

BEFORE THE BOARD OF BARBERS AND COSMETOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.121.401 fees ) PROPOSED AMENDMENT

TO: All Concerned Persons

1. On January 13, 2010, at 9:00 a.m., a public hearing will be held in room 439, 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 Barbers and Cosmetologists (board) no later than 5:00 p.m., on January 8, 2010, to advise us of the nature of the accommodation that you need. Please contact Shane Younger, Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2335; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdcos@mt.gov.

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

<u>24.121.401 FEES</u> (1) Original and renewal license to practice	\$ <del>45</del> <u>60</u>
(2) <u>Active Original and renewal active</u> instructor license	<del>60</del> <u>75</u>
(3) <del>Inactive</del> <u>Original and renewal inactive</u> instructor license	<del>50</del> <u>65</u>
(4) Original and renewal school license	<del>150</del> <u>200</u>
(5) remains the same.	
(6) School/course inspection	<del>150</del> <u>200</u>
(7) Original and renewal salon or shop license	<del>50</del> <u>65</u>
(8) Salon or shop inspection	<del>400</del> <u>150</u>
(9) Original and renewal booth rental license	<del>40</del> <u>55</u>
<del>(10) Out-of-state license by endorsement</del>	<del>45</del>
(11) through (20) remain the same but are renumbered (10) through (19).	

AUTH: 37-1-131, 37-1-134, ~~37-1-141~~, 37-31-203, MCA

IMP: 37-1-134, 37-1-141, 37-31-302, 37-31-304, 37-31-305, 37-31-311, 37-31-312, 37-31-323, MCA

REASON: The board determined it is reasonably necessary to make the proposed fee changes to comply with the provisions of 37-1-134, MCA, and keep the board's fees commensurate with program costs. The department, in providing administrative services to the board, has determined that unless the licensure fees are increased as proposed, the board will have a shortage of operating funds. The board

estimates the proposed fee changes will affect approximately 7,791 applicants and licensees and result in a \$124,320 annual increase in board revenue.

The board is amending (2) and (3) to clarify that the fees are the same for instructors' original and renewal licenses. This clarification was inadvertently missed for instructor licenses when the rule was previously amended. The board is deleting (10) to remove the fee for out-of-state licensure by endorsement. The board is deleting the fee because all applicants have the same application requirements and pay the same fee under (1) regardless of the application method.

Authority cites are being amended to accurately reflect the statutory sources of the board's rule making authority.

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 Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to [dlibsdcos@mt.gov](mailto:dlibsdcos@mt.gov), and must be received no later than 5:00 p.m., January 21, 2010.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at [www.cosmetology.mt.gov](http://www.cosmetology.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 Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to [dlibsdcos@mt.gov](mailto:dlibsdcos@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. Anjeanette Lindle, attorney, has been designated to preside over and conduct this hearing.

BOARD OF BARBERS AND  
COSMETOLOGISTS  
WENDELL PETERSEN, 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 November 30, 2009