

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT AND
ARM 24.12.102 and 24.12.107 and)	REPEAL
the repeal of ARM 24.12.101,)	
24.12.103, 24.12.104, 24.12.105,)	
24.12.106, 24.12.108, 24.12.109, and)	
24.12.110 pertaining to the displaced)	
homemaker program)	

TO: All Concerned Persons

1. On June 23, 2023, the Department of Labor and Industry (agency) published MAR Notice No. 24-12-405 regarding the public hearing on the proposed changes to the above-stated rules, at page 537 of the 2023 Montana Administrative Register, Issue No. 12.

2. On July 13, 2023, a public hearing was held on the proposed changes to the above-stated rules via the videoconference and telephonic platform. Comments were received by the deadline.

3. The agency has thoroughly considered the comments received. A summary of the comments and the agency responses are as follows:

COMMENT 1: A commenter expressed concern that, by striking "Displaced Homemaker Program" from the catchphrase of the administrative rules, the displaced homemaker program would "lose identity."

RESPONSE 1: The department disagrees. Rule catchphrases exist to assist rule users in finding a rule which applies to their situation. Utilizing the full program name in every rule simply makes the rules more difficult to use. While it was once a common practice in rulemaking, the practice has become archaic and unnecessary. Perhaps more importantly, it must be noted that the rule subchapter (ARM 24.12.1) is titled "Displaced Homemaker Program."

COMMENT 2: Commenters expressed concern that this rulemaking was an effort to eliminate the displaced homemaker program, that program funding might be in jeopardy, or that the department may not seek requests for proposal (RFPs) in the future.

RESPONSE 2: This comment is outside the scope of the rulemaking. However, the displaced homemaker program is a creature of federal and state law. Administrative rules exist to explain ambiguities in law and cannot effectuate repeal or elimination of those laws. The department has no plans to eliminate, or seek elimination of, the program. With regard to RFPs in the future, the department has no current plans to change its grant application process. As with all programs, the department

continues to review and assess to determine the best means of carrying out the program into the future; these rules do not effectuate a change in that regard.

COMMENT 3: A commenter questioned why the pediatric complex care assistant program was specified in rule, and whether that might be interpreted to prohibit any other type of program from utilizing the program.

RESPONSE 3: Pediatric complex care is a new licensure program established by the 2023 legislature with House Bill 449. Specificity of including the program makes clear to users that the program is a permissible use of state law displaced homemaker funding. Including the license type after the disjunctive "or" clarifies that the program is not the only suitable source of funding, but one of a variety which falls under the categories specified in law.

COMMENT 4: A commenter questioned whether striking the definition of "employability development plan" was intended to restrict the program.

RESPONSE 4: As set forth in the statement of reasonable necessity, that definition is stricken because the term was only used once throughout the administrative rules. The substance of the definition—including the same words of the definition—was incorporated into ARM 24.12.107. In short, the definition is used in place of defining a term. This furthers red tape relief efforts by minimizing the requirement to read multiple rules to understand a single subsection.

4. The agency has amended ARM 24.12.102 and 24.12.107 as proposed.

5. The agency has repealed ARM 24.12.101, 24.12.103, 24.12.104, 24.12.105, 24.12.106, 24.12.108, 24.12.109, and 24.12.110 as proposed.

/s/ QUINLAN L. O'CONNOR
Quinlan L. O'Connor
Rule Reviewer

/s/ JOHN ELIZANDRO
John Elizandro, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 25, 2023.