

## 1 HOUSE BILL NO. 33

2 INTRODUCED BY N. DURAM

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

4 - END -