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Economic Affairs Interim Committee

63rd Montana Legislature

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July 18, 2013

Commissioner Pam Bucy
Department of Labor and Industry

via E-MAIL

Dear Commissioner Bucy:

Pursuant to 2-4-305(9), MCA, in the Montana Administrative Procedure Act, a majority of members of the Economic Affairs Committee have asked for a letter to be written to the department to ask that the proposed rule increasing fees on measuring devices not be adopted until after the Economic Affairs Committee has had an opportunity to review information related to the proposed rule. The referenced MAPA statute states:

(9) If a majority of the members of the appropriate administrative rule review committee notify the committee presiding officer that those members object to a notice of proposed rulemaking, the committee shall notify the agency in writing that the committee objects to the proposal notice and will address the objections at the next committee meeting. Following notice by the committee to the agency, the proposal notice may not be adopted until publication of the last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the committee meets and does not make the same objection. A copy of the committee's notification to the agency must be included in the committee's records.

The next Economic Affairs Committee meeting is August 21, approximately a month after the comment period is to end on the proposed rule, 24-351-276, noticed in Issue No. 12 of the Montana Administrative Register on June 20, 2013.

In addition to concerns about the increases in licensing fees for such measuring devices as gasoline meters, diesel meters, compressed natural gas dispensers, and fuel oil meters, there are some technical concerns that the Committee's staff attorney, Bart Campbell, has raised. Mr. Campbell will be submitting a separate comment with respect to MAPA requirements to Tim Lloyd, the bureau chief for the Weights and Measures Bureau.

We look forward to a good discussion with the Department of Labor and Industry and the Weights and Measures Bureau. An agenda is attached to let you know the approximate time of the planned discussion.

Sincerely,

Senator Bruce Tutvedt, EAIC presiding officer

cc: Adam de Yong, acting administrator, Business Standards Division
Tim Lloyd, bureau chief, Weights and Measures Bureau
Darcee Moe, attorney, Department of Labor and Industry

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