



MONTANA COAL BOARD
INTERNAL MANAGEMENT PROCEDURES
<http://comdev.mt.gov/Boards/Coal>

A. NAME: MONTANA COAL BOARD; the Board is administratively attached to the Department of Commerce, Helena, MT.

B. PURPOSE: Receive and consider applications for grants from the Board and award grants to assist local governmental units that have been required to expand the provision of public services as a consequence of large-scale development or decline of coal mines and coal-using energy complexes.

C. COMPOSITION: The Board consists of seven members appointed by the Governor; officers include a Chair and Vice Chair.

D. ELECTION OF OFFICERS: The Chair is appointed by the Governor. The Vice Chair shall be elected annually by the Board during the first meeting of the calendar year. The Chair shall preside at all Board meetings and hearings, call special meetings, and perform the duties normally conferred by parliamentary usage on such presiding officer and other such duties as may be properly prescribed. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair.

E. MEETINGS: Meetings will be held at a minimum in each calendar quarter as determined by the Board. The Board shall determine the location of the meetings. Special meetings may be called by the Chair and shall be called upon the written request of three members of the Board.

F. NOTIFICATION: All meetings of the Board and its committees shall comply with Montana law as it applies to open public meetings.

G. QUORUM AND PROCEDURE: A quorum shall consist of four members present at the meeting. The affirmative vote of the majority of the member's present is sufficient for any action taken by the Board. The Chair may make and second motions and participate in all votes. The rules contained in the most current edition of Robert's Rules of Order shall generally be adhered to in the conduct of all meetings unless these procedures or state law provides otherwise. Only those items included on the agenda and that are part of the materials mailed to the Board members may be acted upon at that particular meeting. New business may be introduced without prior notice only for the purpose either of Board action at a future meeting or referral to a committee or Board staff for study or consideration.

H. AUDIT PROCEDURES: The Coal Board Program will be audited as part of the biennial audit of the Department of Commerce by the Legislative Auditor.

I. VOTING: Coal Board meetings follow Robert's Rules of Order. All members will be asked to vote through roll call.

J. COMMITTEES: Such committees, standing or special, shall be appointed from the members by the Chair as the Board shall from time to time deem necessary to carry on the work of the Board. The board has not used committees in the recent past.

K. MAINTENANCE OF RECORDS: The Administrative Officer and staff shall be responsible for the maintenance of any and all records of the Board. Records shall be kept at the Coal Board Office at the Department of Commerce, and shall be available for inspection during normal business hours. Each pre-application or full-application form submitted to the Board shall be entered in a docket. Each form docketed since the preceding Board meeting shall be reported to the Board at its next meeting, and this shall be reflected in the minutes of the meeting, together with such comments or recommendations as the Department or Board staff may submit. The Board may, but will not necessarily, take final action on an application at the meeting when the application is received. All meeting records are permanent records.

M. AMENDMENT OF PROCEDURES: Amendments to these procedures may be initiated by any member of the Board. Proposed amendments must be considered at a regular Board meeting and approved by a majority vote of the members present. All members of the Board shall be informed of any proposed amendments in writing at least seven (7) days prior to a vote being taken.

N. CONFLICT OF INTEREST: No member of the Board shall participate in any decision relating to contracts that affect his/her personal interests or the interests of any corporation, partnership, or association in which he/she is, directly or indirectly interested, or has any personal or pecuniary interest, direct or indirect, in the contract or the proceeds thereof. As applied here, the term "participate" prohibits making motions, seconding motions, and voting.

MCA Contents / TITLE 90 / CHAPTER 6 / Part 2 / 90-6-204 Presiding offic...

Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 2. Coal Impacts -- Evaluation and Abatement Funding

Presiding Officer, Meetings, Compensation, And Facilities

90-6-204. Presiding officer, meetings, compensation, and facilities. (1) The board shall elect a presiding officer from among its members.

(2) The board shall meet quarterly and may meet at other times as called by the presiding officer or a majority of the members.

(3) Members are entitled to compensation as provided for in 2-15-124(7).

(4) The department of commerce shall provide suitable office facilities and the necessary staff for the coal board.

History: En. 50-1705, 50-1708 by Secs. 6, 9, Ch. 502, L. 1975; R.C.M. 1947, 50-1805, 50-1808; amd. Sec. 6, Ch. 274, L. 1981; amd. Sec. 2874, Ch. 56, L. 2009.

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

MEMORANDUM

To: Chief Legal Counsels
From: Raph Graybill
Date: March 14, 2019
Re: Public participation in agency decisions pursuant to § 2-3-103, MCA

Montanans have a right to participate in the operation of state agencies. The right of participation is found at Article II, section 8 of the Montana Constitution, which provides:

The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

This important constitutional right is implemented by Montana statutes, which require every agency, as defined in § 2-3-102(1), MCA, to "develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public." Section 2-3-103(1), MCA. The public participation statutes further empower the district courts to set aside agency decisions not in conformity with the public participation laws where a person's rights have been prejudiced. Section 2-3-114, MCA. Model rules to implement these laws are found at ARM §§ 1.3.101-102.

Montana's public participation laws require that the Governor "ensure that each board, bureau, commission, department, authority, agency, or officer of the executive branch of the state" adopt rules, setting forth guidelines to facilitate public participation in agency programs and decisions. Section 2-3-103(2), MCA. With this memo, I ask that each of you ensure that your respective agencies and attached boards, bureaus and commissions, have adopted rules implementing the public participation statutes.

If you or your agency needs assistance in crafting appropriate guidelines or rules to conform with Montana's public participation laws, feel free to contact me. Thank you.