67th Legislature

1	SENATE JOINT RESOLUTION NO. 23
2	INTRODUCED BY T. JACOBSON
3	
4	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5	MONTANA REQUESTING AN INTERIM STUDY ON PUBLIC NOTICE PROVIDED ELECTRONICALLY; AND
6	REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.
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8	WHEREAS, current public notice requirements vary by statute; and
9	WHEREAS, current public notice laws do not consider the promulgation, availability, and convenience
10	of electronic publications; and
11	WHEREAS, current statutory law generally requires public notice by a local government to be in a daily
12	or weekly newspaper published in the relevant county or municipality; and
13	WHEREAS, current statutory law generally requires public notice by a state government entity to be in
14	a daily or weekly newspaper, often with local publication requirements; and
15	WHEREAS, electronic publications published in a worldwide internet forum pose policy questions about
16	which publications are relevant, local, and widely available to populations affected by government actions; and
17	WHEREAS, because electronic publications can be updated in real time, these publications pose
18	documentation challenges for a government entity attempting to prove appropriate public notice was given and
19	for a publication contractually obligated to publish a document on a government entity's behalf.
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21	NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
22	THE STATE OF MONTANA:
23	That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
24	section 5-5-217, MCA, or direct sufficient staff resources to:
25	(1) review relevant electronic public notice proposals and statutory law of other states;
26	(2) examine documentation challenges for electronic publications attempting to prove the proper
27	public notice was provided for the requisite amount of time without substantive content changes;
28	(3) review retention policies for digital records pertaining to public notice;



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1	(4) consider standardization and consolidation of public notice requirements where appropriate;
2	(5) determine which publications are appropriate to promulgate public notice in the digital age; and
3	(6) consider statutory revisions to allow appropriate electronic publication for public notice purposes
4	for state and local government entities.
5	BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders, including bu
6	not limited to daily and weekly newspapers, online publications with content produced within the state and
7	targeted at local audiences, and the interested public.
8	BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
9	presented to and reviewed by an appropriate committee designated by the Legislative Council.
10	BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
11	requirements, be concluded prior to September 15, 2022.
12	BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
13	comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.
14	- END -

