

SENATE JOINT RESOLUTION NO. 23

INTRODUCED BY T. JACOBSON

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON PUBLIC NOTICE PROVIDED ELECTRONICALLY; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

WHEREAS, current public notice requirements vary by statute; and

WHEREAS, current public notice laws do not consider the promulgation, availability, and convenience of electronic publications; and

WHEREAS, current statutory law generally requires public notice by a local government to be in a daily or weekly newspaper published in the relevant county or municipality; and

WHEREAS, current statutory law generally requires public notice by a state government entity to be in a daily or weekly newspaper, often with local publication requirements; and

WHEREAS, electronic publications published in a worldwide internet forum pose policy questions about which publications are relevant, local, and widely available to populations affected by government actions; and

WHEREAS, because electronic publications can be updated in real time, these publications pose documentation challenges for a government entity attempting to prove appropriate public notice was given and for a publication contractually obligated to publish a document on a government entity's behalf.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- (1) review relevant electronic public notice proposals and statutory law of other states;
- (2) examine documentation challenges for electronic publications attempting to prove the proper public notice was provided for the requisite amount of time without substantive content changes;
- (3) review retention policies for digital records pertaining to public notice;

