



MONTANA  
ADMINISTRATIVE  
REGISTER



**BOARD OF MILK CONTROL  
DEPARTMENT OF LIVESTOCK**

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**NOTICE OF PROPOSED RULEMAKING**

**MAR NOTICE NO. 2025-15.1**

**Summary**

Amendment of ARM 32.24.450 pertaining to milk control assessments

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**No Hearing Scheduled**

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 104.

**Comments**

Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to the contact information listed below. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing in writing to the contact information listed below. Comments must be received by Monday, February 24, 2025, at 5:00 p.m.

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## Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, February 3, 2025, at 5:00 p.m.

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## Contact

Lindsey Simon  
Department of Livestock  
(406) 444-7631  
MDOLcomments@mt.gov  
TTY: (800) 253-4091  
Fax: (406) 444-4316

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## Rulemaking Actions

### AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

### 32.24.450 MILK CONTROL ASSESSMENTS

- (1) Pursuant to 81-23-202, MCA, the following assessments are levied upon the Act licensees of this department for the purpose of securing funds to administer and enforce the Act.
  - (a) A fee of ~~\$0.04300~~ \$0.04000 per hundredweight, with no assessment for fees less than \$5.00 per month, on the total volume of all milk subject to the Act produced and sold by a producer-distributor.
  - (b) A fee of ~~\$0.02150~~ \$0.02000 per hundredweight, with no assessment for fees less than \$5.00 per month, on the total volume of all milk subject to the Act sold by a producer.
  - (c) A fee of ~~\$0.02150~~ \$0.02000 per hundredweight, with no assessment for fees less than \$5.00 per month, on the total volume of milk subject to the Act sold by a distributor, excepting that which is sold to another distributor. If the distributor is foreign, the assessment must be paid either by the foreign distributor or by the import jobber.

(2) through (6) remain the same.

**Authorizing statute(s):** 81-23-102, 81-23-104, 81-23-202, MCA

**Implementing statute(s):** 81-1-102, 81-23-103, 81-23-202, MCA

### **Reasonable Necessity Statement**

The board proposes to amend the above-stated rule to comply with its statutory obligation per 81-23-202(8), MCA, to amend the milk control assessment rule when it finds that the costs of administering and enforcing Title 81, chapter 23, MCA, can be derived from lower assessment rates. The board finds that the proposed assessments are sufficient to raise revenue to provide for the administration of Title 81, chapter 23, MCA, as proposed for Fiscal Year 2026. The board further finds that the proposed assessments are commensurate with the costs as required by 81-1-102(2), MCA, while maintaining a reasonable cash balance in the related special revenue fund to ensure solvency.

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### **Fiscal Impact**

The proposed amendments to ARM 32.24.450 would affect approximately 104 businesses licensed by the Milk Control Bureau. The proposed assessment rates would decrease milk control assessment revenue by approximately \$13,239.

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### **Small Business Impact**

With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

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### **Bill Sponsor Notification**

The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

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## **Interested Persons**

The Department of Livestock maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency and its administratively attached boards. Persons who wish to have their name added to the list shall make a written request that includes the name, email, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person listed in this notice or may be made by completing a request form at any rules hearing held by the board.

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## **Proposed Effective Date**

The board intends to adopt the proposed amendment effective July 1, 2025.

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## **Rule Reviewer**

Lindsey Simon, Legal Counsel

## **Approval**

Ken Bryan, Chair, Board of Milk Control