



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LIVESTOCK

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-139.1

Summary

Adoption of NEW RULE 1, NEW RULE 2, and NEW RULE 3 pertaining to public participation

Hearing Date and Time

Friday, August 29, 2025, at 10:00 a.m.

Virtual Hearing Information

Join Zoom Meeting

<https://mt-gov.zoom.us/j/83143886853?pwd=3R1lJfaPWh4cTn7aeapvrmtJKMJGrl.1>

Meeting ID: 831 4388 6853

Password: 769388

Dial by Telephone

+1 646 558 8656

Meeting ID: 831 4388 6853

Password: 769388

Find your local number:

<https://mt-gov.zoom.us/j/kyYfKZqsb>

Comments

Concerned persons may submit their data, views, or arguments concerning the proposed action at the hearing on August 29, 2025, or in writing to the contact person listed below. Comments must be received by Monday, September 8, 2025, at 5:00 p.m.

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, August 18, 2025, at 5:00 p.m.

Contact

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

General Reasonable Necessity Statement

The department previously adopted the model rules for public participation found in ARM Title 1, chapter 3, subchapter 1. ARM 32.2.101. These model rules were repealed effective June 22, 2024, and thus the department needs to adopt new public participation rules pursuant to 2-3-103(2), MCA. The department proposes to adopt three new rules to guide public participation for the department and its administratively attached boards. The department intends to propose to each of its attached boards the adoption of these model rules to ensure consistency and uniformity of public participation department wide.

Rulemaking Actions

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 (32.2.103) POLICIES AND OBJECTIVES IN PROVIDING PUBLIC PARTICIPATION IN THE OPERATION OF THE DEPARTMENT OF LIVESTOCK

- (1) Participation of the public is to be provided for, encouraged, and assisted with to the fullest extent practicable, consistent with other requirements of state law, and the rights and requirements of personal privacy. The department invites and encourages public participation to better identify and meet customer needs. The major objectives of public participation include:
 - (a) greater responsiveness of governmental actions to public concerns and priorities; and
 - (b) improved public understanding of official programs and actions.
- (2) The public is also advised that in accordance with 2-3-103, MCA, an opportunity for public comment on any public matter not on the agenda of the department's public meetings and that is within the department's jurisdiction is given. No action will be taken on these matters until proper notice has been given under the provisions of Montana law.
- (3) Department employees shall make decisions based on what is best for the customer, both internal and external, within the parameters of applicable laws and administrative rules.

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

NEW RULE 2 (32.2.104) GUIDELINES FOR DETERMINATION OF SIGNIFICANT INTEREST TO THE PUBLIC

- (1) The adoption, amendment, or repeal of any rule, regulation, standard, or statement of general applicability that implements, interprets, or prescribes law, or policy, procedure, or practice requirements of the department are considered matters of significant interest to the public and require notice and opportunity for public participation in the decision-making process.
- (2) In all other cases, whether or not the decision is one of significant interest to the public will be determined by the person within the department who is proposing the decision, according to the following considerations:
 - (a) whether the decision regards a controversial matter;

- (b) the number of persons who will be affected by the decision;
- (c) the fiscal impact the decision will have; or
- (d) whether a high level of public interest has been witnessed by the department.

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, 2-4-101, 2-4-102, MCA

NEW RULE 3 (32.2.105) NOTICE AND MEANS FOR PUBLIC PARTICIPATION

- (1) If the department determines that significant interest to the public is involved, one or more of the following steps, as applicable, shall be taken to assist public participation in decision-making:
 - (a) a proceeding or hearing shall be held in compliance with the provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, MCA;
 - (b) a public hearing, after appropriate notice is given, shall be held pursuant to any other provision, state law, local ordinance, or regulation;
 - (c) a news release, legal advertisement, or other method of publication shall be given to news media within the area to be affected, including:
 - (i) department name;
 - (ii) name of department representative most familiar with the proposed action; and
 - (iii) address, e-mail address, telephone and fax numbers where interested persons may submit their data, views, or arguments, orally or in writing, concerning the proposed action.

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, 2-3-104, MCA

Small Business Impact

The proposed new rules provide clear procedures for how members of the public may participate in department decisions. The rules apply equally to all members of the public and are not anticipated to have a different effect on any particular class or group of small business. As a result, there is no particular class or group of small businesses that will probably be affected by this proposed rulemaking to a significant or direct degree. Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The department emailed HB 724's (2023) primary sponsor, Representative Brad Barker, on April 28 and July 23, 2025, to solicit comment, provide an invitation to meet, and advise on the rulemaking deadlines. Representative Barker had no feedback or comments on the proposed new rules.

Interested Persons

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, 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. Written requests 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 agency.

Rule Reviewer

Lindsey Simon, Legal Counsel

Approval

Michael Honeycutt, Executive Officer