

# MONTANA ADMINISTRATIVE REGISTER

2023 ISSUE NO. 5  
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PAGES 200-222



# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 5

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 438-6122.

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BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I pertaining to public participation and the amendment of ARM 8.111.201 incorporation of model rules, 8.111.202 meetings of the board and 8.111.602 definitions ) NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION AND AMENDMENT

TO: All Concerned Persons

1. On March 30, 2023, at 10:00 a.m., the Department of Commerce will hold a public hearing via zoom to consider the proposed adoption and amendment of the above-stated rules. Interested parties may access the remote conferencing platform in the following ways:

a. Video:

[https://mt-gov.zoom.us/webinar/register/WN\\_yhljO9IBQmOAF9abVYip2g](https://mt-gov.zoom.us/webinar/register/WN_yhljO9IBQmOAF9abVYip2g)

Webinar ID: 899 3287 0850

Password: 900565

b. Phone: Dial in by Telephone: 406-444-9999

Meeting ID: 899 3287 0850

Password: 900565

2. The Department of Commerce 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 Commerce no later than 5:00 p.m. on March 28, 2023, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Board of Housing, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana, 59620-0501; telephone (406) 841-2596; fax (406) 841-2771; TDD (406) 841-2702; or e-mail [docadministrativerules@mt.gov](mailto:docadministrativerules@mt.gov).

3. The rule as proposed to be adopted provides as follows:

NEW RULE I PUBLIC PARTICIPATION IN BOARD OF HOUSING

OPERATIONS (1) The board welcomes and encourages public participation in its operations in accordance with the requirements of state law and board rules.

(2) The board will conduct contested cases and rulemaking in accordance with the applicable provisions of the Montana Administrative Procedure Act (MAPA). The board will conduct its meetings and other non-MAPA proceedings in accordance with ARM 8.111.202 and other applicable board rules.

(3) Members of the public may submit written comment to the board regarding any matter within the jurisdiction of the board by electronic mail to the email address provided on the board's website at [www.housing.mt.gov](http://www.housing.mt.gov). To be considered in any board rulemaking, such comment must be submitted within the time specified in any relevant rule notice. To be considered in any board meeting under ARM 8.111.202, a comment must be received at least two business days before the board meeting.

(4) The board shall provide continuing policy, program, and technical information at the earliest practicable times and at places reasonably accessible to interested or affected persons and organizations so that they can make informal and constructive contributions to board decision-making.

(5) The board shall maintain a current electronic list of interested persons and organizations including any who have requested inclusion on such list for the distribution of information such as that listed in (4) or notice of public hearings or meetings. This shall be in addition to lists maintained as required by the Montana Administrative Procedure Act. The board shall provide any interested persons and organizations that have requested inclusion on such list with information as provided in (4) and, in addition to providing general notice of board meetings in accordance with ARM 8.111.202, provide such interested persons and organizations with informal advance notice of its public hearings and meetings.

(6) The board shall make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted, or used by the board in the discharge of its functions and, upon request, provide a copy of any rule. Unless otherwise provided by statute, the board may require the payment of the cost of providing such copies.

(7) The board's public records, not including confidential information, are open to public inspection in accordance with the applicable provisions of Title 2, chapter 6, part 10, MCA. The board may charge a fee for fulfilling public record requests determined in accordance with 2-6-1006, MCA.

AUTH: 2-4-201, MCA

IMP: 2-3-101 through 2-3-114, 2-3-301, 2-4-103, 2-4-201, 2-6-1003, 2-6-1006, MCA

REASON: Proposed New Rule I is necessary to provide for and describe the board's procedures implementing public participation statutes by permitting and encouraging public participation in board operations, including decisions of significant interest to the public, as required by 2-3-102 and 2-4-201, MCA. Proposed New Rule I would supplement board rules in ARM 8.111.201 and 8.111.202, which also describe board procedures and public participation opportunities.

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

8.111.201 INCORPORATION OF MODEL RULES (1) The Board of Housing ~~has adopted and incorporated~~ adopts and incorporates by reference the Attorney General's model organizational and procedural rules for contested cases

and declaratory rulings 1 through 28 by reference to such rules as stated in ARM 1.3.101 1.3.211 through ARM 1.3.234 1.3.233, copies of which may be obtained by contacting the Board of Housing by mail at P.O. Box 200528, Helena, MT 59620-0528, by telephone at (406) 841-2840, or at the board's web site [www.housing.mt.gov](http://www.housing.mt.gov).

AUTH: ~~2-4-201~~, 2-4-202, MCA

IMP: ~~2-4-201~~, 2-4-202, MCA

REASON: The proposed amendments are necessary to correct the current rule's reference incorporating the Attorney General's model rules and to comply with MAPA requirements for incorporations by reference. The current rule incorporates by reference ARM 1.3.101 and 1.3.102, which generally direct state agencies to adopt rules facilitating and providing reasonable opportunity for public participation in agency actions of significant interest to the public. However, ARM 1.3.101 and 1.3.102 are not part of the Attorney General's model rules.

The current rule also incorporates ARM 1.3.203 through 1.3.210 (now renumbered as ARM 1.3.305 through 1.3.313), the Secretary of State's organizational and procedural rules, and ARM 1.3.234, which does not exist. The proposed amendments would revise the rule to incorporate only the Attorney General's model rules and to delete reference to the Secretary of State's organizational and procedural rules and nonexistent ARM 1.3.234. Other existing board rules, including ARM 8.111.202 and Proposed New Rule I address the content of ARM 1.3.101 and 1.3.102 in a manner specific to the Board of Housing.

The proposed amendments would also revise the rule to comply with the requirements of the Montana Administrative Procedure Act at 2-4-301, MCA, which provides that a rule adopting material by reference must contain a citation to the adopted material and a statement of its general subject matter and must state where a copy of the material may be obtained.

8.111.202 MEETINGS OF THE BOARD (1) All meetings of the board are open to the public pursuant to ~~90-6-105, MCA~~, except to the extent any meeting is closed during discussion of a matter of individual privacy or litigation strategy in accordance with 2-3-203, MCA.

(2) Notice of the board's regular meetings shall be given by:

(a) posting a statement of the time, place, and agenda of the meeting on the state's electronic ~~bulletin board~~ calendar at <https://app.mt.gov/cal/html/event/statewide/>; and

(b) mailing ~~a~~ said notice to any interested parties who have notified the board in writing.

(~~2~~)(3) Notice of the board's special or emergency meetings and notice of committee meetings shall be given by posting a statement of the time, place, and nature of the meeting on the state's electronic ~~bulletin board~~ calendar at <https://app.mt.gov/cal/html/event/statewide/>.

(3)(4) In the case of matters determined by the board to be of significant interest to the public, adequate and appropriate notice shall be given in accordance with 2-3-101 through 2-3-114, MCA.

(5) The agenda for all board meetings shall include an item allowing opportunity for public comment on any public matter that is not on the meeting agenda and that is within the jurisdiction of the board.

(6) The board may not take action on any matter discussed at a meeting unless specific notice of that matter is included on the meeting agenda and public comment has been allowed on that matter.

(7) Minutes of board meetings shall be kept and shall be available for inspection by the public on the board's website [www.housing.mt.gov](http://www.housing.mt.gov).

(a) The opportunity for public comment provided in (5), public comment received at a meeting, and comment received in accordance with [New Rule I](3) shall be included in the minutes.

(b) If the presiding officer closes a meeting pursuant to 2-3-203, MCA, minutes shall be kept of the closed portion of the meeting but may not be made available for public inspection except pursuant to a court order.

(8) Meetings of the board are not contested cases or rulemaking proceedings unless specifically designated as such in written notice by the board. Rulemaking proceedings, contested cases, and other adjudicatory proceedings are not board meetings for purposes of this rule.

AUTH: 2-4-201, 90-6-104, 90-6-106, MCA

IMP: 2-3-101 through 2-3-114, 2-3-201 through 2-3-221, 2-4-201, 90-6-105, MCA

REASON: The proposed amendments are necessary to revise the rule to more completely and accurately provide for and describe the board's procedures encouraging and permitting public participation in board operations, including decisions of significant interest to the public, as required by 2-3-102 and 2-4-201, MCA.

8.111.602 DEFINITIONS When used in these rules, unless the context clearly requires a different meaning:

(1) and (2) remain the same.

(3) "QAP" means the board's "Housing Credit Program ~~2023~~ 2024 Qualified Allocation Plan," which sets forth the application process and selection criteria used by the board for evaluation and selection of projects to receive awards for allocation of housing credits for calendar year ~~2023~~ 2024. The board adopts and incorporates by reference the Housing Credit Program ~~2023~~ 2024 Qualified Allocation Plan, copies of which may be obtained by contacting the Board of Housing, Multifamily Program Manager, by mail at P.O. Box 200528, Helena, MT 59620-0528, by telephone at (406) 841-2845, or at the board's web site [www.housing.mt.gov](http://www.housing.mt.gov).

(4) and (5) remain the same.

AUTH: 90-6-106, MCA

IMP: 90-6-104, MCA

REASON: The proposed amendments to ARM 8.111.602 are necessary to adopt and incorporate by reference the board's Housing Credit Program 2024 Qualified Allocation Plan (QAP).

Federal low income housing tax credits are allocated by the federal government to the states, according to their population, for allocation to particular buildings. Each state's share of federal low income housing tax credits is allocated to particular buildings under programs administered by the respective state's housing credit agencies. The Montana Board of Housing is Montana's housing credit agency for purposes of administering the tax credit program and allocating tax credits in the state of Montana. In Montana, the program is known as the Montana Housing Credit Program. Federal law requires that tax credits allocated to the state by the federal government must be allocated by the state pursuant to a "qualified allocation plan" or "QAP."

Prior to publication of this notice, the board conducted several public meetings to consider suggestions and comments regarding the provisions of the 2024 QAP. After public notice of the proposed 2024 QAP and of the opportunity for public comment was published and distributed on September 16, 2022, a public hearing on the proposed 2024 QAP was held on October 20, 2022 and written comments were also received. At its November 14, 2022 meeting, after hearing and considering written and oral comments on the proposed 2024 QAP, staff recommendations, additional public comment and various proposed revisions in response to comments, the board approved the 2024 QAP for submission to and approval by the Montana Governor, as required by the federal tax credit statute, 26 U.S.C. § 42. The Governor approved the 2024 QAP on December 8, 2022.

A copy of the 2024 QAP is available on the internet at <http://housing.mt.gov/MFQAP> or by requesting a copy from: Board of Housing, Multifamily Program Manager, 301 South Park Avenue, P.O. Box 200528, Helena, Montana, 59620-0528; telephone (406) 841-2845; fax (406) 841-2841; or e-mail to [Jason.Hanson@mt.gov](mailto:Jason.Hanson@mt.gov).

5. Concerned persons may submit their data, views, or arguments either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Board of Housing, Multifamily Program Manager, 301 South Park Avenue, P.O. Box 200528, Helena, Montana, 59620-0528; telephone (406) 841-2845; fax (406) 841-2048; or e-mail to [docadministrativerules@mt.gov](mailto:docadministrativerules@mt.gov), and must be received no later than 5:00 p.m., April 7, 2023.

6. Bonnie Martello, paralegal, Department of Commerce, has been designated to preside over and conduct this hearing.

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 5 above or may be made by completing a request form at any rules hearing held by the department

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

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

BOARD OF HOUSING  
Sheila Rice, Chair

/s/ Amy Barnes  
Amy Barnes  
Rule Reviewer

/s/ Mandy Rambo  
Mandy Rambo  
Interim Deputy Director  
Department of Commerce

Certified to the Secretary of State February 28, 2023.

BEFORE THE DEPARTMENT OF JUSTICE  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 23.3.953, 23.3.954, 23.3.955,	)	AMENDMENT
23.3.957, 23.3.960, 23.3.965,	)	
23.3.970, 23.3.974, 23.3.976,	)	NO PUBLIC HEARING
23.3.978, 23.3.980, 23.3.984,	)	CONTEMPLATED
23.3.990, 23.3.991, 23.3.992,	)	
23.3.993, and 23.3.994 pertaining to	)	
alcohol analysis	)	

TO: All Concerned Persons

1. On April 11, 2023, the Department of Justice proposes to amend the above-stated rules.

2. The Department of Justice 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 Justice no later than 5:00 p.m. on March 24, 2023, to advise us of the nature of the accommodation that you need. Please contact Buffy Ekola, Department of Justice, 215 North Sanders, Helena, Montana 59620-1401; telephone (406) 444-5776; fax (406) 444-3549; or e-mail BEkola@mt.gov.

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

23.3.953 DEFINITIONS The following definitions apply throughout this chapter:

(1) through (9) remain the same.

AUTH: ~~61-8-444~~ 61-8-1025, MCA

IMP: ~~61-8-444~~ 61-8-1025, MCA

23.3.954 LOW BREATH VOLUME MEDICAL EXEMPTION (1) through (3) remain the same.

AUTH: ~~61-8-444~~ 61-8-1025, MCA

IMP: ~~61-8-444~~ 61-8-1025, MCA

23.3.955 IGNITION INTERLOCK DEVICE CERTIFICATION (1) remains the same.

AUTH: ~~61-8-444~~ 61-8-1025, MCA

IMP: ~~61-8-444~~ 61-8-1025, MCA

23.3.957 MANDATORY REQUIREMENTS FOR AN IGNITION INTERLOCK DEVICE An IID must meet the following requirements before it may be certified:  
(1) through (17) remain the same.

AUTH: ~~61-8-444~~ 61-8-1025, MCA  
IMP: ~~61-8-444~~ 61-8-1025, MCA

23.3.960 APPLICATION FOR CERTIFICATION FOR AN IGNITION INTERLOCK DEVICE (1) and (2) remain the same.

AUTH: ~~61-8-444~~ 61-8-1025, MCA  
IMP: ~~61-8-444~~ 61-8-1025, MCA

23.3.965 MANUFACTURER OR VENDOR CERTIFICATION AND INSPECTION (1) and (2) remain the same.

AUTH: ~~61-8-444~~ 61-8-1025, MCA  
IMP: ~~61-8-444~~ 61-8-1025, MCA

23.3.970 MANUFACTURER, VENDOR, AND SERVICE CENTER INSPECTION (1) remains the same.

AUTH: ~~61-8-444~~ 61-8-1025, MCA  
IMP: ~~61-8-444~~ 61-8-1025, MCA

23.3.974 MOTOR VEHICLE DIVISION ISSUANCE OR RENEWAL OF CERTIFICATION (1) through (5) remain the same.

AUTH: ~~61-8-444~~ 61-8-1025, MCA  
IMP: ~~61-8-444~~ 61-8-1025, MCA

23.3.976 REVOCATION OR SURRENDER OF A CERTIFICATION  
(1) through (6) remain the same.

AUTH: ~~61-8-444~~ 61-8-1025, MCA  
IMP: ~~61-8-444~~ 61-8-1025, MCA

23.3.978 MODIFICATION TO A CERTIFIED IID (1) through (3) remain the same.

AUTH: ~~61-8-444~~ 61-8-1025, MCA  
IMP: ~~61-8-444~~ 61-8-1025, MCA

23.3.980 CERTIFIED IID INSTALLATION, MAINTENANCE, CALIBRATION, REMOVAL, AND REPORTS (1) through (14) remain the same.

AUTH: ~~61-8-444~~ 61-8-1025, MCA

IMP: ~~61-8-441~~ 61-8-1025, MCA

23.3.984 ADDITIONAL REQUIREMENTS (1) through (3) remain the same.

AUTH: ~~61-8-441~~ 61-8-1025, MCA

IMP: ~~61-8-441~~ 61-8-1025, MCA

23.3.990 REVIEW OF DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION (1) through (5) remain the same.

AUTH: ~~61-8-441~~ 61-8-1025, MCA

IMP: ~~61-8-441~~ 61-8-1025, MCA

23.3.991 HEARING AND APPEAL (1) remains the same.

AUTH: ~~61-8-441~~ 61-8-1025, MCA

IMP: ~~61-8-441~~ 61-8-1025, MCA

REASON: Section 61-8-441, MCA, was repealed in 2021 and was replaced by 61-8-1025, MCA, thereby necessitating a change to these rules' authority and implementation statutes.

23.3.992 IMPOSITION OF ADMINISTRATIVE FEE FOR ALCOHOL OR DRUG TEST REFUSAL (1) and (2) remain the same.

AUTH: ~~61-8-402~~ 61-8-1016, MCA

IMP: ~~61-8-402~~ 61-8-1016, MCA

23.3.993 PAYMENT (1) remains the same.

AUTH: ~~61-8-402~~ 61-8-1016, MCA

IMP: ~~61-8-402~~ 61-8-1016, MCA

23.3.994 FEES DEPOSITED IN STATE SPECIAL REVENUE FUND (1) and (2) remain the same.

AUTH: ~~61-8-402~~ 61-8-1016, MCA

IMP: ~~61-8-402~~ 61-8-1016, MCA

REASON: Section 61-8-402, MCA, was repealed in 2021 and was replaced by 61-8-1016, MCA, thereby necessitating a change to these rules' authority and implementation statutes.

4. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Buffy Ekola, Department of Justice, 215 North Sanders, Helena, Montana 59620-1401; telephone (406) 444-5776; fax

(406) 444-3549; or e-mail BEkola@mt.gov, and must be received no later than 5:00 p.m., April 10, 2023.

5. If persons who are directly affected by the proposed actions 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 Buffy Ekola at the above address no later than 5:00 p.m., April 10, 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 58 persons based on four interlock vendors and 581 active interlock customers.

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 rules will not significantly and directly impact small businesses.

/s/ DAVID ORTLEY  
David Ortley  
Rule Reviewer

/s/ AUSTIN KNUDSEN  
Austin Knudsen  
Attorney General  
Department of Justice

Certified to the Secretary of State February 28, 2023.

BEFORE THE FISH AND WILDLIFE COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 12.6.2208 pertaining to the )  
classification of caracal cat as a )  
controlled species )

TO: All Concerned Persons

1. On November 4, 2022, the Fish and Wildlife Commission published MAR Notice No. 12-591 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 2064 of the 2022 Montana Administrative Register, Issue Number 21.

2. The commission has amended the above-stated rule as proposed.

3. The commission received no comments or testimony.

/s/ Alexander Scolavino  
Alexander Scolavino  
Rule Reviewer

/s/ Lesley Robinson  
Lesley Robinson  
Chair  
Fish and Wildlife Commission

Certified to the Secretary of State February 28, 2023.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 12.2.605, 12.2.606, 12.2.607, )  
and 12.2.608 pertaining to public )  
access land agreements )

TO: All Concerned Persons

1. On December 9, 2022, the Department of Fish, Wildlife and Parks published MAR Notice No. 12-592 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 2230 of the 2022 Montana Administrative Register, Issue No. 23. On January 13, 2023, the department published a second notice of the proposed amendment of the above-stated rules at page 4 of the 2023 Montana Administrative Register, Issue Number 1.

2. The department has amended the above-stated rules as proposed.

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received, and the department's responses are as follows:

COMMENT #1: The department received a few programmatic questions such as who qualifies, liability concerns, length of agreements, presence of cattle during open use times, and maximum number of agreements any one landowner can have, etc.

RESPONSE #1: The department supplied a response to the commenter directly, but these comments are outside the scope of the proposed rule modification.

COMMENT #2: A comment was received questioning total project costs, additional sources of program revenue, criteria for how PALA applicants are selected, and ability to enroll in Block Management and PALA.

RESPONSE #2: The department supplied a response to the commenter directly, but these comments are outside the scope of the proposed rule modification.

/s/ Alexander Scolavino  
Alexander Scolavino  
Rule Reviewer

/s/ Dustin Temple  
Dustin Temple  
Deputy Director  
Department of Fish, Wildlife and Parks

Certified to the Secretary of State February 28, 2023.

BEFORE THE DEPARTMENT OF JUSTICE  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 23.12.401, 23.12.406,	)	REPEAL
23.12.407, 23.12.408, 23.12.430,	)	
23.12.431, 23.12.501, 23.12.502,	)	
23.12.601, and 23.12.605 concerning	)	
fire safety, fireworks, and the	)	
International Fire Code and the	)	
repeal of ARM 23.12.603 concerning	)	
additional definitions	)	

TO: All Concerned Persons

1. On January 27, 2023, the Department of Justice published MAR Notice No. 23-12-226 pertaining to the proposed amendment and repeal of the above-stated rules at page 57 of the 2023 Montana Administrative Register, Issue Number 2.

2. The department has amended and repealed the above-stated rules as proposed.

3. No comments or testimony were received.

/s/ DAVID ORTLEY  
 David Ortley  
 Deputy Attorney General  
 Rule Reviewer

/s/ AUSTIN KNUDSEN  
 Austin Knudsen  
 Attorney General  
 Department of Justice

Certified to the Secretary of State February 28, 2023.



BEFORE THE BOARD OF MILK CONTROL  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 32.24.450 milk control )  
assessments )

TO: All Concerned Persons

1. On January 27, 2023, the Board of Milk Control (board), which is administratively attached to the Department of Livestock, published MAR Notice No. 32-23-334 pertaining to the proposed amendment of the above-stated rule at page 73 of the 2023 Montana Administrative Register, Issue Number 2.
2. The department has amended the above-stated rule as proposed.
3. No comments or testimony were received.
4. This rule amendment is effective July 1, 2023.

/s/ Darcy Alm  
Darcy Alm  
Rule Reviewer

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

Certified to the Secretary of State February 28, 2023.

## **NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEES**

### **Interim Committees and the Environmental Quality Council**

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

#### **Economic Affairs Interim Committee**

- Department of Agriculture
- Department of Commerce
- Department of Labor and Industry
- Department of Livestock
- Office of the State Auditor (Commissioner of Securities and Insurance)
- Office of Economic Development
- Division of Banking and Financial Institutions
- Alcoholic Beverage Control Division
- Cannabis Control Division

#### **Education Interim Committee**

- State Board of Education
- Board of Public Education
- Board of Regents of Higher Education
- Office of Public Instruction
- Montana Historical Society
- Montana State Library

#### **Children, Families, Health, and Human Services Interim Committee**

- Department of Public Health and Human Services

#### **Law and Justice Interim Committee**

- Department of Corrections
- Department of Justice

#### **Energy and Telecommunications Interim Committee**

- Department of Public Service Regulation

#### **Revenue Interim Committee**

- Department of Revenue
- Montana Tax Appeal Board

**State Administration and Veterans' Affairs Interim Committee**

- Department of Administration
- Montana Public Employee Retirement Administration
- Board of Investments
- Department of Military Affairs
- Office of the Secretary of State
- Office of the Commissioner of Political Practices

**Transportation Interim Committee**

- Department of Transportation
- Motor Vehicle Division (Department of Justice)

**Environmental Quality Council**

- Department of Environmental Quality
- Department of Fish, Wildlife and Parks
- Department of Natural Resources and Conservation

**Water Policy Interim Committee (where the primary concern is the quality or quantity of water)**

- Department of Environmental Quality
- Department of Fish, Wildlife and Parks
- Department of Natural Resources and Conservation

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

## HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions: **Administrative Rules of Montana (ARM)** is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

**Montana Administrative Register (MAR or Register)** is an online publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding Register.

### Use of the Administrative Rules of Montana (ARM):

- |               |  |
|---------------|--|
| Known Subject | 1. Consult ARM Topical Index.<br>Update the rule by checking recent rulemaking and the table of contents in the last Montana Administrative Register issued. |
| Statute       | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.                |

## RECENT RULEMAKING BY AGENCY

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 2022. This table includes notices in which those rules adopted during the period September 23, 2022, through February 24, 2023, occurred and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 2022, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, notice numbers in ascending order, the subject matter of the notice, and the page number(s) at which the notice is published in the 2022 or 2023 Montana Administrative Register.

To aid the user, this table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

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