

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 8.94.3814 and 8.94.3815) PROPOSED AMENDMENT
pertaining to the submission and)
review of applications for funding)
under the Montana Coal Endowment)
Program (MCEP))

TO: All Concerned Persons

1. On March 28, 2024, 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:

a. Video: https://mt-gov.zoom.us/webinar/register/WN_1wUtUozQRjyvsNHG-5Ms9A

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., March 26, 2024, 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 200523, Helena, Montana 59620-0523; telephone (406) 841-2596; TDD (406) 841-2702; facsimile (406) 841-2771; or e-mail to docadmimistrativerules@mt.gov.

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

8.94.3814 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF MONTANA COAL ENDOWMENT GRANTS (1) The Department of Commerce adopts and incorporates by reference the Montana Coal Endowment Program Project Administration Manual (~~March 2022~~) (March 2024) as rules for the administration of MCEP grants.

(2) and (3) remain the same.

AUTH: 90-6-710, MCA
IMP: 90-6-710, MCA

REASON: It is reasonably necessary to amend this rule with the passage of House Bill 795 (HB 795) in the 68th Legislative session, the department is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, MCA, when authorizing grants in certain circumstances set by statute. The department has updated the MCEP application to reflect the changes to the program for the 2027 Biennium.

8.94.3815 INCORPORATION BY REFERENCE OF RULES GOVERNING THE SUBMISSION AND REVIEW OF APPLICATIONS FOR FUNDING UNDER THE MONTANA COAL ENDOWMENT PROGRAM – PROJECT GRANTS (1) The Department of Commerce adopts and incorporates by reference the Montana Coal Endowment Program ~~2022~~ 2024 Construction Application Guidelines for the ~~2025~~ 2027 Biennium as rules governing the submission and review of applications under the MCEP program.

(2) and (3) remain the same.

AUTH: 90-6-710, MCA

IMP: 90-6-710, MCA

REASON: It is reasonably necessary to amend this rule with the passage of House Bill 795 (HB 795) in the 68th Legislative session, the department is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, MCA, when authorizing grants in certain circumstances set by statute. The department has updated the MCEP application to reflect the changes to the program for the 2027 Biennium.

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 the Department of Commerce, Community MT Division, 301 South Park Avenue, P.O. Box 200523, Helena, Montana, 59620-0523; by facsimile to (406) 841-2771, or e-mail to docadministrativerules@mt.gov, and must be received no later than 5:00 p.m., April 5, 2024.

5. The Office of Legal Affairs 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 may 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. Written requests may be mailed or delivered to the Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501, by fax to (406) 841-2701, by e-mail to docadministrativerules@mt.gov, or 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 on February 27, 2024.