

BEFORE THE BOARD OF PLUMBERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)
ARM 24.180.401 fee schedule and)
the adoption of NEW RULE I)
pertaining to continuing education)
provider qualifications)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT AND
ADOPTION

TO: All Concerned Persons

1. On May 27, 2010, at 10:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and adoption 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 Plumbers (board) no later than 5:00 p.m., on May 21, 2010, to advise us of the nature of the accommodation that you need. Please contact Jason Steffins, Board of Plumbers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2329; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsplu@mt.gov.

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

<u>24.180.401 FEE SCHEDULE</u> (1) remains the same.	
(2) Application fee	\$ 60 <u>120</u>
<u>(a) Board-administered examination fee</u>	<u>400</u>
<u>(b) Board-administered reexamination fee</u>	<u>400</u>
(3) remains the same.	
(a) Journeyman	150 <u>180</u>
(b) Master	250 <u>325</u>
(4) remains the same.	
(a) Journeyman	135 <u>180</u>
(b) Master	225 <u>325</u>
(5) Medical gas endorsement application fee	60 <u>120</u>
(6) Medical gas endorsement renewal fee	20 <u>30</u>
(7) Out-of-state licensure fee	250 <u>300</u>
(8) remains the same.	
(9) and (10) remain the same but are renumbered (12) and (14).	
<u>(9) Master plumber of record fee</u>	<u>65</u>
<u>(10) Continuing education provider application fee</u>	<u>50</u>
<u>(11) Continuing education course fee</u>	<u>25</u>

(13) Fees are nonrefundable.

AUTH: 37-1-134, 37-69-202, 37-69-401, MCA

IMP: 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-69-303, 37-69-306, 37-69-308, 37-69-311, 37-69-401, MCA

REASON: The department, in providing administrative services to the board, has determined that unless the licensure fees are increased as proposed, the board will become insolvent by fiscal year 2011. Each proposed fee increase is necessary to comply with 37-1-134, MCA, and ensure fees remain commensurate with costs. The board is adding (13) to specify that all fees are nonrefundable to align with department policy and rule.

The board is also amending this rule by adding several new fees to ensure the fees are assessed to those receiving board services instead of being allocated to all licensees. The board is proposing a fee to cover costs for those instances when an exam vendor is not available and the board administers the examinations. A master plumber of record fee is proposed to cover the costs for board staff to compile, maintain, and update records that link master plumbers of record to the plumbing businesses for which they are responsible.

This board is also amending this rule to add fees for continuing education providers and courses and align with provisions in proposed New Rule I in this notice. The providers are utilizing the board's online reporting system more frequently, and the proposed fees will cover costs associated with processing data, entering changes, and approving and tracking each provider and course through the online system.

The proposed new fees and fee increases will affect approximately 1493 licensees, applicants, and continuing education providers and result in approximately \$102,110 in additional annual revenue. Following the proposed fee changes, the board and department do not anticipate having to consider another fee increase for several more years.

4. The proposed new rule provides as follows:

NEW RULE I QUALIFICATIONS - CONTINUING EDUCATION PROVIDER

- (1) An applicant for continuing education provider approval shall submit:
 - (a) a completed board-approved provider application with the required fees;
 - (b) a completed board-approved application for each course with the required fees;
 - (c) a sample completion certificate as outlined in ARM 24.180.2102(2)(d);
 - (d) documented proof from the provider that instructors are credentialed as outlined in ARM 24.180.2102(2)(b);
 - (e) a syllabus of each course; and
 - (f) documented proof of the course curriculum as outlined in ARM 24.180.2102(2)(a).
- (2) Application and course approval will be at the discretion of the board.
- (3) Courses will expire on September 1 of the year in which a subsequent code is adopted. The board may also withdraw course approval at any time upon a

determination by the board that amendments to statutes or rules make withdrawal of approval necessary or proper, or upon any other reasonable basis.

AUTH: 37-1-131, 37-1-319, 37-69-202, MCA
IMP: 37-1-306, 37-1-319, MCA

REASON: The board determined it is reasonable and necessary to propose New Rule I and set forth the particular requirements for continuing education (CE) provider applications, including specifying the documents needed to facilitate the approval process. The board has CE course approval requirements set forth in ARM 24.180.2102, but had not yet set forth the provider qualifications in rule.

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 Plumbers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsplu@mt.gov, and must be received no later than 5:00 p.m., June 4, 2010.

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.plumber.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 Plumbers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2309; e-mailed to dlibsplu@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 PLUMBERS
TIM REGAN, PRESIDING OFFICER

/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 April 19, 2010