



## Economic Affairs Interim Committee

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### 64th Montana Legislature

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June 5, 2015

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

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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

##### **MAR Notice Number:** 4-14-226

**Subject:** Amendment of existing rules pertaining to the state noxious weed list and regulated plant list.

**Summary:** The proposed amendments are to 4.5.206, 4.5.208, 4.5.209, and 4.5.210. The amendments identify additional plant species.

**Notes/Hearing:** The Department will hold a public hearing on June 23, 2015, to consider the proposed rules.

##### **MAR Notice Number:** 4-14-225

**Subject:** Amendment of existing rules pertaining to organic certification application procedures and fees, fees for services, and annual report and assessment fees.

**Summary:** The proposed amendments are to 4.17.105, 4.17.106, and 4.17.107. Amendments to 4.17.105 relate to the organic certification application procedure. Amendments to 4.17.108

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<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, 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.

revise application fees charged. Amendments to 4.17.107 change fees related to the annual report submitted to the Department for all certified organic production.

Notes/Hearing: The proposed rules are anticipated to significantly and directly impact small businesses. The Department will hold a public hearing on June 22, 2015, to consider the proposed rules.

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

**MAR Notice Number:** 8-99-132

Subject: Repeal of existing rules pertaining to the Montana Indian Language Preservation Pilot Program.

Summary: The Department proposes to repeal 8.99.1001 through 8.99.1004 in light of passage of HB 559 during the 2015 session.

Notes/Hearing: The Department will not hold a public hearing if one is not requested. The Department proposes to repeal the rules on June 13, 2015.

**MAR Notice Number:** 8-94-131

Subject: Amendment of existing rules pertaining to the Federal Community Development Block Grant Program.

Summary: The Department proposes to amend 8.94.3727 to come into compliance with federal regulations governing the state's administration of the FFY 2015-2016 Community Block Grant Program.

Notes/Hearing: The Department held a public hearing on May 20, 2015, to consider the proposed amendments.

**MAR Notice Number:** 8-111-129

Subject: Amend rules pertaining to the low-income housing tax credit program.

Summary: The Department proposes to amend 8.111.602 and 8.111.603 to revise the qualified allocation plan definition and correct a typographical error.

Notes/Hearing: The Department held a public hearing on April 15, 2015, to consider the proposed amendments.

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

**MAR Notice Number:** 24-171-35

Subject: Amendment of existing rules pertaining to the Board of Outfitters.

Summary: The Department proposes to amend 24.171.502, providing outfitter qualifications. The proposed amendment concerns minimum experience requirements.

Notes/Hearing: The Department will hold a public hearing on June 25, 2015, to consider the proposed rules.

**MAR Notice Number:** 24-11-304

Subject: Amendment, adoption, and repeal of rules pertaining to unemployment insurance.

Summary: The Department proposes to create a new rule providing contact information to the Unemployment Insurance Division. Amendments to existing rules include 24.11.101, 24.11.317, 24.11.511, and 24.11.534. The Department proposes to repeal 24.11.901 through 24.11.904, 24.11.907 through 24.11.909, and 24.11.2231.

Notes/Hearing: The Department will hold a public hearing on June 20, 2015, to consider the proposed rules.

**MAR Notice Number:** 24-159-81

Subject: Amendment of existing rules pertaining to intravenous (IV) therapy and adoption of new rules related to the nurse licensure compact.

Summary: The nurse licensure compact, HB 147, was signed by the Governor February 27, 2015. The Department proposes to amend 24.159.1010 related to intravenous (IV) therapy. Four new rules are proposed to implement the HB 147, including definitions, issuance of a license by a compact state, limitations on multistate licensure privilege, and information systems providing public information.

Notes/Hearing: The Department scheduled a public hearing for June 5, 2015, to consider the proposed rules.

**MAR Notice Number:** 24-174-66

Subject: Amendment and repeal of existing rules pertaining to the Board of Pharmacy.

Summary: The notice proposes to amend 24.174.503 and 24.174.1412 and repeal 24.147.1420 through 24.174.1424. Amendments to 24.174.503 related to immunization-certified pharmacists. Amendments to 24.174.1412 related to updating Montana scheduling requirements for dangerous drugs. The repeal of 24.147.1420 through 24.174.1424 related to schedules I-V for dangerous drugs.

Notes/Hearing: The Department will hold a public hearing on June 23, 2015, to consider the proposed rules.

**MAR Notice Number:** 24-177-32

Subject: Amendment, repeal, and adoption of rules pertaining to the Board of Physical Therapy Examiners.

Summary: The amendments to 24.177.501 and 24.177.507 relate to eliminating graduation verifications for licensure applicants. The rules proposed to be repealed, 24.177.2101 and 24.177.2401, relate to renewals and compliant procedure. New rules are related to dry needling therapy.

Notes/Hearing: The Department scheduled a public hearing for June 8, 2015, to consider the proposed rules.

**MAR Notice Number:** 24-21-302

Subject: Amendment of rules pertaining to apprenticeship training ratios.

Summary: The amendments to 24.21.1003 relate to progress of apprentices, apprenticeship sponsors, and the apprentice-to-journeyman ratio.

Notes/Hearing: The Department amended its public hearing to fix a typographical error for the

time of the hearing. The Department held a hearing on May 11, 2015.

**MAR Notice Number:** 24-29-306

Subject: Amendment of rules pertaining to workers' compensation medical service fee schedules and utilization and review of medical services.

Summary: Amendments to 24.29.1433 relate to revising facility service fee schedules. Amendments to 24.29.1534 related to professional fee schedules. Amendments to 24.29.1538 relate to revising conversion factors for certain services. Amendments to 24.29.1591 relate to adopting the Montana Utilization and Treatment Guidelines, 3rd edition, 2015.

Notes/Hearing: The Department held a hearing on May 22, 2015, to consider the proposed amendments.

**MAR Notice Number:** 24-150-39

Subject: Amendment and repeal of rules pertaining to the Board of Hearing Aid Dispensers.

Summary: Amendments to 24.150.401 relate to revising fees charged by the board. Amendments to 24.150.501 relate to the practical examination set by the International Hearing Society. The proposed repeal of 24.150.2101 relates to administering a standardized renewal process.

Notes/Hearing: The Department held a hearing on May 21, 2015, to consider the proposed amendments.

**MAR Notice Number:** 24-210-42

Subject: Amendment of rules pertaining to the Board of Realty Regulation.

Summary: Amendments to 24.210.625, 24.210.661, 24.210.829, 24.210.667, 24.210.826, and 24.210.835 relate to continuing education requirements.

Notes/Hearing: The Department will not hold a public hearing unless requested. The Department proposes to adopt the rules June 1, 2015.

**MAR Notice Number:** 24-213-19

Subject: Repeal of rules pertaining to the Board of Respiratory Care Practitioners.

Summary: The Department proposes to repeal 24.213.412 and 24.213.421, relating to renewal processes and the board seal.

Notes/Hearing: The Department will not hold a public hearing unless requested. The Department proposes to adopt the rules August 7, 2015.

**MAR Notice Number:** 24-156-82

Subject: Amendment and repeal of rules pertaining to the Board of Medical Examiners.

Summary: The Department proposes to amend 24.156.601, 24.156.805, 24.156.1002, 24.156.1302, 24.156.1402, 24.156.1408, 24.156.1618, 24.156.2701, 24.156.2707, 24.156.2711, 24.156.2713, 24.156.2717, 24.156.2718, 24.156.2719, 24.156.2731, 24.156.2732, 24.156.2751, 24.156.2754, 24.156.2757, 24.156.2761, and 24.156.2771. These rules are related to fees, continuing education, obligation to report to the board, ECP licenses, medical direction, initial ECP course requirements, ECP clinical requirements, procedures for the board-approved ECP

curriculum, and scope of practice. The Department proposes to repeal 24.156.2706 relating to the obligation to report to the board.

Notes/Hearing: The board held a hearing March 19, 2015.

**MAR Notice Number:** 24-16-303

Subject: Amendment and repeal of rules pertaining to workplace safety, wage protection, and workforce services.

Summary: The Department proposes to amend 24.30.102, 24.30.104, 24.30.105, 24.30.106, and 24.30.107 relating to workplace safety. The Department proposes to repeal 24.16.101, 24.16.1001, 24.16.1003, 24.16.1509, 24.16.1510, 24.16.2511, 24.16.2545, 24.21.1001, 24.21.1011, 24.21.1501, 24.30.1301, and 24.30.1303 relating to wage protection, workforce services, and workplace safety.

Notes/Hearing: The Department does not anticipate a hearing unless requested.

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

**MAR Notice Number:** 32-15-260

Subject: Amendment and repeal of rules pertaining to the appointment of a state veterinarian, deputy state veterinarian, requirements for importation, official health certificate, and permits.

Summary: The Department proposes to amend 32.3.139, 32.3.202, 32.3.206, 32.3.207, and 32.3.2001 relating to the appointment of a state veterinarian, deputy state veterinarian, requirements for importation, official health certificate, issuance of permits, and brands and earmarks waivers. The department proposes to repeal 32.3.204 relating to permits for livestock, game, furbearing animals, wild animals, embryos, and semen.

Notes/Hearing: The Department received a request for a public hearing. It held a hearing on May 21, 2015.

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

**MAR Notice Number:** 6-214

Subject: Adoption of rules pertaining to the fire tax.

Summary: The notice proposes to adopt new rules providing definitions, allocation procedures, and allocations for the fire tax. This is regarding what constitutes a reasonable allocation of the fire premium.

Notes/Hearing: The Department held a public hearing on May 21, 2015, to consider the proposed rules.

**MAR Notice Number:** 6-215

Subject: Amendment and adoption of rules pertaining to long-term care.

Summary: The amendment to 6.6.3104A clarifies notice mailing procedures. The proposed rule prohibits an insurer from using an asset investment yield rate change to justify a premium rate schedule.

Notes/Hearing: The Department held a public hearing on May 20, 2015, to consider the proposed rules.

**MAR Notice Number:** 6-213

Subject: Amendment of rules pertaining to annual audited reports and accounting practices.

Summary: The amendment to 6.6.3504 updates the rule to use the 2014 NAIC Annual Statement Instructions.

Notes/Hearing: The Department will not hold a public hearing unless requested.

**Montana State Fund**

There are no pending rules.

**Division of Banking & Financial Institutions**

There are no pending rules.

**Governor's Office of Economic Development**

There are no pending rules.