_____ JOINT RESOLUTION NO. _____

INTRODUCED BY _____
(Primary Sponsor)

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;

(4) consider standardization and consolidation of public notice requirements where appropriate;

(5) determine which publications are appropriate to promulgate public notice in the digital age; and

(6) consider statutory revisions to allow appropriate electronic publication for public notice purposes for state and local government entities.

BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders, including but not limited to daily and weekly newspapers, online publications with content produced within the state and targeted at local audiences, and the interested public.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2022.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

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