

BEFORE THE BOARD OF FUNERAL SERVICE  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.147.401 fee schedule ) PROPOSED AMENDMENT

TO: All Concerned Persons

1. On March 16, 2012, at 1:00 p.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry (department) 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 Board of Funeral Service (board) no later than 5:00 p.m., on March 9, 2012, to advise us of the nature of the accommodation that you need. Please contact Jodi Koehnke, Board of Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2037; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail [dlibsdfnr@mt.gov](mailto:dlibsdfnr@mt.gov).

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

24.147.401 FEE SCHEDULE

(1) remains the same.	
(a) Mortuary	\$ <del>250</del> <u>375</u>
(b) Mortuary branch facility	<del>250</del> <u>375</u>
(c) Crematory	<del>250</del> <u>375</u>
(d) through (3) remain the same.	
(a) Mortician	<del>250</del> <u>375</u>
(b) Crematory operator	<del>200</del> <u>300</u>
(c) Crematory technician	<del>200</del> <u>300</u>
(d) Mortician intern	<del>220</del> <u>330</u>
(4) through (5) remain the same.	
(a) Mortuary	<del>300</del> <u>450</u>
(b) Mortuary branch facility	<del>50</del> <u>75</u>
(c) Crematory	<del>300</del> <u>450</u>
(d) Cemetery (five-year renewal)	<del>4000</del> <u>1500</u>
(6) remains the same.	
(a) Mortician - active	<del>200</del> <u>300</u>
(b) Mortician - inactive	<del>400</del> <u>150</u>
(c) Crematory operator - active	<del>400</del> <u>150</u>
(d) Crematory operator - inactive	<del>50</del> <u>75</u>
(e) Crematory technician - active	<del>400</del> <u>150</u>

(f) Crematory technician - inactive  
(7) through (9) remain the same.

50 75

AUTH: 37-1-131, 37-1-134, 37-19-202, 37-19-301, 37-19-303, 37-19-304, 37-19-403, 37-19-702, 37-19-703, 37-19-808, 37-19-814, 37-19-815, 37-19-816, MCA

IMP: 37-1-134, 37-1-141, 37-19-301, 37-19-303, 37-19-304, 37-19-402, 37-19-403, 37-19-702, 37-19-703, 37-19-808, 37-19-814, 37-19-815, 37-19-816, MCA

REASON: The board has determined it is reasonably necessary to increase license application and renewal fees as proposed to comply with the provisions of 37-1-134, MCA, and keep the board's fees commensurate with program costs. Over the last several years, the board has experienced an increase in expenses in excess of revenue generated through board licensure fees. In providing administrative services to the board, the department has determined it is necessary to increase fees as proposed to ensure that the board can cover their operating expenses. The board decided to increase fees by 50 percent at this time to avoid another increase in the near future. The board estimates the proposed fee changes will affect approximately 455 applicants/licenseses and generate \$46,535 in additional annual revenue.

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 Board of Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdfnr@mt.gov](mailto:dlibsdfnr@mt.gov), and must be received no later than 5:00 p.m., March 23, 2012.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's web site on the World Wide Web at [www.funeral.mt.gov](http://www.funeral.mt.gov). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. 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 the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena,

Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdfnr@mt.gov; or made by completing a request form at any rules hearing held by the agency.

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

8. Colleen White, attorney, has been designated to preside over and conduct this hearing.

BOARD OF FUNERAL SERVICE  
R.J. (DICK) BROWN, CHAIRPERSON

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 13, 2012