

Subchapter 2

Citizen Participation

8.2.201 POLICIES AND OBJECTIVES IN PROVIDING CITIZEN PARTICIPATION IN THE OPERATION OF THE DEPARTMENT OF COMMERCE

(1) Participation of the public is to be provided for, encouraged and assisted to the fullest extent practicable consistent with other requirements of state law and the rights and requirements of personal privacy. The major objectives of such participation include greater responsiveness of governmental actions to public concerns and priorities, and improved public understanding of official programs and actions. Prior to the granting or denying of certain licenses, the Department of Commerce shall, where the decision is of significant public interest, give adequate notice that the decision is to be made and provide an opportunity for public participation in the making of the decision. (History: 2-3-103, MCA; IMP, 2-3-103, MCA; Eff. 5/6/76.)

8.2.202 GUIDELINES FOR DETERMINATION OF SIGNIFICANT PUBLIC INTEREST (1) The following will be deemed of a significant public interest to require notice and the availability of an opportunity for public participation in the decision-making process:

- (a) the adoption, amendment or repeal of any regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or procedures or practice requirements of the Department of Commerce; or
- (b) the granting or denying of a license for which a hearing is required under provisions of Montana law.

(2) In all other cases, whether or not the decision is one of significant public interest will be determined by the person within the department who is proposing the decision, according to the following considerations:

- (a) whether the decision regards a matter which is controversial;
- (b) the number of persons who will be affected by the decision;
- (c) the fiscal impact the decision will have;
- (d) whether a high level of citizen interest has been witnessed by the department. (History: 2-3-103, MCA; IMP, 2-3-103, MCA; Eff. 5/6/76.)

8.2.203 GUIDELINES FOR DEPARTMENT PROGRAMS (1) A continuing departmental program for public participation shall include methods of implementing each of the functions listed in this rule. The exact method may vary in relation to resources available, public response, or the nature of issues involved:

(a) Informational materials - each division of the department shall provide continuing policy, program and technical information at the earliest practicable times and at places easily accessible to interested or affected persons and organizations so that they can make informal and constructive contributions to department decision-making. New releases and other publications may be used for this purpose as well as informational discussions and meetings with interested citizens' groups. Special efforts shall be made to summarize complex technical materials for public and media use.

(b) Assistance to public - each division shall have a procedure for providing technical and information assistance to concerned groups and individuals. Requests for information shall be promptly handled.

(c) Notification - each division shall maintain, for its appropriate areas of responsibility, a current list of interested persons and organizations including any who have requested inclusion on such list for the distribution of information such as that listed in paragraph (a) of this rule. This shall be in addition to the lists now maintained as required by the Montana Administrative Procedure Act. The department shall, in addition, notify any interested persons of any public hearing or other decision-making proceedings prior to decision-making and wherever possible shall supplement this notification with informal notice to all interested persons or groups having requested such notice in advance.

(d) Access to information - the department files, other than personnel files and those files required by law or requirements of personal privacy to remain confidential, are open to public inspection in accordance with established Department of Commerce policy. These files are located at the department office in Helena. Copies of specific documents are available either free or for a reasonable copying charge plus employee time.

(e) Rulemaking - in addition to any other requirements, the department shall comply with the requirements of the Montana Administrative Procedure Act.

(f) Other measures - the listing of specific measures in this section shall not preclude additional methods for obtaining, encouraging or assisting public participation. (History: 2-3-103, MCA; IMP, 2-3-103, MCA; Eff. 5/6/76.)

8.2.204 NOTICE AND MEANS FOR PUBLIC PARTICIPATION (1) If it is determined that significant public interest is involved, one or more of the following steps, as applicable, shall be taken to assist public participation in decision-making;

- (a) a proceeding or hearing shall be held in compliance with the provisions of the Montana Administrative Procedure Act, Title 2, Chapter 4, MCA;
- (b) a public hearing, after appropriate notice is given, shall be held pursuant to any other provision or state law or a local ordinance or regulation;
- (c) a news release, legal advertisement, or other method of publication shall be given to news media within the area to be affected which shall include the name of the department, the name of a person within the department most familiar with the proposed action, the address, and phone number where interested persons may submit their data, views or arguments, orally or in written form, concerning the proposed action. (History: 2-3-103, MCA; IMP, 2-3-103, MCA; Eff. 5/6/76.)

8.2.205 CONFERENCES WITH DIRECTOR OR DIVISION ADMINISTRATORS (1) Any individual or group of individuals may make appointments to confer with the director or division administrators regarding any matter of concern to those individuals and which is subject to the jurisdiction of the Department of Commerce. Such appointments may be made by contacting the director's office in Helena, (406) 841-2700. (History: 2-3-103, MCA; IMP, 2-3-103, MCA; Eff. 5/6/76.)

8.2.206 OPEN MEETINGS (1) All meetings of the department shall be open to the public subject to the provisions of 2-3-203, MCA. (History: 2-3-103, MCA; IMP, 2-3-103, MCA; Eff. 5/6/76.)

8.2.207 GENERAL (1) Citizens desiring information about anything contained in these rules or about anything concerning the Department of Commerce and public participation should contact the department. (History: 2-3-103, MCA; IMP, 2-3-103, MCA; AMD, Eff. 5/5/77; AMD, Eff. 6/30/86, AMD, 1995 MAR p. 2794, Eff. 12/22/95.)

8.2.208 RENEWAL DATES (TRANSFERRED) (History: 37-1-101, 37-1-141, MCA; IMP, 37-1-101, 37-1-141, MCA; NEW, 1995 MAR p. 2140, Eff. 10/13/95; AMD, 1996 MAR p. 1373, Eff. 5/24/96; AMD, 1999 MAR p. 274, Eff. 2/12/99; AMD, 1999 MAR p. 2435, Eff. 10/22/99; TRANS, from Commerce to 24.101.413, 2006 MAR p. 1583, Eff. 7/1/06.)