

BEFORE THE BOARD OF MILK CONTROL
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 32.24.480 pertaining to) AMENDMENT
producer pricing rules)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

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

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 August 29, 2022, 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 rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.24.480 PRODUCER PRICING RULES (1) through (3) remain the same.

(4) Prices paid producers for Class III milk will be based on the following price formulas for skim milk and butterfat.

(a) Class III Skim Milk Price Formula. The price of the skim milk utilized in Class III will be the lower of the Advanced Class III Skim Milk Pricing Factor or the Advanced Class IV Skim Milk Pricing Factor published in the United States Department of Agriculture Announcement of Advanced Prices and Pricing Factors or its successor publication, converted to units of dollars per pound of skim milk.

(b) Class III Butterfat Price Formula. The price of butterfat utilized in Class III will be the Advanced Butterfat Pricing Factor published in the United States Department of Agriculture Announcement of Advanced Prices and Pricing Factors or its successor publication less the Montana Class III Butterfat Price Differential of \$0.10 per pound of butterfat and in units of dollars per pound of butterfat.

~~(i) Class III Montana Butterfat Price Differential. The Montana Class III Butterfat Price Differential is:~~

~~(A) \$0.20 per pound of butterfat for Class III butterfat utilized before January 1, 2019;~~

~~(B) \$0.15 per pound of butterfat for Class III butterfat utilized from January 1, 2019 through June 30, 2019;~~

~~(C) \$0.10 per pound of butterfat for Class III butterfat utilized after June 30, 2019.~~

(5) through (7) remain the same.

AUTH: 81-23-104, 81-23-302, MCA

IMP: 81-23-102, 81-23-302, MCA

REASON: As part of the Board of Milk Control's participation in the Governor's red tape relief initiative, this change removes outdated language from the current rule. There is no financial or other impact as a result of this change. It was the consensus of industry stakeholders and all board members to endorse this change.

4. 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., September 2, 2022.

5. 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 4 above. The written request for hearing must be received no later than 5:00 p.m., August 29, 2022.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons 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 hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be four persons based on there being 39 current milk pool producers in the state.

7. 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 address in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.

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

10. 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/ Darcy Alm
Darcy Alm
Rule Reviewer
Department of Livestock

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

Certified to the Secretary of State July 26, 2022.