BEFORE THE BURIAL PRESERVATION BOARD

OF THE STATE OF MONTANA

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| In the matter of the amendment of ARM 2.65.306 pertaining to permits for scientific analysis | )  )  )  )  ) | NOTICE OF PROPOSED AMENDMENT  NO PUBLIC HEARING CONTEMPLATED |

TO: All Concerned Persons

1. On October 23, 2021, the Burial Preservation Board (board) of the state of Montana proposes to amend the above-stated rule.

2. The board 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 board no later than 5:00 p.m. on Tuesday, September 27, to advise us of the nature of the accommodation that you need. Please contact Lauren Berka, Department of Administration, 125 Roberts St., Helena, Montana, 59601; telephone (406) 444-3308; Montana Relay Service 711; or e-mail lauren.berka@mt.gov.

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

2.65.306 PERMITS FOR SCIENTIFIC ANALYSIS (1) All petitions for scientific analysis shall include a nonrefundable application fee of ~~$150~~ $50, scientific justification for the study, qualifications of the person requesting the study, methodology and the time frame necessary to complete the study.

(2) through (7) remain the same.

AUTH: 22-3-804, MCA

IMP: 22-3-804, 22-3-806, MCA

STATEMENT OF REASONABLE NECESSITY: Section 22-3-804, MCA, which governs the composition, rights, and responsibilities of the Burial Preservation Board, became law in 1991. The statute has always provided that the nonrefundable application fee for a permit for scientific analysis was not to exceed $50. When ARM 2.65.306 was initially adopted in 1998, the rule erroneously provided that the application fee for a permit for scientific analysis was $150. This rulemaking aims to correct this mistake and aligns the fee with statute. Given that no persons have filed a petition under this rule within the last ten years, the board anticipates no persons will be affected annually by this decrease and there will be no significant impact on revenue.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Lauren Berka, Department of Administration, 125 N. Roberts St., Helena, Montana, 59601; telephone (406) 444-3308; or e-mail lauren.berka@mt.gov, and must be received no later than 5:00 p.m., October 8, 2021.

5. 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 Lauren Berka no later than 5:00 p.m., September 22, 2021.

6. If the board 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. The number of requests necessary for the board to conduct a public hearing is 25, because it is less than 10% of Montana property owners, residents, and other citizens who may potentially be affected by this proposal.

7. The board 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 mailing list shall make a written request which includes the name and mailing address or e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding Burial Preservation Board rulemaking actions. 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 4 above or may be made by completing a request form at any rules hearing held by the board.

8. An electronic copy of this proposal notice is available through the Department of Administration's website at http://doa.mt.gov/administrativerules. The department strives to make its online version of the notice conform to the official published version, but advises all concerned persons that if a discrepancy exists between the official version and the department's online version, only the official text will be considered. In addition, although the department works to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

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

10. The board has determined that under 2-4-111, MCA, the proposed amendment will not significantly and directly affect small businesses.

By: /s/ William Big Day By: /s/ Don Harris

William Big Day, Chair Don Harris, Rule Reviewer

Burial Preservation Board Department of Administration

Certified to the Secretary of State August 31, 2021.