclosure;

18 (b) related to judicial deliberations in adversarial proceedings of any court other than the supreme
19 court;

20 (c) necessary to maintain the security and integrity of secure facilities or information systems
21 owned by or serving the state; ~~and~~

22 (d) designated as confidential by statute or through judicial decisions, findings, or orders; and

23 (e) related to judicial deliberations in adversarial proceedings of the supreme court until the case at
24 issue becomes final and is no longer subject to appeal.

25 (2) "Constitutional officer" means the governor, lieutenant governor, attorney general, secretary of
26 state, superintendent of public instruction, or auditor, who are the constitutionally designated and elected
27 officials of the executive branch of government.

28 (3) "Constitutional officer record" means a public record prepared, owned, used, or retained by a

1 constitutional officer.

2 (4) "Essential record" means a public record immediately necessary to:

3 (a) respond to an emergency or disaster;

4 (b) begin recovery or reestablishment of operations during and after an emergency or disaster;

5 (c) protect the health, safety, and property of Montana citizens; or

6 (d) protect the assets, obligations, rights, history, and resources of a public agency, its employees

7 and customers, and Montana citizens.

8 (5) "Executive branch agency" means a department, board, commission, office, bureau, or other
9 public authority of the executive branch of state government.

10 (6) "Historic record" means a public record found by the state archivist to have permanent
11 administrative or historic value to the state.

12 (7) "Local government" means a city, town, county, consolidated city-county, special district, or
13 school district or a subdivision of one of these entities.

14 (8) "Local government records committee" means the committee provided for in 2-6-1201.

15 (9) "Permanent record" means a public record designated for long-term or permanent retention.

16 (10) "Public agency" means the executive, legislative, and judicial branches of Montana state
17 government, a political subdivision of the state, a local government, and any agency, department, board,
18 commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of
19 the state of Montana.

20 (11) "Public information" means information prepared, owned, used, or retained by any public
21 agency relating to the transaction of official business, regardless of form, except for confidential information that
22 must be protected against public disclosure under applicable law. The term includes information prepared,
23 owned, or retained by the supreme court, regardless of form relating to an adversarial proceeding after the case
24 at issue becomes final and is no longer subject to appeal.

25 (12) "Public officer" means any person who has been elected or appointed as an officer of state or
26 local government.

27 (13) "Public record" means public information that is:

28 (a) fixed in any medium and is retrievable in usable form for future reference; ~~and~~

1 (b) designated for retention by the state records committee, judicial branch, legislative branch, or
2 local government records committee; and

3 (c) judicial deliberations of the supreme court pursuant to 2-3-203(5).

4 (14) "Records manager" means an individual designated by a public agency to be responsible for
5 coordinating the efficient and effective management of the agency's public records and information.

6 (15) "State records committee" means the state records committee provided for in 2-6-1107."
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9 NEW SECTION. Section 4. Effective date. [This act] is effective October 1, 2025.

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