

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.101.413 renewal dates and) PROPOSED AMENDMENT
requirements and 24.121.401 fees)

TO: All Concerned Persons

1. On June 16, 2011, at 1:00 p.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 rules.

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 June 10, 2011, 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 department is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(d) remain the same.

(e)	Barbers and Cosmetologists	Barber	Biennially	December 31 <u>March 1</u>
		Barber Shop	Annually	July 1
		Barber School or College	Annually	December 31 <u>March 1</u>
		Barbering Instructor	Biennially	December 31 <u>March 1</u>
		Booth Rental	Annually	July 1
		Cosmetologist	Biennially	December 31 <u>March 1</u>
		Electrologist	Biennially	December 31 <u>March 1</u>
		Esthetician	Biennially	December 31 <u>March 1</u>
		Instructor	Biennially	December 31 <u>March 1</u>
		Manicurist	Biennially	December 31 <u>March 1</u>
		Salon	Annually	July 1
		School or Course	Annually	December 31 <u>March 1</u>

(f) through (7) remain the same.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-141, MCA

REASON: The department is amending this rule to change the renewal dates for all personal operator licenses, instructor licenses, and school licenses to March 1. Licensees have historically expressed concern that they have to renew these licenses during the holiday season. Additionally, shifting these renewals will ease the demand on equipment and administrative staff as a majority of the large licensing boards currently renew at the end of the year.

4. The board is proposing to amend the following rule. 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	\$ 60 <u>80</u>
(2) Original and renewal active instructor license	75 <u>95</u>
(3) Original and renewal inactive instructor license	65 <u>85</u>
(4) Original and renewal school license	200 <u>220</u>
(5) Additional courses within a cosmetology school	50 <u>70</u>
(6) remains the same.	
(7) Original and renewal salon or shop license	65 <u>85</u>
(8) remains the same.	
(9) Original and renewal booth rental license	55 <u>75</u>
(10) through (19) remain the same.	

AUTH: 37-1-131, 37-1-134, 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 has determined it is reasonably necessary to increase original and renewal licensure fees to comply with the provisions of 37-1-134, MCA, and keep the board's fees commensurate with program costs. In providing administrative services to the board, the department has determined that unless licensure fees are increased as proposed, the board will have a shortage of operating funds by fiscal year 2012. The board estimates that the proposed fee increases will affect approximately 9,137 applicants and licensees and will result in \$182,740 in additional annual revenue.

Both the department and the board continually seek and implement ways to reduce costs associated with board functions, including a shift to using electronic board books and holding some board meetings by telephone conference.

5. 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, and must be received no later than 5:00 p.m., June 24, 2011.

6. 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. 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.

7. 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; or made by completing a request form at any rules hearing held by the agency.

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

9. Tyler Moss, 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 May 16, 2011