



Economic Affairs Interim Committee

64th Montana Legislature

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November 19, 2015

To: Economic Affairs Interim Committee
From: Jameson Walker, Legislative Attorney
Re: Administrative Rule Report, November 2015

The Economic Affairs Interim Committee is responsible for reviewing administrative rules promulgated by several state agencies for compliance with the Montana Administrative Procedure Act (MAPA).¹ The following notices are filed with the Secretary of State's Office for publication in the Montana Administrative Register (MAR). Notices are available at <http://www.mtrules.org> (search by notice number).

PROPOSAL NOTICES

Department of Agriculture and administratively attached entities

MAR Notice Number: 4-14-228

Subject: Amendment and adoption of rules pertaining to wheat and barley committee grants.

Summary: The amendment to ARM 4.9.301 allows the committee to set at least one grant application deadline per year. The new rule states that indirect costs are not allowed as part of a grant.

Notes/Hearing: The department held a hearing on November 4, 2015.

MAR Notice Number: 4-14-229

Subject: Repeal of rules pertaining to student loans, public participation, and the mint committee.

Summary: The department proposes the repeal of 4.3.407, 4.4.202, 4.8.103, 4.12.1501, 4.12.1502, 4.12.1504, 4.12.1505, 4.12.1506, 4.12.1507, 4.12.1508, 4.12.1509, 4.12.1510. These rules pertain to student loans, public participation, and the mint committee. Specifically, the mint

¹ The Committee reviews rules promulgated by the following entities: Department of Agriculture, Department of Commerce, Department of Labor and Industry, Department of Livestock, State Auditor's Office, Montana State Fund, Division of Banking & Financial Institutions, Governor's Office of Economic Development. This report does not represent any action or opinion of the Committee and does not preclude additional action that may be taken by the Committee pursuant to its authority under the Montana Administrative Procedure Act, Title 2, chapter 4, MCA.

committee has been discontinued following the 2015 legislative session.

Notes/Hearing: The department held a hearing on November 4, 2015.

MAR Notice Number: 4-14-230

Subject: Amendment and repeal of rules pertaining to the commodity advisory committee and corn crop advisory committee and commodity assessment.

Summary: The department proposes the amendment of 4.6.101 and repealing 4.6.501, 4.6.502, 4.6.503, and 4.6.504. The changes are to bring the rules into compliance with 2015 legislative changes.

Notes/Hearing: The department held a hearing on November 5, 2015.

Department of Commerce and administratively attached entities

There are no pending rules.

Department of Labor and Industry and administratively attached entities

MAR Notice Number: 24-207-39

Subject: Amendment and repeal of rules pertaining to the Board of Real Estate Appraisers.

Summary: The proposed amendments are to 24.207.101 (board organization), 24.207.401 (fees), 24.207.406 (definitions), 24.207.501 (examinations), 24.207.502 (application requirements), 24.207.509 (qualifying experience), 24.207.518 (mentor requirements), 24.207.1501 (registration and renewal), 24.207.1507 (record-keeping requirements), and 24.207.2305 (unprofessional conduct). The repeal of 24.207.520 pertains to renewals; the department administers a standardized renewal process for all professional and occupational licensure boards.

Notes/Hearing: The department held a public hearing October 15, 2015, to consider the proposed rules.

MAR Notice Number: 24-129-16

Subject: Amendment and repeal of rules pertaining to the Board of Clinical Laboratory Science Practitioners.

Summary: The proposed amendment is to 24.129.603 (minimum standards for licensure) and the proposed repeals are to 24.129.601 (applications for licensure) and 24.129.602 (renewals). The amendment to 24.129.603 recognizes the American Association of Bioanalysts. The repeal of the licensure rules recognize that the department has a standardized application process for all professional and occupational boards.

Notes/Hearing: The department does not contemplate a public hearing and proposes to adopt the rules on November 16, 2015.

MAR Notice Number: 24-147-37

Subject: Amendment of rules pertaining to the Board of Funeral Service.

Summary: The proposed amendments are to 24.147.402 (mortician license application), 24.147.403 (mortuary transfers, inspections and temporary permits), 24.147.501 (out-of-state

mortician licensure), and 24.147.1503 (sale of at-need, preneed, and prepaid funeral arrangements). The amendments partly administer HB 110 from the 2015 session and clarify application and licensing continuing education requirements.

Notes/Hearing: The department held a public hearing on November 5, 2015, to consider the rules.

MAR Notice Number: 24-155-5

Subject: Repeal of a rule pertaining to the Board of Massage Therapy.

Summary: The board proposes to repeal 24.155.601, applying to licensure by grandfather clause. The repeal administers SB 104 from the 2015 legislative session, which removed the grandfather status of certain license applicants.

Notes/Hearing: The department does not contemplate a public hearing and proposes to repeal the rule on November 16, 2015.

MAR Notice Number: 24-219-28

Subject: Adoption of rules pertaining to the Board of Behavioral Health.

Summary: The board proposes to adopt new rules pertaining to licensees authorized to perform psychological assessments, educational requirements for performing psychological assessments without supervision, and licensees qualified to supervise psychological assessments. The new rules seek to administer Senate Bill 235 from the 2009 legislative session.

Notes/Hearing: The department held a public hearing on November 6, 2015, to consider the rules.

MAR Notice Number: 24-301-308

Subject: Amendment, adoption, and repeal of rules pertaining to the International Building Code (IBC) and International Swimming Pool and Spa Code (ISPSC).

Summary: The proposed amendments are to 24.301.146, recognizing the 2015 ISPSC. The new rule adopts the ISPSC by reference. The repeal is to 24.301.801, applying to review of plans.

Notes/Hearing: The department held a public hearing on November 5, 2015, to consider the rules.

MAR Notice Number: 24-17-310

Subject: Amendment and repeal of rules pertaining to prevailing wage rates for public works projects.

Summary: The proposed amendments are to 24.17.103 (definitions), 24.17.127 (standard prevailing rate of wages), and 24.17.501 (public works contracts for constructions services), and the proposed repeal is to 24.17.526 (projects of a mixed nature). The changes bring the rules into compliance with statutory provisions.

Notes/Hearing: The department will hold a public hearing on November 20, 2015, to consider the rules.

MAR Notice Number: 24-204-38

Subject: Amendment and repeal of rules pertaining to the Board of Radiologic Technologists.

Summary: The proposed amendments are to 24.204.401 and 24.204.404 (fees), 24.204.409 (military training), 24.204.507 (course requirements for limited permit applicants), and 24.204.607 (code of ethics). The proposed repeal is to 24.204.2115 (renewals).

Notes/Hearing: The department will hold a public hearing on November 19, 2015, to consider the rules.

MAR Notice Number: 24-219-29

Subject: Amendment, adoption, and repeal of rules pertaining to the Board of Behavioral Health.

Summary: The proposed amendments are to 24.219.101 (board organization), 24.219.301 (definitions), 24.219.401, 24.219.405, and 24.219.409 (fee schedules), 24.219.421 (supervisor qualifications), 24.219.501, 24.219.504, and 24.219.512 (LCSW licensure), 24.219.601, 24.219.604, and 24.219.612 (LCPC licensure), 24.219.701, 24.219.704, 24.219.707, and 24.219.712 (LMFT licensure), 24.219.807 (code of ethics), and 24.219.2404 (screening panel). The proposed new rules pertain to public participation, LCPC education requirements, LMFT education requirements, social worker licensure candidates, professional counselor licensure candidates, and marriage and family therapist licensure candidates. The proposed repealed rules pertain are to 24.219.515, 24.219.615, and 24.219.715 (renewals), 24.219.801 and 24.219.804 (codes of ethics), and 24.219.2401 (complaint procedure).

Notes/Hearing: The department will hold a public hearing on December 4, 2015, to consider the rules.

Department of Livestock and administratively attached entities

MAR Notice Number: 32-15-268

Subject: Amendment rules pertaining to licensee assessments.

Summary: The department proposes to amend 32.2.406 by changing the levied fees. The department estimates that the proposed amendment will affect 72 persons in the state and result in a cumulative increase in revenue for the 2016 fiscal year. The department anticipates an impact on small business from the rule change.

Notes/Hearing: The department does not contemplate a public hearing. It will adopt the rule on December 12, 2015, unless requested.

State Auditor's Office

MAR Notice Number: 6-207

Subject: Adoption of rules pertaining to surety insurance producers who sell, solicit, or negotiate commercial bail bonds.

Summary: The proposed rules provide definitions, provide financial responsibility requirements, require notice of bankruptcy or receivership, provide for incapacitation of a bail bond agent, apply to sale or transfer of business, prohibit signing bail bonds in blank, apply to trust accounts and records, provide prohibited practices, apply to portion of premium payments, provide for bail bond documents, and providing forms for bail bond agents.

Notes/Hearing: The auditor's office held a public hearing on November 18, 2015, to consider the rules.

MAR Notice Number: 6-220

Subject: Amendment of rules pertaining to patient-centered medical homes.

Summary: The proposed amendment is to 6.6.4907, proposing to clarify to the existing language and add depression screening.

Notes/Hearing: The department will hold a public hearing on November 24, 2015, to consider the rules.

Montana State Fund

There are no pending rules.

Division of Banking & Financial Institutions

MAR Notice Number: 2-59-522

Subject: Amendment and adoption of rules pertaining to division of banking.

Summary: The department seeks the adoption of rules pertaining to closing a consumer loan business and reimbursement of department costs in bringing an administrative action. The department seeks to amend 2.59.303 (credit insurance), 2.59.308 (examination fees), 2.59.315 (licensure surrender), and 2.59.318 (annual reports).

Notes/Hearing: The department does not contemplate a public hearing and proposes to adopt and amend the rules on November 30, 2015.

MAR Notice Number: 2-59-533

Subject: Adoption of rules pertaining to division of banking.

Summary: The department seeks the adoption of rules pertaining to credit union supervisory committees, credit union investment rules, and board of director training. The rules attempt to implement HB 550, passed by the Legislature in 2015.

Notes/Hearing: The department does not contemplate a public hearing and proposes to adopt the rules on November 30, 2015.

MAR Notice Number: 2-59-534

Subject: Amendment of rules pertaining to division of banking.

Summary: The department seeks the amendment of 2.59.1710, 2.59.1724, and 2.59.1743 pertaining to records to be maintained by mortgage brokers and mortgage lenders, and reporting forms for mortgage servicers. Part of the rules attempt to bring the rules into compliance with applicable federal banking and disclosure laws or otherwise update information available to the public.

Notes/Hearing: The department does not contemplate a public hearing and proposes to amend the rules on November 30, 2015.

Governor's Office of Economic Development

There are no pending rules.

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