

BEFORE THE BOARD OF MILK CONTROL
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 32.24.512 reports and records,)	AMENDMENT
32.24.513 computation of the quota)	
price and excess price to be paid to)	NO PUBLIC HEARING
pool producers for pool, and)	CONTEMPLATED
32.24.514 procedures for pooling of)	
returns from pool milk.)	
)	

TO: All Concerned Persons

1. The Board of Milk Control (board), which is administratively attached to the Department of Livestock, proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on December 30, 2021, to advise us of the nature of the accommodation that you need. Please contact the Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-1929; e-mail: MDOLcomments@mt.gov.

3. The rules as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.24.512 REPORTS AND RECORDS (1) through (5) remain the same.
~~(6) The operator of the plant at the Montana State Prison is subject to all records and reporting requirements of this rule for milk utilized at the plant, regardless of whether the plant is a pool plant or whether the plant utilizes pool milk.~~

AUTH: 81-23-104, 81-23-302, 81-23-303, 81-23-402, MCA
IMP: 81-23-302, 81-23-303, 81-23-402, MCA

32.24.513 COMPUTATION OF THE QUOTA PRICE AND EXCESS PRICE TO BE PAID TO POOL PRODUCERS FOR POOL MILK (1) On or before the 12th day of each month, or the first business day thereafter, the bureau will compute a quota price and an excess price for the preceding month as follows:

- (a) Calculate the utilization value of butterfat and skim usage of pool producers' milk for all pool handlers ~~and for milk processed at the Montana State Prison plant~~ to determine a total dollar amount for butterfat and skim respectively.
- (b) through (2) remain the same.

AUTH: 81-23-302, MCA
IMP: 81-23-302, MCA

32.24.514 PROCEDURES FOR POOLING OF RETURNS FROM POOL MILK (1) through (4) remain the same.

~~(5) The bureau will report applicable information described in (1) through (4) to the operator of the plant at the Montana State Prison, regardless of whether the plant is a pool plant or whether the plant utilizes pool milk.~~

AUTH: 81-23-302, MCA

IMP: 81-23-302, MCA

REASON: The board proposes to amend the above-stated rule to allow the Montana State Prison to transition to a producer-distributor from a pool producer.

The proposed amendments to ARM 32.24.512(6), ARM 32.24.513(1)(a), and ARM 32.24.514(5) would affect approximately 43 businesses licensed by the Milk Control Bureau.

The proposed removal of the Montana Correctional Enterprise from the milk pool would reduce the monthly pool payment by \$1,982.88.

4. The board intends to adopt the proposed amendment effective March 1, 2022.

5. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Executive Officer, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., January 7, 2022.

6. 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 a written request for a hearing and submit this request along with any written comments they have to the same address as in 5 above. The written request for hearing must be received no later than 5:00 p.m., January 7, 2022.

7. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; 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 public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 12, based upon there being approximately 118 businesses licensed by the Milk Control Bureau that are currently operating.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have

their name added to the list shall make a written request that includes the name, e-mail, 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 in 5 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

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

/s/ Ken Bryan
Ken Bryan
Chair
Board of Milk Control

/s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer
Department of Livestock

Certified to the Secretary of State November 30, 2021.