

Montana

Notice of public hearing on proposed amendment, transfer and amendment, and adoption

GENERAL STATEMENT OF REASONABLE NECESSITY: In 2001, the Montana Legislature transferred professional and occupational licensing functions from the Department of Commerce (DOC) to the Department of Labor and Industry (department) via Senate Bill 445. With the transfer, the professional and occupational licensing boards and programs became allocated to the department for administrative purposes. Because the department had not previously promulgated public participation rules, and to maintain procedural continuity and afford licensees, license applicants, and the public the right of public participation per 2-3-103, MCA, all references to DOC's citizen participation rules remained in place in the boards' administrative rules. Following the transfer to the department, the professional and occupational licensing boards and programs have continuously operated to permit and encourage the public to participate in agency decisions that are of significant interest to the public.

In MAR Notice No. 24-2-390, the department adopted three new rules regarding public participation to fully comply with the requirements of 2-3-103, MCA, and meet the needs of the department, its customers, and the Montana public. The three rules were adopted exactly as proposed and became effective June 11, 2022.

Once the department's rules were effective, it became necessary to amend the licensing boards' rules to reference and incorporate them. The department determined it is reasonably necessary to combine the boards' related rule amendments into two rulemaking notices for timeliness, efficiency, and cost effectiveness. Implementing the rules simultaneously for as many boards as possible will reduce confusion regarding the rulemaking process and ensure that most boards operate under the same public participation rules at the same time. Twenty of the boards administratively attached to the department amended their rules effective September 23, 2022, to incorporate and align with the department's new public participation rules, in MAR Notice No. 24-101-395.

It is reasonably necessary to now amend the remaining 16 boards' rules that were not included in the first project. Where necessary, authority and implementation citations are amended to accurately reflect all statutes implemented through a rule and provide the complete sources of a board's rulemaking authority. Where additional specific bases for a proposed action exist, the individual board will identify those reasons immediately following that rule.

Several boards administratively attached to the department are proposing to adopt and amend specific board rules to align with the department's new public participation rules within this notice and correct references from the Department of Commerce to the Department of Labor and Industry. The proposed amendments, transfer and amendment, and new rule are presented in alphabetical order and grouped according to each board or program for clarity, readability, and ease of reference within this notice. The rules proposed to be amended, transferred and amended, or adopted provide as follows, stricken matter interlined, new matter underlined:

BOARD OF VETERINARY MEDICINE

24.225.101 BOARD ORGANIZATION (1) The Board of Veterinary Medicine hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title.

AUTH: 2-4-201, ~~37-18-202~~, MCA

IMP: 2-4-201, MCA

24.225.201 PROCEDURAL RULES (1) The Board of Veterinary Medicine hereby adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title.

AUTH: 2-4-201, ~~37-18-202~~, MCA

IMP: 2-4-201, MCA

24.225.202 PUBLIC PARTICIPATION RULES (1) The Board of Veterinary Medicine hereby adopts and incorporates by this reference the public participation rules of the Department of Commerce Labor and Industry as listed in chapter 2 of ~~Title 8~~ this title.

AUTH: 2-3-103, ~~37-18-202~~, MCA

IMP: 2-3-103, MCA