

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 8.94.3816 and 8.94.3817 ) PROPOSED AMENDMENT  
pertaining to the administration of the )  
Montana Coal Endowment Program )  
(MCEP) – Emergency Grants and )  
Planning Grants )

TO: All Concerned Persons

1. On May 18, 2023, at 10:00 a.m., the Department of Commerce will hold a public hearing via zoom to consider the proposed amendment of the above-stated rules. Interested parties may access the remote conferencing platform in the following ways:

Video:

[https://mt-gov.zoom.us/webinar/register/WN\\_Fq-BM94UTHKYwAmmaGTcaQ](https://mt-gov.zoom.us/webinar/register/WN_Fq-BM94UTHKYwAmmaGTcaQ)

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. May 16, 2023, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0523; telephone (406) 841-2596; TDD 841-2702; fax (406) 841-2771; or e-mail [DOCAdministrativeRules@mt.gov](mailto:DOCAdministrativeRules@mt.gov).

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

8.94.3816 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE ~~TREASURE STATE~~ MONTANA COAL ENDOWMENT PROGRAM (~~TSEP~~) (MCEP) – EMERGENCY GRANTS (1) The Department of Commerce adopts and incorporates by reference the ~~2021 and 2023~~ 2025 Biennia ~~biennium~~ Emergency Grant Application Guidelines for ~~TSEP~~ MCEP Emergency Grants as rules for the administration of the ~~2021 and 2023 Biennia~~ 2025 biennium ~~Treasure State Montana Coal~~ Endowment Program – Emergency Grants.

(2) remains the same.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, ~~Community Development Division~~ Community MT Division, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or on the ~~Community Development Division~~ Community MT Division web site at <http://comdev.mt.gov/Programs/TSEP/EmergencyGrants>

<https://comdev.mt.gov/Programs-and-Boards/Montana-Coal-Endowment-Program/Emergency-Grants>.

AUTH: 90-6-701, MCA

IMP: 90-6-701, MCA

REASON: It is reasonably necessary to amend this rule to reflect updated requirements to the guidelines and to implement the program name change as required in 17-5-703, MCA, of the 67th legislative session.

8.94.3817 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE MONTANA COAL ENDOWMENT PROGRAM (MCEP) – PLANNING GRANTS (1) The Department of Commerce adopts and incorporates by reference the Infrastructure Planning Grant Application and Administration Guidelines for MCEP Infrastructure Planning Grants as rules for the administration of the Montana Coal Endowment Program – Planning Grants (May 2023).

(2) remains the same.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, Planning Bureau, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or on the Planning Bureau web site at <http://comdev.mt.gov/TSEP/PlanningGrants/Applying>  
<https://comdev.mt.gov/Programs-and-Boards/Montana-Coal-Endowment-Program/Planning-Grants>.

AUTH: 90-6-701, MCA

IMP: 90-6-701, MCA

REASON: This update would permanently change MCEP planning grant awards from a first-come, first-served open cycle to a competitive process of ranking and awarding grants based on a set of criteria. The anticipated outcome is planning grant funds would be prioritized for the highest need and highest impact projects. Additionally, this update would temporarily increase the maximum grant award from \$15,000 to \$40,000 for the 2025 biennium, which would leverage ARPA water and sewer funding to help communities complete high priority capital improvement plans and preliminary engineering reports. The match requirement would temporarily be reduced from 50% to 20% of total project cost to help communities reduce the time it takes to complete these projects.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Bonnie Martello, Department of Commerce, Legal Department, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0533; telephone (406) 841-2596; fax (406) 841-2871; TDD (406) 841-2702; or e-mail [DOCAdministrativeRules@mt.gov](mailto:DOCAdministrativeRules@mt.gov), and must be received no later than 5:00 p.m., May 26, 2023.

5. The Office of Legal Affairs, Department of Commerce, has been designated to preside over and conduct this hearing.

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

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

8. 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/ Amy Barnes  
Amy Barnes  
Rule Reviewer

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

Certified to the Secretary of State on April 18, 2023.