

BEFORE THE MONTANA COAL BOARD
DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF PROPOSED
Rule I pertaining to the procedural) ADOPTION
rules of the Coal Board)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On March 3, 2020, the Coal Board proposes to adopt the above-stated rule.

2. The Department of Commerce 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 Commerce no later than 5:00 p.m., February 18, 2020, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2596; TDD 841-2702; fax (406) 841-2771; or e-mail docadministrativerules@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I PUBLIC PARTICIPATION (1) The Coal Board adopts and incorporates by reference ARM 8.2.201 through 8.2.206 which sets forth the Department of Commerce's public participation rules. A copy of the rules may be obtained from the Coal Board, Department of Commerce, 301 South Park, P.O. Box 200523, Helena, Montana 59620-0523.

AUTH: 90-6-205, MCA
IMP: 90-6-205, MCA

REASON: The Coal Board proposes to adopt this rule to ensure its compliance with 2-3-103, MCA.

4. Concerned persons may submit their data, views, or arguments in written form or as a request for opportunity to submit data, views, or arguments in oral form to: Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana, 59620-0523; telephone (406) 841-2596; TDD (406) 841-2731; facsimile (406) 841-2771 or e-mail to docadministrativerules@mt.gov, and must be received no later than 5:00 p.m., February 28, 2020.

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 at the above address no later than 5:00 p.m., February 28, 2020.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the businesses who are 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 public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 25 based upon the number of individuals interested in rulemaking by the department.

7. 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 4 above or may be made by completing a request form at any rules hearing held by the department.

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

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

/s/ Amy Barnes
Amy Barnes
Rule Reviewer

/s/ Tara Rice
Tara Rice
Director
Department of Commerce

Certified to the Secretary of State January 21, 2020.