



**Montana Legislative Services Division**  
**Legal Services Office**

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**TO:** State Administration and Veterans' Affairs Interim Committee

**FROM:** K. Virginia Aldrich

**DATE:** May 11, 2022

**RE:** Legislative Administrative Rule Review Report

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Pursuant to 5-5-228, MCA, the State Administration and Veterans' Affairs Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the State Administration and Veterans' Affairs Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the State Administration and Veterans' Affairs Interim Committee and does not preclude additional action that may be taken by the State Administration and Veterans' Affairs Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

**MAR NOTICE NUMBER:** 2-2-624

**AGENCY/BOARD:** Department of Administration

**RULE CLASSIFICATION:** (e.g., substantive/interpretive/emergency/temporary): Substantive

**SUBJECT:** Public Meetings

**NOTICE DESCRIPTION:** (e.g., proposal notice/adoption notice): Notice of Proposed Adoption

**SUMMARY OF RULE(S):**

The Department of Administration proposes to adopt one rule concerning public meetings. The proposed rule provides that when the department holds a meeting, it will post notices "a week or more ahead of time, but never less than 72 hours." Because, from a legal perspective, the current rule appears to give two different posting deadlines, staff has requested that the department clarify in the rule that the deadline is 72 hours, but that the department would use best efforts (or similar wording) to post notices a week or more ahead of time.

The proposed rule also provides that the department will post notice of the meeting on the state's electronic calendar and on "other appropriate locations" of the department's website, provide notification to those who have previously shown an interest in the matter, include "adequate details of any proposed action," and include an agenda, including time allowed for public comment. In addition, the proposed rule provides that the department will include contact information for persons with disabilities who wish to participate in the public meeting and that public comments received at the meeting will be incorporated into the official minutes of the meeting.

The proposed rule allows the department to hold meetings electronically "or by other means of remote communication" as long as public participation is allowed. Additionally, the proposed rule stipulates that the department may record meetings and use meeting recordings as official minutes.

The department notes that these public participation guidelines have "been in place for years but not formally adopted into rule."

**NOTES:** A public hearing will not be held. The public comment period ends on June 10, 2022.

**FULL TEXT OF NOTICE:** The full text of the proposal notice may be found at <https://rules.mt.gov>.