

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

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.180.401 fee schedule) ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On May 21, 2007, 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 Plumbers (board) no later than 5:00 p.m., on May 16, 2007, to advise us of the nature of the accommodation that you need. Please contact Dan Bernhardt, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2350; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdlu@mt.gov.

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

24.180.401 FEE SCHEDULE

(1) Application fee	\$ 30 <u>60</u>
(2) Examination fee	95 <u>175</u>
(3) Reexamination fee	95 <u>175</u>
(4) Administration of examination on alternate date	250 <u>400</u>
(5) Initial license fee prorated by quarter	
(a) Journeyman	75 <u>150</u>
(b) Master	125 <u>250</u>
(6) Renewal fee	
(a) Journeyman	75 <u>135</u>
(b) Master	125 <u>225</u>
(7) Medical gas endorsement application fee	30 <u>60</u>
(8) Medical gas endorsement renewal fee	40 <u>20</u>
(9) Out-of-state licensure fee	95 <u>250</u>
(10) Temporary practice permit fee	20 <u>100</u>

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

IMP: 37-1-134, 37-1-141, 37-1-304, 37-1-305, ~~37-69-202~~, 37-69-303, 37-69-306, 37-69-308, 37-69-401, MCA

REASON: The board has determined it is reasonably necessary to amend this rule and increase fees as proposed to avoid a projected budget shortfall of \$51,211 by June 2008. The board last raised licensure and renewal fees in early 1993.

Licensees renew annually on September 1, and renewal fees are the largest single source of board revenue. The board is statutorily obligated to maintain fees that are commensurate with associated costs. Although the number of licensees has increased slightly resulting in increased revenue, the small increase has not kept pace with rising expenses. The board will continue to be fiscally responsible and review the need for periodic small fee increases in order to avoid infrequent but large fee increases in the future. With the proposed fee increase, the board projects that it will be able to meet its foreseeable expenses until 2014. The proposed fee increases will affect approximately 1,596 licensees and applicants and result in an estimated annual revenue increase of \$118,020.

It is reasonably necessary to discontinue prorating initial license fees. Prorating the initial license fee cost the board \$4,594 in revenue last year and is no longer affordable. The board is amending the implementation cites to accurately reflect all statutes implemented through the rule.

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 Plumbers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdpplu@mt.gov, and must be received no later than 5:00 p.m., May 29, 2007.

5. An electronic copy of this Notice of Public Hearing is available through the department and board 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.

6. The Board of Plumbers 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 which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Plumbers administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed 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 dlibsdpplu@mt.gov, or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. Lorraine Schneider, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PLUMBERS
TIM REGAN, 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 April 16, 2007