

1 _____ BILL NO. _____

2 INTRODUCED BY _____

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN AGENCY TO DISMISS RULEMAKING PETITIONS
6 ON ISSUES OUTSIDE OF ITS JURISDICTION OR RULEMAKING AUTHORITY; AMENDING SECTION 2-4-
7 315, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 2-4-315, MCA, is amended to read:

12 **"2-4-315. Petition for adoption, amendment, or repeal of rules.** (1) An interested person or, when
13 the legislature is not in session, a member of the legislature on behalf of an interested person may petition an
14 agency requesting the promulgation, amendment, or repeal of a rule on an issue that the agency has
15 jurisdiction to regulate.

16 (2) An agency may summarily dismiss a petition that raises an issue outside of the agency's
17 regulatory jurisdiction or rulemaking authority. In this case, an agency is not required to advance the petition to
18 the agency's petition acceptance procedure or rulemaking proceedings.

19 (3) Each agency shall determine and prescribe by rule the form for petitions and the procedure for
20 their submission, consideration, and disposition. Within 60 days after submission of a petition, the agency either
21 shall deny the petition in writing or shall initiate rulemaking proceedings in accordance with 2-4-302 through 2-
22 4-305.

23 (4) A decision to deny a petition or to initiate rulemaking proceedings must be in writing and based
24 on record evidence. The written decision must include the reasons for the decision. Record evidence must
25 include any evidence submitted by the petitioner on behalf of the petition and by the agency and interested
26 persons in response to the petition.

27 (5) An agency may, but is not required to, conduct a hearing or oral presentation on the petition in
28 order to develop a record and record evidence and to allow the petitioner and interested persons to present

1 their views."

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3 NEW SECTION. Section 2. **Effective date.** [This act] is effective on passage and approval.

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