

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 42.21.160 and 42.21.165) PROPOSED AMENDMENT
pertaining to livestock reporting and)
per capita fees - honey bees)

TO: All Concerned Persons

1. On August 24, 2017, at 9 a.m., the Department of Revenue will hold a public hearing in the Third Floor East Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana, to consider the amendment of the above-stated rules. The hearing room is most readily accessed by entering through the east doors of the building facing Sanders Street.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5 p.m. on August 14, 2017, to advise us of the nature of the accommodation you need. Please contact Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov.

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

42.21.160 DEFINITIONS For purposes of this chapter the following definitions apply:

- (1) through (11) remain the same.
- (12) remains the same, but is renumbered (13).
- (13) remains the same, but is renumbered (12).

AUTH: 15-1-201, 15-9-101, MCA

IMP: 15-1-121, ~~15-1-137~~ 15-6-137, 15-6-138, 15-8-104, MCA

REASON: The department proposes amending ARM 42.21.160 to correct the alphabetical order of two sections of the rule to bring it into compliance with the Secretary of State's recommended format for definition rules. The department also proposes correcting a statute citation error in the implementing section of the rule. There are no language changes being proposed for the rule at this time.

42.21.165 LIVESTOCK REPORTING AND PER CAPITA FEE PAYMENT

- (1) remains the same.
- (2) The reporting form required in (1) must list the livestock type and count, by county, where livestock are located on February 1. For all poultry and honey bees, swine 3 months of age or older, and all other livestock 9 months of age or

older, the livestock owner/producer shall report the number of animals within each of the following established categories:

- (a) remains the same.
- (b) cattle (yearlings, heifers, steers, cows, and bulls);
- (c) through (g) remain the same.
- (h) honey bee hives ~~or boards~~;
- (i) through (3) remain the same.

(4) If a livestock owner fails to submit a completed livestock reporting form by the March 1 deadline, the department shall use the owner's reported or estimated livestock counts from the previous year to estimate the livestock type and count for the current year. ~~For livestock owners with livestock located on property owned by someone else that have not self-reported by the March 1 deadline, the department shall estimate the livestock owner's livestock type and count based on the livestock numbers provided by the landowner.~~

(5) ~~Effective in 2016, per~~ Per capita livestock fee payments are due to the department by May 31 of the reporting year.

- (6) remains the same.

AUTH: 15-1-201, MCA

IMP: 15-6-207, 15-24-903, 15-24-905, 15-24-921, 15-24-922, 15-24-925, 87-4-406, MCA

REASON: The department proposes amending ARM 42.21.165 based on the enactment of House Bill 345, L. 2017, which revised the definition of "livestock" for the purposes of the per capita fee on livestock, to specify that honey bees are the only type of bees that need to be reported. Leaf-cutting bees, for example, are no longer required to be reported. Therefore, the department proposes amending (2) to insert the word "honey" ahead of bees to make this distinction clear in the rule.

The department also proposes adding detail to the term "cattle" in (2)(d), in response to inquiries from livestock owners. Specifically, yearlings, heifers, steers, cows, and bulls are all considered cattle by the industry. Including this detail in the rule is intended to help livestock owners when completing their reporting forms. Additionally, the department proposes striking "or boards" from (2)(h), because boards are no longer used by bee owners for reporting purposes.

The department further proposes striking the last sentence in (4) to correspond with an agreement reached last year with the Montana Department of Livestock. To prevent duplicate reporting issues from occurring, landowners do not need to report livestock located on their land if the livestock is owned by another party. The "livestock owned by others" section was eliminated from the livestock reporting form in 2016, necessitating this change in the rule for consistency and to prevent confusion.

The department further proposes removing the 2016 calendar year reference from (5) because it serves no purpose beyond that year.

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: Laurie Logan, Department of Revenue, Director's Office, P.O. Box

7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov and must be received no later than September 5, 2017.

5. Laurie Logan, Department of Revenue, Director's Office, has been designated to preside over and conduct this hearing.

6. The Department of Revenue 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 and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding a particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in 4 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

7. An electronic copy of this notice is available on the department's web site at revenue.mt.gov/rules, or through the Secretary of State's web site at sos.mt.gov/ARM/register.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary sponsor of House Bill 345, L. 2017, Representative Geraldine Custer, was contacted by regular mail on June 23, 2017 and July 5, 2017.

9. 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. Documentation of the department's determination is available at revenue.mt.gov/rules or upon request from the person in 4.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State July 24, 2017.