

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the repeal of ARM)	NOTICE OF PROPOSED REPEAL
37.47.1001, 37.47.1005, 37.47.1008,)	
37.47.1015, 37.47.1020, and)	NO PUBLIC HEARING
37.47.1021 pertaining to the battered)	CONTEMPLATED
spouses and domestic violence)	
program)	

TO: All Concerned Persons

1. The Department of Public Health and Human Services proposes to repeal the above-stated rules.

2. The Department of Public Health and Human Services 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 Public Health and Human Services no later than 5:00 p.m. on January 3, 2025, to advise us of the nature of the accommodation that you need. Please contact Bailey Yuhus, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

3. The department proposes to repeal the following rules:

37.47.1001 DEFINITIONS

AUTH: 40-2-402, MCA
IMP: 40-2-401, MCA

37.47.1005 DEPARTMENT ADMINISTRATIVE POLICIES AND RESPONSIBILITIES

AUTH: 40-2-402, MCA
IMP: 40-2-401, MCA

37.47.1008 AWARDING GRANTS, CRITERIA

AUTH: 40-2-402, MCA
IMP: 40-2-401, MCA

37.47.1015 GRANT APPLICATION, ELIGIBILITY REQUIREMENTS

AUTH: 40-2-402, MCA

IMP: 40-2-401, MCA

37.47.1020 GRANT APPLICATION, GENERAL REQUIREMENTS

AUTH: 40-2-402, MCA

IMP: 40-2-401, MCA

37.47.1021 GRANT APPLICATION, CONTENT REQUIREMENTS

AUTH: 40-2-402, MCA

IMP: 40-2-401, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to repeal ARM 37.47.1001, 37.47.1005, 37.47.1008, 37.47.1015, 37.47.1020, and 37.47.1021.

During the 2023 Montana Legislature, HB 83 was introduced, passed, and signed by Governor Gianforte. HB 83 moved oversight of the Family Violence Prevention Services Act (FVPSA) grant from the department to the Montana Board of Crime Control (MBCC) in the Montana Department of Justice.

The transfer of oversight of the grant is effective October 1, 2024. The Child and Family Services Division is proposing to repeal all the existing rules because once MBCC has oversight of FVPSA, the department no longer has the authority to promulgate or enforce rules governing the grant funds or how they are allocated to the local domestic violence shelter programs. The goal is to repeal the existing rules as soon as possible.

MBCC is asking the department to repeal these rules instead of transferring them as they are unable to follow the rules as currently set out, and MBCC does not need the grant program under their department.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Bailey Yuhas, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on January 17, 2025. Comments may also be faxed to (406) 444-9744 or e-mailed to hhsadminrules@mt.gov.

6. If persons who are directly affected by the proposed action 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 Bailey Yuhas at the above address no later than 5:00 p.m., January 17, 2025.

7. If the agency receives requests for a public hearing on the proposed action from either 10% 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 zero persons based on the shelters still function and the federal grant still supports these shelters. The statute change simply changes oversight of the federal grant from DPHHS to the Montana Board of Crime Control.

8. 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.

9. An electronic copy of this notice is available on the department's web site at <https://dphhs.mt.gov/LegalResources/administrativerules>, or through the Secretary of State's web site at rules.mt.gov.

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

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

/s/ Mark Prichard
Mark Prichard
Rule Reviewer

/s/ Charles T. Brereton
Charles T. Brereton, Director
Department of Public Health and Human
Services

Certified to the Secretary of State December 10, 2024.