

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I pertaining to local government) PROPOSED ADOPTION
public meeting recordings)

TO: All Concerned Persons

1. On May 21, 2024, at 9:00 a.m., the Department of Administration will hold a public hearing in Room 161 of the Mitchell Building, at 125 North Roberts Street, Helena, Montana, to consider the proposed adoption of the above-stated rule. Alternatively, interested parties may attend the public hearing via the Zoom meeting platform or by telephone using the following information:

Join Zoom Meeting:
mt-gov.zoom.us/j/89803091401?pwd=eHAvOUFubzFhUzd0TDhnVVRrQkIPdz09
Meeting ID: 898 0309 1401
Password: 270835

-OR -

Dial by Telephone
1-646-558-8656
Meeting ID: 898 0309 1401
Password: 270835

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Administration no later than 5:00 p.m. on May 14, 2024, to advise us of the nature of the accommodation that you need. Please contact Heather Hardman, Department of Administration, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2922; Montana Relay Service 711; facsimile (406) 841-2930; or e-mail to hhardman@mt.gov.

3. The rule proposed to be adopted is as follows:

NEW RULE I LOCAL GOVERNMENT PUBLIC MEETING RECORDINGS

(1) This rule implements 2-3-214, MCA, by providing guidance for creating, storing, and publishing audio and video recordings of local government public meetings.

(2) This rule provides technical advice but is not binding on local government entities. It is not legal advice. Whether meetings should be public meetings or should be recorded are considerations beyond the scope of this rule. Local government entities should consult 2-3-214, MCA, for more information about how and when meetings should be recorded.

(3) How should we record video during a meeting?

(a) To record video, you will need cameras. Ensure the camera setup covers all meeting participants adequately. Cameras should have a minimum resolution of 720 pixels (HD) and a minimum frame rate of 30 frames per second (fps) for smooth video.

(4) What about recording content or presentations from a computer during a meeting?

(a) You can record content from a computer by using an application or process that records what is displayed on the computer screen. The recommended minimum resolution for this content is 720 pixels, and the frame rate should be at least 15 fps.

(5) What format should we use for recording and video-on-demand?

(a) When recording meetings, save video in MP4 format and audio in MP3 format. This will make it easier to share and view the recordings.

(6) What should we consider regarding a room's acoustics?

(a) Think about how sound behaves in the room. Here are some considerations:

(i) The ambient or background noise level in the room should be less than 30 decibels (dB) to avoid interference.

(ii) Common issues in noisy rooms are echoes and hollow-sounding audio caused by solid surfaces, high ceilings, HVAC (heating, ventilation, and air conditioning) noise, and electronic noise.

(iii) To improve acoustics, you can use acoustic-absorbing soundboards, curtains, ceiling tiles, and unidirectional microphones.

(7) Where should we store recordings?

(a) The official copy of the recordings should be saved in a cloud environment maintained by your organization and accessible by more than one person.

AUTH: 2-17-518, MCA

IMP: 2-3-214, MCA

STATEMENT OF REASONABLE NECESSITY: The 2023 Montana Legislature enacted Chapter 741 (House Bill 890) which provides increased transparency and accountability in government by requiring certain government entities to record their public meetings and to make the recordings available online to the public. The department was required to adopt administrative rules to provide technical guidance and best practices for local government entities subject to 2-3-214, MCA.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the person listed in 2 above. Comments must be received no later than 5:00 p.m., May 24, 2024.

5. Katy Brandis, Department of Administration, has been designated to preside over and conduct this hearing.

6. An electronic copy of this proposal notice is available through the department's website at doa.mt.gov/administrativerules. The department strives to make its online version of the notice conform to the official published version, but advises all concerned persons that if a discrepancy exists between the official version and the department's online version, only the official text will be considered. In addition, although the department works to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

7. The Department of Administration maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written requests may be mailed or delivered to the person listed in 2 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do apply and have been fulfilled. The primary bill sponsor was contacted by email on April 1, 2024.

9. The department has determined that under 2-4-111, MCA, the proposed adoption of the above-stated rule will not significantly and directly impact small businesses.

By: /s/ Misty Ann Giles
Misty Ann Giles, Director
Department of Administration

By: /s/ Don Harris
Don Harris, Rule Reviewer
Department of Administration

Certified to the Secretary of State April 16, 2024.