



ADMINISTRATIVE RULES OF MONTANA



12.11.117 PROCEDURE FOR CHANGING WATER SAFETY RESTRICTIONS

- (1) Except when emergency situations arise as defined in 2-4-303, MCA recreational water use rules ARM 12.11.101, 12.11.106, 12.11.110, 12.11.115, and 12.11.117 shall be reviewed annually for consideration of any changes through the repeal, amendment or adoption of new rules. Any individual or entity requesting changes to ARM 12.11.101, 12.11.106, 12.11.110, 12.11.115 and 12.11.117 shall postmark or hand deliver their written request and petition to the commission secretary no later than September 30.
- (2) An individual or entity may petition the commission to remove or amend the restrictions on a body of water affected by ARM 12.11.110 and 12.11.115 by doing the following:
 - (a) completing a petition requesting the change on forms provided by the department or by using sample form 3 found in the Administrative Rules of Montana, Title 1, chapter 3, Model Rules; and
 - (b) submitting to the commission secretary, no earlier than August 1 and no later than September 30 of each year, the petition referred to in (a) with a written request to have the proposed rule change included on the commission agenda.
- (3) The commission may remove, amend, or adopt restrictions on the body of water specified by the petition.
- (4) The department and commission recognize that under 2-4-315, MCA, a response to a rulemaking petition must be made within 60 days after submission of a petition by initiating rulemaking proceedings or denying the petition. This rule constitutes the manner in which the commission will respond to petitions for rulemaking regarding ARM 12.11.101, 12.11.106, 12.11.110, 12.11.115 and 12.11.117:
 - (a) except when emergency situations arise as defined in 2-4-303, MCA the commission will respond to all rulemaking petitions regarding ARM 12.11.101, 12.11.106, 12.11.110, 12.11.115 and 12.11.117 received on or after August 1 or on or before September 30 by beginning rulemaking proceedings or issuing a written denial of the petition; and
 - (b) except when emergency situations arise as defined in 2-4-303, MCA the commission will respond to all rulemaking petitions regarding ARM 12.11.101, 12.11.106, 12.11.110, 12.11.115 and 12.11.117 received before August 1 or after September 30 by issuing a written denial but informing the petitioner that the issue will be placed on the commission agenda for discussion at the next commission meeting. If the commission deems it appropriate, rulemaking on the issue may begin after September 30.

Authorizing statute(s): 23-1-106, 87-1-301, 87-1-303, MCA

Implementing statute(s): 23-1-106, 23-1-501, 87-1-303, MCA

History: NEW, 2000 MAR p. 2975, Eff. 10/27/00.