



ADMINISTRATIVE RULES OF MONTANA

23.13.104 NOTICE TO THE PUBLIC OF POST COUNCIL ACTIONS OF SIGNIFICANT INTEREST TO THE PUBLIC

- (1) In accordance with 2-3-102 through 2-3-114, MCA, prior to making a final decision that is of significant interest to the public, POST will afford reasonable opportunity for public participation. Reasonable opportunity for public participation may be afforded by:
 - (a) any of the agency actions allowed pursuant to 2-3-104, MCA; or
 - (b) a notice of the proposed agency action published in the register in accordance with template 102a (www.armtemplates.com). POST may grant or deny an opportunity for hearing, except a hearing is required if the proposed action is the adoption of rules in an area of significant interest to the public.
- (2) For purposes of (1)(b) only, significant interest to the public is defined at 2-4-102, MCA, as matters an agency knows to be of widespread citizen interest.
- (3) Public comment on any public matter within the jurisdiction of POST must be allowed at any public meeting under 2-3-103, 2-3-202, and 2-3-203, MCA, defining "public matter" and "meeting" and stating the requirements applicable to opening and closing meetings to the public. The opportunity for public comment must be reflected on the meeting agenda and incorporated into the official minutes of the meeting. For purposes of this rule and 2-3-103, MCA, contested case is defined at 2-4-102, MCA.
- (4) The POST Council or its committees may hold closed or executive sessions if the chair of the POST Council or the chair of the committee determines that:
 - (a) the matters to be discussed involve issues of individual privacy that clearly exceed the merits of public disclosure; or
 - (b) the matters to be discussed involve privileged legal communication, including attorney-client communication or attorney work product, or would otherwise have a detrimental effect on POST's litigation position.
- (5) A chair's determination regarding whether to hold a closed or executive session may be overruled by a majority vote of the POST Council or committee.
- (6) If the POST Council or a committee takes formal action during closed or executive session, the council or committee will announce its formal action on the public record, except when the action involves a legally recognized privilege or if the action would violate an individual's privacy interests.

Authorizing statute(s): 2-4-201, 2-15-2029, MCA

Implementing statute(s): 2-3-103, 2-3-104, 2-3-203, 44-4-403, MCA

History: NEW, 2014 MAR p. 2951, Eff. 12/12/14; AMD, 2024 MAR p. 607, Eff. 3/23/24.