

## 1 HOUSE BILL NO. 481

2 INTRODUCED BY K. SEEKINS-CROWE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTAIN STATE AGENCIES TO PUBLISH  
5 GUIDANCE DOCUMENTS FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND  
6 REQUIRING THE DEPARTMENTS OF AGRICULTURE AND ENVIRONMENTAL QUALITY AND THE BOARD  
7 OF OIL AND GAS CONSERVATION TO CREATE A WEBSITE FOR FEDERAL GUIDANCE DOCUMENTS."

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

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11 NEW SECTION. Section 1. Disclosure of federal guidance documents. (1) Within 15 days after  
12 the receipt of a guidance document from the United States environmental protection agency, the department of  
13 environmental quality shall publish the guidance document on a website designated by the department.

14 (2) Within 90 days after [the effective date of this act], the director shall designate a website on  
15 which guidance documents must be published. The department shall publish a conspicuous hyperlink on the  
16 department website providing access to the website of guidance documents.

17 (3) Within 15 days after the United States environmental protection agency rescinds a guidance  
18 document, the department shall maintain the rescinded document on the guidance documents website. The  
19 department shall indicate that the document has been rescinded and the date the guidance document was  
20 rescinded.

21 (4) Except for a rule that was promulgated in accordance with the notice and comment provisions  
22 of 5 U.S.C. 553, a "guidance document" means a federal agency statement of general applicability that is  
23 designated by a federal agency official as setting forth a policy or interpretation on a statutory, regulatory, or  
24 technical issue. This includes but is not limited to a memorandum, notice, bulletin, directive, news release,  
25 letter, blog post, or no-action letter.

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27 NEW SECTION. Section 2. Disclosure of federal guidance documents. (1) Within 15 days after  
28 the receipt of a guidance document from the United States environmental protection agency, the department

1 shall publish the guidance document on a website designated by the department.

2 (2) Within 90 days after [the effective date of this act], the director shall designate a website on  
3 which guidance documents must be published. The department shall publish a conspicuous hyperlink on the  
4 department website providing access to the website of guidance documents.

5 (3) Within 15 days after the United States environmental protection agency rescinds a guidance  
6 document, the department shall maintain the rescinded document on the guidance documents website. The  
7 department shall indicate that the document has been rescinded and the date the guidance document was  
8 rescinded.

9 (4) Except for a rule that was promulgated in accordance with the notice and comment provisions  
10 of 5 U.S.C. 553, a "guidance document" means a federal agency statement of general applicability that is  
11 designated by a federal agency official as setting forth a policy or interpretation on a statutory, regulatory, or  
12 technical issue. This includes but is not limited to a memorandum, notice, bulletin, directive, news release,  
13 letter, blog post, or no-action letter.

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15 **NEW SECTION. Section 3. Disclosure of federal guidance documents.** (1) Within 15 days after  
16 the receipt of a guidance document from the United States environmental protection agency, the board shall  
17 publish the guidance document on a website designated by the board.

18 (2) Within 90 days after [the effective date of this act], the administrator shall designate a website  
19 on which guidance documents must be published. The board shall publish a conspicuous hyperlink on the  
20 board website providing access to the website of guidance documents.

21 (3) Within 15 days after the United States environmental protection agency rescinds a guidance  
22 document, the board shall maintain the rescinded document on the guidance documents website. The board  
23 shall indicate that the document has been rescinded and the date the guidance document was rescinded.

24 (4) Except for a rule that was promulgated in accordance with the notice and comment provisions  
25 of 5 U.S.C. 553, a "guidance document" means a federal agency statement of general applicability that is  
26 designated by a federal agency official as setting forth a policy or interpretation on a statutory, regulatory, or  
27 technical issue. This includes but is not limited to a memorandum, notice, bulletin, directive, news release,  
28 letter, blog post, or no-action letter.

**NEW SECTION.** **Section 4. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 75, chapter 1, part 1, and the provisions of Title 75, chapter 1, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 80, chapter 1, part 1, and the provisions of Title 80, chapter 1, part 1, apply to [section 2].

(3) [Section 3] is intended to be codified as an integral part of Title 82, chapter 11, part 1, and the provisions of Title 82, chapter 11, part 1 apply to [section 3].

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