

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 8.94.3101 and 8.94.3102) PROPOSED AMENDMENT
pertaining to the administration of the)
Montana Historic Preservation Grant)
(MHPG) Program)

TO: All Concerned Persons

1. On October 27, 2023, at 10:00 a.m., the Department of Commerce will hold a public hearing in person at 301 S. Park Avenue, Room 226 or via Zoom video conference to consider the proposed 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_674d4ycFRWaM-Yx730uGlg

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

Meeting ID: 839 0903 8198

Password: 666624

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., October 24, 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 59620-0501; telephone (406) 841-2596; TDD (406) 841-2702; fax (406) 841-2771; or e-mail docadministrativerules@mt.gov.

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

8.94.3101 INCORPORATION BY REFERENCE OF RULES FOR THE SUBMISSION AND REVIEW OF APPLICATIONS FOR THE MONTANA HISTORIC PRESERVATION GRANT PROGRAM

(1) The Department of Commerce adopts and incorporates by reference the Montana Historic Preservation Grant Program ~~2022~~ 2024 Application and Guidelines for the ~~2025~~ 2027 Biennium.

(2) The rules incorporated by reference in (1) relate to the following:

- (a) eligible applicants and projects;
- (b) types of grants available under MHPG;
- (c) general requirements for applying for MHPG grants;
- (d) application review process; and

(e) administrative procedures and requirements.

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

AUTH: 22-3-1305, 22-3-1306, MCA

IMP: 22-3-1305, 22-3-1306, MCA

REASON: The Montana Historic Preservation Grant (MHPG) has modified the application and guidelines to adhere to amendments during the 68th Legislature. Specifically, the Legislature wrote in HB 12 two additional criteria: the degree of local contribution and anticipated public benefit, including the extent the site or building will be open to the public and the degree of immediate facility use after project completion. Administrators of the grant have also provided an application eligibility screening checklist (Appendix A) and modified the scoring process.

8.94.3102 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE MONTANA HISTORIC PRESERVATION GRANT PROGRAM (1) The Department of Commerce adopts and incorporates by reference the Montana Historic Preservation Grant Program Project Administration Manual (October ~~2024~~ 2023).

(2) The rules incorporated by reference in (1) relate to the following:

- (a) project start-up requirements;
- (b) environmental requirements;
- (c) procurement requirements;
- (d) financial management;
- (e) protection of civil rights;
- (f) labor requirements;
- (g) project management;
- (h) involving the public;
- (i) project monitoring; and
- (j) project closeout.

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

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4. 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 the Department of Commerce, Legal Department, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501; telephone (406) 841-2596; TDD 841-2702; fax (406) 841-2771; or e-mail docadministraiverules@mt.gov, and must be received no later than 5:00 p.m., November 3, 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 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/ John Semmens
John Semmens
Rule Reviewer

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

Certified to the Secretary of State September 26, 2023.