

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

In the matter of the amendment of)
ARM 24.180.2102 continuing)
education requirements, and the)
repeal of ARM 24.180.203 board)
meetings, 24.180.413 general)
responsibilities, 24.180.601)
investigation, 24.180.2101 renewals,)
and 24.180.2401 complaint)
procedure)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT AND
REPEAL

TO: All Concerned Persons

1. On November 15, 2016, at 9:30 a.m., a public hearing will be held in the Large Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment and repeal 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 November 9, 2016, 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) 841-2305; or dlibsdpplu@mt.gov (board's e-mail).

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

24.180.2102 CONTINUING EDUCATION REQUIREMENTS (1) through (2)(a)(vi) remain the same.

~~(b) Course sponsors are responsible for ensuring that instructors are credentialed as one or more of the following:~~

~~(i) a Montana licensed journeyman or master plumber, with additional training in related subject areas;~~

~~(ii) a certified teacher with board approved plumbing credentials;~~

~~(iii) a certified journeyman and apprentice plumbing instructor;~~

~~(iv) a plumbing inspector possessing a state journeyman or master plumber's license; or~~

~~(v) continuing education instructor from another state or jurisdiction who is approved by the board.~~

(b) Course instructors shall be, as of the date of the course approval application and at all times while providing continuing education instruction:

(i) a certified continuing education instructor employed by the International Association of Plumbing and Mechanical Officials;

(ii) a plumbing continuing education instructor approved in a state that has a plumbing license reciprocity agreement with the board, if the instructor has also successfully completed the International Association of Plumbing and Mechanical Officials' "train the trainer" course for the Uniform Plumbing Code; or

(iii) licensed as a journeyman or master plumber in a state or jurisdiction that has adopted the uniform plumbing code, if the instructor:

(A) has no former or pending disciplinary actions against the instructor's plumbing license in any jurisdiction, unless the board is satisfied that the conduct has been adequately addressed through compliance with sanctions imposed; and

(B) either:

(I) is a uniform plumbing code inspector for an authority having jurisdiction, as that term is defined in the uniform plumbing code;

(II) is an apprenticeship training instructor for a union in a jurisdiction that has adopted the Uniform Plumbing Code;

(III) is certified as a plumbing inspector by the International Association of Plumbing and Mechanical Officials; or

(IV) has successfully completed the International Association of Plumbing and Mechanical Officials' "train the trainer" course for the Uniform Plumbing Code.

(c) through (6) remain the same.

AUTH: 37-1-319, 37-69-202, MCA

IMP: 37-1-141, 37-1-306, 37-1-319, MCA

REASON: The board frequently reviews applications for continuing education providers whose proposed instructors have qualifications that the board must review on a case-by-case basis and approve at their discretion. While the current rule provides board flexibility to consider all proposed instructor qualifications, the number of proposals that fail to include properly qualified instructors, of late, coupled with a recent complaint that the board may not be reviewing instructor qualifications objectively, lead the board to conclude it is reasonably necessary to amend this rule to provide more concrete, objective criteria for instructor qualifications.

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

4. The rules proposed to be repealed are as follows:

24.180.203 BOARD MEETINGS

AUTH: 37-69-202, MCA

IMP: 37-69-202, MCA

REASON: The board is repealing this rule as unnecessary and outdated, noting that the department assists all boards in setting and scheduling meetings, and

acknowledging that boards can follow Roberts Rules without adopting them in administrative rule.

24.180.413 GENERAL RESPONSIBILITIES

AUTH: 37-69-202, MCA

IMP: 37-69-202, MCA

REASON: The board is repealing this unnecessary rule because the provisions regarding carrying proof of licensure are adequately addressed in statute at 37-69-301, MCA, and should not be unnecessarily repeated in rule per the Montana Administrative Procedure Act.

24.180.601 INVESTIGATION

AUTH: 37-69-202, MCA

IMP: 37-1-308, 37-69-304, 37-69-305, MCA

REASON: The board is repealing this unnecessary rule because the department, in providing administrative services, provides consistent investigation services for all professional and occupational licensure boards.

24.180.2101 RENEWALS

AUTH: 37-1-101, 37-1-141, 37-69-202, MCA

IMP: 37-1-141, MCA

REASON: The board is repealing this unnecessary rule because the department administers a standardized renewal process for all professional and occupational licensure boards.

24.180.2401 COMPLAINT PROCEDURE

AUTH: 37-69-202, MCA

IMP: 37-1-308, 37-1-309, MCA

REASON: The board is repealing this unnecessary rule, because the complaint procedure is adequately addressed in standardized department processes and statute, and should not be unnecessarily repeated in rule per the Montana Administrative Procedure Act.

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) 841-2305, or e-mail to dlibsdpplu@mt.gov, and must be received no later than 5:00 p.m., November 15, 2016.

6. An electronic copy of this notice of public hearing is available at www.plumber.mt.gov (department and board's web site). 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 that 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) 841-2305; 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. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.180.2102 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.180.203, 24.180.413, 24.180.601, 24.180.2101, and 24.180.2401 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations are available upon request to the Board of Plumbers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsplu@mt.gov.

10. Jason Steffins, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF PLUMBERS
TIM REGAN, PRESIDING OFFICER

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 3, 2016