



## Economic Affairs Interim Committee

---

### 64th Montana Legislature

#### SENATE MEMBERS

GORDON VANCE--Vice Chair  
TOM FACEY  
RICK RIPLEY  
LEA WHITFORD

#### HOUSE MEMBERS

RYAN LYNCH--Chair  
MIKE LANG  
NATE MCCONNELL  
VINCE RICCI

#### COMMITTEE STAFF

PATRICIA MURDO, Lead Staff  
JAMESON WALKER, Staff Attorney  
LAURA SHERLEY, Secretary

August 17, 2016

To: Economic Affairs Interim Committee  
From: Jameson Walker, Legislative Attorney  
Re: Administrative Rule Report, August 2016

---

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).<sup>1</sup> 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

There are no new pending rules.

#### Department of Commerce and administratively attached entities

**MAR Notice Number:** 8-119-148

**Subject:** Amendment of a rule pertaining to the Tourism Advisory Council.

**Summary:** The proposed amendment to 8.119.101 seeks to update the reference guide applying to regulations and procedures for regional/CVB tourism organizations.

**Notes/Hearing:** The department does not contemplate a public hearing and will amend the rule on September 4, 2016.

**MAR Notice Number:** 8-94-149

**Subject:** Adoption of a rule pertaining to the 2017 and 2018 program year Community Development Block Grant (CDBG) program.

---

<sup>1</sup> 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, and 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.

Summary: The proposed rule incorporates by reference the guidelines for the administration of the CDBG small-scale housing development and rehabilitation application guidelines.

Notes/Hearing: The department will hold a public hearing on August 25, 2016, to consider the notice.

### **Department of Labor and Industry and administratively attached entities**

**MAR Notice Number:** 24-183-42

Subject: Adoption, amendment, and repeal of rules pertaining to the Board of Professional Engineers and Professional Land Surveyors.

Summary: The proposed amendments are to 24.101.413 (renewal dates and requirements), 24.183.301 (standards of responsible charge), 24.183.404 (fee schedule), 24.183.406 (branch office), 24.183.407 (teaching of advanced engineering subjects), 24.183.408 (certificate of authorization), 24.183.501 (board-approved curricula), 24.183.502, 24.183.503, and 24.183.504 (applications), 24.183.505 (exhibits of land surveying), 24.183.509 (examination procedures), 24.183.510 (grant and issue licenses), 24.183.511 (license seal), 24.183.701 and 24.183.801 (comity), 24.183.702 and 24.183.802 (classification of experience), 24.183.1104 and 24.183.1107 (uniform standards), 24.183.2102 (inactive status), and 24.183.2402 (complaints). The proposed new rules apply to the teaching of land surveying subjects and definitions. The proposed repealed rules are 24.183.302 (direct supervision), 24.183.512 (application for emeritus status), 24.183.2101 (renewals), and 24.183.2103 (late renewals). The notice proposes to modernize and revise regulations concurrent with House Bill 63 of the 2015 Legislature.

Notes/Hearing: The department held a public hearing on July 29, 2016, to consider the notice.

**MAR Notice Number:** 24-162-40

Subject: Adoption, amendment, and repeal of rules pertaining to the Board of Nursing Home Administrators.

Summary: The proposed amendments are to 24.162.415 (general requirements), 24.162.420 (fee schedule), 24.162.502 (military training or experience), 24.162.504 (examinations), 24.162.510 (reciprocity licenses), 24.162.515 (inactive license), and 24.162.2105 (continuing education). The proposed new rule applies to nonroutine applications. The proposed repealed rules are 24.162.401 (quorum), 24.162.403 (submittals and requests), 24.162.407 (record of minutes and hearings), 24.162.408 (application denial), 24.162.409 (hearings or proceedings), 24.162.509 (reinstatement), and 24.162.2101 (renewals).

Notes/Hearing: The department held a public hearing on August 15, 2016, to consider the notice.

**MAR Notice Number:** 24-174-67

Subject: Amendment of a rule pertaining to the Board of Pharmacy.

Summary: The proposed amendment is to 24.174.501 (examination for licensure as a registered pharmacist). The amendment attempts to clarify the requirements for foreign pharmacy graduates applying for licensure in Montana.

Notes/Hearing: The department will hold a public hearing on August 26, 2016, to consider the notice.

**MAR Notice Number:** 24-189-35

**Subject:** Amendment and repeal of rules pertaining to the Board of Psychologists.

**Summary:** The proposed amendments are to 24.189.401 (fee schedule), 24.189.601 (application procedures), 24.189.604 (minimum standards), 24.189.610 (work samples-examination), and 24.189.633 (temporary permit). The proposed repealed rules are 24.189.404 (license preparation), 24.189.407 (renewals), and 24.189.2401 (complaint procedure). The department states that it is attempting to remove unnecessary rules and clarify existing procedures for licensure.

**Notes/Hearing:** The department will hold a public hearing on August 29, 2016, to consider the notice.

### **Department of Livestock and administratively attached entities**

**MAR Notice Number:** 32-15-264

**Subject:** Amendment of rules pertaining to Department of Livestock brands enforcement division fees.

**Summary:** The proposed amendment to 32.2.404 seeks to increase the horse, mule, or ass inspection fee from \$6 to \$10 a head. The proposed rule also adds a lifetime or permanent bull inspection permit fee of \$30 a head.

**Notes/Hearing:** The department does not anticipate a public hearing and proposes to amend the rule on August 21, 2016.

### **State Auditor's Office**

There are no new pending rules.

### **Montana State Fund**

There are no new pending rules.

### **Division of Banking & Financial Institutions**

**MAR Notice Number:** 2-59-546

**Subject:** Amendment and adoption of rules pertaining to mortgage brokers, lenders, servicers, and originators.

**Summary:** The proposed amendment to 2.59.1738 seeks to reduce 2017 renewal fees charged to mortgage licensees by 50%. The department states that it is attempting to keep its fees consistent with expenditures. The proposed new rule also seeks to clarify the term "regularly engage," which applies to actions made by mortgage licensees.

**Notes/Hearing:** The department does not contemplate a public hearing and proposes to adopt and amend the rules on September 12, 2016.

### **Governor's Office of Economic Development**

There are no new pending rules.

CI0106 6230jwca.