



**Economic Affairs Interim Committee**  
**61st Montana Legislature**

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CLAUDIA (CJ) JOHNSON, Secretary

March 22, 2010

**TO: Economic Affairs Interim Committee**

**FROM: Bart Campbell, Staff Attorney**

**RE: February/March Rule Review**

**Dept. of Agriculture**

Revising rules pertaining to pesticide applicator licensing and certification requirements to clarify meaning of license as a document and certification as a qualifying process and making Montana licensing standards similar to most other states. Revising rules on storage, containment, packaging, and refilling of bulk pesticides to conform to federal rules.

**Dept. of Commerce**

Revising rules pertaining to grants and loans awarded under the Big Sky Economic Development Program to reflect updated 2010 Guidelines and legislative changes to the program contained in HB 158 adopted in 2009.

**Dept. of Labor and Industry**

Adopting six new rules regarding the incumbent worker training grants program in order to implement SB 388 and provide employer applicants and economic development bodies an explanation of the application process and establish criteria for the award of grants.

Adopting one new rule and repealing six rules regarding employment of persons in an executive, administrative, or professional capacity in order to harmonize Montana law with the treatment provided for under the federal Fair Labor Standards Act.

**Board of Architects and Landscape Architects**

Revising the rule for license renewal from biennially to annually for administrative purposes with no change in revenue.

Repealing rules relating to licensing architect business entities as the board recognizes it only has authority to license individuals but not firms.

**Board of Barbers and Cosmetologists**

General revision of rules pertaining to out-of-state license applicants, inspections, school requirements, standards, and curricula, equipment, sanitizing equipment, and salon preparation.

**Board of Hearing Aid Dispensers**

General revision of rules to conform SB 53 and HB80 passed in 2009. Proposed amendments are technical in nature, such as renumbering, punctuation, updating terminology, and avoiding unnecessary repetition of statutory language.

**Board of Massage Therapy**

Adopting seven new rules establishing license requirements, definitions, board organization, and public participation in order to implement HB 662 of 2009, that created the board.

**Board of Optometry**

Revising continuing education requirements to allow a three-month extension for licensees who fail to meet the requirements and are selected in a random audit.

**Board of Psychologists**

Amending definitions and continuing education requirements. Amending rule pertaining to postdoctoral supervision to allow for situations when it occurs beyond the five-year time limit.

**State Electrical Board**

Increasing fees in order to keep fees commensurate with costs. The board states that it has not raised license and application fees in seven years and anticipates that the increase will be sufficient for several more years.