

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

In the matter of the proposed)
amendment of ARM 24.216.402, and)
ARM 24.216.502 pertaining to)
fee schedule and minimum)
standards for licensure)

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On January 14, 2005, at 10:00 a.m., a public hearing will be held in room 489, of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or who need an alternative accessible format of this notice. If you require an accommodation, contact Mr. Wayne Johnston no later than 5:00 p.m. January 10, 2005, to advise us of the nature of the accommodation you need. Please contact Mr. Wayne Johnston, 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; e-mail dlibsdsan@state.mt.us.

3. The rules proposed to be amended provide as follows, deleted matter stricken, new matter underlined:

24.216.402 FEE SCHEDULE

(1) Application fee	
\$ 25 <u>50</u>	
(2) Examination	120 <u>150</u>
(3) Reexamination	120 <u>150</u>
(4) Renewal	30 <u>50</u>
(5) Late renewal (in addition to renewal fee)	25 <u>50</u>
(6) Sanitarian-in-training application fee	25 <u>50</u>
(7) remains the same.	

AUTH: 37-1-134, 37-40-203, MCA
IMP: 37-1-134, ~~37-1-304~~, 37-40-302, ~~37-40-303~~, 37-40-304, MCA

REASON: It is reasonable and necessary for the Board to amend ARM 24.216.402 in order to generate enough revenue to maintain the current level of services being offered. Pursuant to 37-1-134 and 37-40-304, MCA, the Board is required to set its fees commensurate with costs, and is the reason why these fees need to be increased now. If this rule is not approved at this time, the Board will be operating with a negative cash balance by the next renewal period therefore

creating an even larger cash deficit. This rule change is requested to fund existing services only, no new services are proposed at this time. Current total revenue for FY 2004 was \$7,590.00, the beginning cash balance in FY 2004 was \$6,035.00. The total expenditures for FY 2004 were \$11,491.36. If the fees are left unchanged the projected revenue for FY 2005 will be \$7,590.00, the remaining cash balance will be \$2,133.64, the budget for FY 2005 is \$11,528.00, this will leave a cash balance of -\$1,804.36. The proposed fee increase will raise the revenue for FY 2005 to \$12,150.00, this will also leave a positive cash balance of \$2,755.64. This rule change will affect approximately 190 licensees. The Board's estimate of the aggregate fiscal impact of the proposed fee changes will be approximately an additional \$4,560 paid per year by licensees and applicants.

24.216.502 MINIMUM STANDARDS FOR LICENSURE (1) The board will accept graduation from an accredited college or university with a bachelor's degree and including a minimum of 30 quarter or 20 semester hours in the physical and biological sciences, including ~~one or more~~ courses in chemistry, microbiology and biology as an equivalent qualification of a bachelors degree in environmental health as required by 37-40-302, MCA.

(2) remains the same.

AUTH: 37-40-203, MCA
IMP: 37-40-302, MCA

REASON: It is reasonable and necessary for the Board to amend ARM 24.216.502 to clarify the requirements for a Sanitarian license. The Board has decided that by making this change now, it will eliminate the apparent confusion surrounding what requirements must be met prior to licensure. The Board has recently become aware that such confusion exists.

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: Mr. Wayne Johnston, Board of Sanitarians, Department of Labor and Industry, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdsan@state.mt.us and must be received no later than 5:00 p.m., January 21, 2005.

5. An electronic copy of this Notice of Public Hearing is available through the Department and Board's web site on the World Wide Web at <http://www.discoveringmontana.com/dli/san>. The Department strives to make the electronic copy of this Notice of Public Hearing 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 website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Sanitarians maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Program. Persons who wish to have their name added to the list shall make a written request that 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 Sanitarians administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed 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@state.mt.us or may be made by completing a request form at any rules hearing held by the agency.

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

8. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

DEPARTMENT OF LABOR AND INDUSTRY
BOARD OF SANITARIANS

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State December 6, 2004.