

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.216.402 fee schedule) PROPOSED AMENDMENT

TO: All Concerned Persons

1. On April 3, 2015, at 10:00 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 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 Sanitarians (board) no later than 5:00 p.m., on March 27, 2015, to advise us of the nature of the accommodation that you need. Please contact Steve Gallus, Board of Sanitarians, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2370; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdsan@mt.gov (board's e-mail).

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

24.216.402 FEE SCHEDULE

- (1) through (3) remain the same.
- (4) Renewal 180 270
- (5) Inactive renewal 90 135
- (6) remains the same.
- ~~(7) Sanitarian-in-training (NEHA registered) application fee~~ 100
- (8) through (11) remain the same, but are renumbered (7) through (10).

AUTH: 37-1-134, 37-40-203, MCA

IMP: 37-1-134, 37-1-141, 37-40-301, 37-40-302, MCA

REASON: The board determined it is reasonably necessary to increase renewal fees after concluding that total anticipated board expenses for statutorily required activities and responsibilities will be \$29,268. Additionally, the board anticipates higher personal service charges to match a statewide pay increase and a subsequent increase in employer contribution for benefits, and notes that the costs of information technology, rents, and travel continue to rise gradually.

The board continues to look for and implement cost saving measures, such as limiting or ceasing travel for meetings. In 2014, the board experienced a suspension of services and all indicators point toward another in 2015 if measures are not followed to increase fees, limit expenses where possible, and reach a

statutorily allowable savings of one-year's operating expenses over the next three years.

The board also notes that having a renewal period that coincides with fiscal year end has presented some planning obstacles. The board estimates that the proposed fee changes will affect 180 licensees and applicants, and increase revenue by \$15,060. This will allow the board to meet its statutorily mandated obligations and reach an operating cash revenue goal to allow for appropriate fiscal planning. The board last increased examination and renewal fees in April of 2009.

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 Sanitarians, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdsan@mt.gov, and must be received no later than 5:00 p.m., April 10, 2015.

5. An electronic copy of this notice of public hearing is available at www.sanitarian.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.

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 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 Sanitarians, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdsan@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. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.216.402 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Sanitarians, 301 South Park Avenue, P.O. Box 200513,

Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdsan@mt.gov.

9. Don Harris, attorney, has been designated to preside over and conduct this hearing.

BOARD OF SANITARIANS
JIM ZABROCKI, RS, CHAIRPERSON

/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 March 2, 2015