



Economic Affairs Interim Committee

64th Montana Legislature

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June 7, 2016

To: Economic Affairs Interim Committee
From: Jameson Walker, Legislative Attorney
Re: Administrative Rule Report, June 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).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: 4-16-231

Subject: Adoption of a rule pertaining to pesticide certification and training fees.

Summary: The proposed rule sets fees for pesticide study manuals and pesticide applicator training courses.

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

MAR Notice Number: 4-16-233

Subject: Adoption and amendment of rules pertaining to growth through agriculture (GTA).

Summary: The proposed rules apply to the council review process prior to a loan or grant, post-disbursement monitoring of loans and grants, and failure to meet conditions of a loan or grant. The amendments are to 4.16.201 (definitions) and 4.16.509 (application limit).

Notes/Hearing: The department held a public hearing on June 3, 2016, to consider the notice.

Department of Commerce and administratively attached entities

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, 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.

MAR Notice Number: 8-94-144

Subject: Adoption of a rule pertaining to the 2016 and 2017 Program Year Community Development Block Grant Program.

Summary: The proposed rule incorporates by reference rules for the administration of the program. The rule relates to the scope and procedures for the award, administration monitoring, and close-out of matching planning grants to cities, towns, counties, consolidated governments, county or multi-county water, wastewater, or solid waste districts, and tribal governments.

Notes/Hearing: The department held a public hearing on May 12, 2016, to consider the notice.

MAR Notice Number: 8-111-145

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

Summary: The proposed amendments are to 8.11.602 (definitions) and 8.111.603 (housing credit allocation procedure). The department states that the proposed amendments to 8.111.602 are necessary to update the Qualified Allocation Plan (QAP) definition to reference the 2017 Qualified Allocation Plan for the Montana Housing Credit Program and the proposed amendments to ARM 8.111.603 are necessary to specify the purpose, procedure, and criteria for board consideration of the housing credit letter of intent and the factors that may be considered in an award of housing credits.

Notes/Hearing: The department held a public hearing on May 26, 2016, to consider the notice.

MAR Notice Number: 8-94-147

Subject: Adoption of a rule pertaining to the 2016 and 2017 Program Year Community Development Block Grant Program.

Summary: The proposed rule adopts by reference the 2016-2017 Application and Administrative Guidelines for Affordable Housing Development Projects. A copy of the rule may be obtained at the Department of Commerce or through its website.

Notes/Hearing: The department will hold a hearing on June 23, 2016, to consider the notice.

MAR Notice Number: 8-101-146

Subject: Amendment of rules pertaining to the Montana Coal Board.

Summary: The proposed amendments are to 8.101.203 (categorical exclusions from environmental review process) and 8.101.302 (application form). The department states that the amendments should allow greater coordination between projects funded by the board and the department.

Notes/Hearing: The department will hold a hearing on June 23, 2016, to consider the notice.

Department of Labor and Industry and administratively attached entities

MAR Notice Number: 24-177-33

Subject: Adoption and amendment of rules pertaining to dry needling.

Summary: The proposed amendment is to 24.177.2105 (continuing education) and the proposed rule allows dry needling. The rule requires licensed physical therapists to perform the dry

needing pursuant to guidelines set by the American Physical Therapy Association.

Notes/Hearing: The department held a public hearing on May 5, 2016, to consider the notice.

MAR Notice Number: 24-29-314

Subject: Amendment of rules pertaining to workers' compensation medical service fee schedules.

Summary: The proposed amendments are to 24.29.1433 (facility service rules and rates for services provided on or after July 1, 2013), 24.29.1534 (professional fee schedule for services provided after July 1, 2013), and 24.29.1538 (conversion factors for services provided on or after January 1, 2008). The rules satisfy statutory requirements under 39-71-704 to annually establish a schedule of fees for medical services provided to injured workers.

Notes/Hearing: The department held a public hearing on May 13, 2016, to consider the notice.

MAR Notice Number: 24-219-30

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

Summary: The proposed amendments are to 24.154.301 (definitions), 24.154.401 (fee schedule), 24.154.403 (military training or experience), 24.154.405 (education requirement), 24.154.407 (application procedures), 24.154.408 (licensure by of out-of-state applicants), 24.154.409 (supervised work experience), 24.154.420 (nonresident licensed addiction counselor services), 24.154.422 (inactive status and conversion from inactive to active status), 24.154.2105 (continuing education requirements), 24.154.2107 (continuing education procedures and documentation), and 24.154.2301 (unprofessional conduct). The proposed rules create supervisor qualifications, qualified treatment setting, addiction counselor licensure candidate application procedures, addiction counselor licensure candidate requirements, addiction counselor licensure candidate annual registration requirements, and gambling disorder education requirement for current licensed addiction counselor licensees. The proposed repealed rules are to 24.154.201 (procedural rules), 24.154.202 (public participation rules), 24.154.2101 (renewals), and 24.154.2401 (complaint procedure). The rule notice proposes to carry out House Bill 358 of the 2015 Legislative session and to update existing rules.

Notes/Hearing: The department held a public hearing on May 13, 2016, to consider the notice.

MAR Notice Number: 24-171-36

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

Summary: The proposed amendments are to 24.171.401 (fees), 24.171.408 (outfitter records), 24.171.413 (watercraft identification), 24.171.502 (outfitter qualifications), 24.171.505 (fishing outfitter operations plan), 24.171.507 (outfitter examination), 24.171.520 (operations plans and amendments), 24.171.2101 (renewals), 24.171.2301 (unprofessional conduct and misconduct). The department proposes to repeal 24.171.702 (transfer of river-use days).

Notes/Hearing: The department will hold a public hearing on June 10, 2016, to consider the notice.

MAR Notice Number: 24-207-40

Subject: Amendment of a rule pertaining to the Board of Real Estate Appraisers.

Summary: The proposed amendment is to 24.207.2101 (continuing education). The board proposes to remove the prohibition against online or alternative courses available to licensees for continuing education. The department states that the availability of these courses may be more affordable.

Notes/Hearing: The department will hold a public hearing on June 24, 2016, to consider the notice.

Department of Livestock and administratively attached entities

MAR Notice Number: 32-16-274

Subject: Amendment of rules pertaining to rabid animals.

Summary: The proposed amendments are to 32.3.1203 (isolation of rabid or suspected rabid animals) and 32.3.1205 (animal contacts). The amendments replace the deputy state veterinarian with licensed veterinarian and make the rules consistent with the 2016 Compendium of Animal Rabies Prevention and Control.

Notes/Hearing: The department does not anticipate the need for a public hearing and proposes to adopt the rule on June 19, 2016.

MAR Notice Number: 32-16-275

Subject: Amendment of rules pertaining to licensee assessments to administer the milk inspection and milk diagnostic lab functions.

Summary: The proposed amendment is to 32.2.406 (licensee assessments). The proposed change changes the assessment fee from \$0.155 to \$0.14 per hundredweight per month. The proposed rule also allows a person registered both as a dairy and another licensee to pay only one assessment.

Notes/Hearing: The department does not anticipate the need for a public hearing and proposes to adopt the rule on July 3, 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

There are no new pending rules.

Governor's Office of Economic Development

There are no new pending rules.

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