

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the repeal of ARM ) NOTICE OF PROPOSED REPEAL  
32.6.201, 32.6.202, 32.6.203, )  
32.6.204, 32.6.205, and 32.6.206 ) NO PUBLIC HEARING  
pertaining to Garbage Feeding ) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Livestock proposes to repeal the above-stated rules.

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 Department of Livestock no later than 5:00 p.m. on November 13, 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, Montana, 59620-2001; telephone (406) 444-9525; fax (406) 444-4316; TDD/Montana Relay Service 1 (800) 253-4091; or e-mail MDOLcomments@mt.gov.

3. The department proposes to repeal the following rules:

32.6.201 APPLICATION FOR GARBAGE FEEDER'S LICENSE

AUTH: 81-2-504, MCA  
IMP: 81-2-502, MCA

32.6.202 SANITARY CONSTRUCTION OF VEHICLES, CONTAINERS AND FACILITIES USED IN MOVEMENT AND PROCESSING OF GARBAGE FOR FEEDING

AUTH: 81-2-504, MCA  
IMP: 81-2-504, MCA

32.6.203 COOKING REQUIREMENTS

AUTH: 81-2-504, MCA  
IMP: 81-2-504, 81-2-505, 81-2-509, MCA

32.6.204 FEEDING AREAS SEPARATE

AUTH: 81-2-504, MCA  
IMP: 81-2-504, MCA

32.6.205 RECORDS KEPT - AVAILABILITY FOR INSPECTION

AUTH: 81-2-504, MCA  
IMP: 81-2-505, MCA

32.6.206 DISPOSAL OF GARBAGE FED ANIMALS - INSPECTION  
BEFORE SALE

AUTH: 81-2-102, 81-2-504, MCA  
IMP: 81-2-504, 81-2-505, MCA

REASON: The department proposes to repeal the above-stated rules to conform with HB 84, carried by Representative Walsh and passed by the 2023 Montana State Legislature, which prohibits garbage feeding to swine and other animals.

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., November 17, 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 Director at the above address no later than 5:00 p.m., November 13, 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 zero based on no persons being licensed garbage feeders and HB 84 has made the practice illegal.

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, apply and have been fulfilled. The primary bill sponsor was contacted by email on October 5, 2023.

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

/s/ Darcy Alm  
Darcy Alm  
Rule Reviewer

/s/ Michael S. Honeycutt  
Michael S. Honeycutt  
Executive Director  
Department of Livestock

Certified to the Secretary of State October 10, 2023.