

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

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|------------------------------------|---|--------------------|
| In the matter of the amendment of |) | NOTICE OF PROPOSED |
| ARM 32.2.405 pertaining to |) | AMENDMENT |
| Department of Livestock Meat |) | |
| Inspection and Milk and Egg Bureau |) | NO PUBLIC HEARING |
| Fees |) | CONTEMPLATED |

TO: All Concerned Persons

1. 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 this 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 April 18, 2023, to advise us of the nature of the accommodation that you need. Please contact Executive Officer, Department of Livestock, 301 N. Roberts St., Room 304, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9525; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: MDOLcomments@mt.gov.

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

32.2.405 DEPARTMENT OF LIVESTOCK MEAT INSPECTION AND MILK AND EGG BUREAU FEES (1) remains the same.

(2) Milk and egg inspection:

(a) through (o) remain the same.

(p) Milk tank truck \$5.00 or milk transportation company \$25.00, whichever is less

AUTH: 81-1-102, 81-9-201, 81-22-102, MCA

IMP: 81-1-112, 81-9-201, 81-9-411, 81-20-201, 81-21-102, 81-22-201, 81-22-204, 81-22-205, 81-22-208, 81-23-202, MCA

REASON: The department has adopted and incorporated by reference the Pasteurized Milk Ordinance (PMO) in ARM 32.8.101(2). Section 3. PERMITS, Administrative Procedures, ISSUANCE OF PERMITS requires "Every...milk tank truck, milk transportation company and...milk tank truck cleaning facility operator shall hold a valid permit." To comply with the adopted and incorporated rule, the department is adding the above fee and permit.

Estimated revenue from this new license is \$50 to general fund based on two known companies hauling Grade A milk.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Department of Livestock, P.O. Box 202001, Helena, Montana, 59620-2001; telephone (406) 444-9321; fax (406) 444-1929; or e-mail MDOLcomments@mt.gov, and must be received no later than 5:00 p.m., April 21, 2023.

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 written request for a hearing and submit this request along with any written comments to Executive Officer at the above address no later than 5:00 p.m., April 21, 2023.

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 one person based on two known businesses using milk trucks for transportation of Grade A milk.

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 contact person 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

/s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Department Livestock

Certified to the Secretary of State March 14, 2023.