



Revenue and Transportation Interim Committee

64th Montana Legislature

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TO: Committee Members
FROM: Jaret Coles, Staff Attorney
RE: Supplemental Administrative Rule Activity
DATE: March 9, 2016

On March 4, 2016, the Secretary of State published three notices that pertain to the Department of Revenue and one notice that pertains to the Department of Transportation. As such, this memo supplements my February 25, 2016, memo entitled "Administrative Rule Activity".

Department of Revenue

Proposal and Adoption Notices are available on the Internet:

Department of Revenue notices can be found on the Secretary of State's website at <http://www.mtrules.org/>. Under the Montana Administrative Register heading, type the number "42" in the "Search by Notice No." box and click on the "Go" icon.

Notice of Proposed Rules:

Meetings With Department Leadership, Information Access, and the Department's Acceptance of Power of Attorney Requests. MAR 42-2-949. A public hearing will be held on March 28, 2016, at 1:30 p.m. in the Third Floor Reception Area Conference Room, Mitchell Building, Helena. The public comment period ends on April 11, 2016. The Department proposes to amend two rules. The first proposed amendment lists the Deputy Director as a person that is available to meet with individuals or groups regarding matters of concern under the responsibility of the Department. The second proposed amendment updates language and permits a tax practitioner to use an IRS Power of Attorney ([Form 2848](#)) to represent a taxpayer in front of the Department.

Uniform Dispute Review Process - Department's Office of Dispute Resolution. MAR 42-2-950. A public hearing will be held on April 5, 2016, at 10:30 a.m. in the Third Floor Reception Area Conference Room, Mitchell Building, Helena. The public comment period ends on April 19, 2016. The Department proposes to amend nine rules. The proposed amendments add terms that are used in the rules while striking definitions that are no longer used, the dispute resolution

flowchart is redesigned, more details are added regarding the initial office of dispute resolution conference, the mediation process, and the hearing process, and outdated language is revised.

Housekeeping -- Industrial Machinery and Equipment Trend Factors. MAR 42-2-951. No public hearing is contemplated and the public comment period ends on April 4, 2016. The Department proposes to amend one rule. The proposed amendment strikes a reference to 2015 in a heading. The change was made, as the content of the referenced table remains intact from year to year.

Notice of Adopted Rules

Nothing further as of the March 4, 2016, publication date.

Department of Transportation

Proposal and Adoption Notices are available on the Internet:

Department of Transportation notices can be found on the Secretary of State's website at <http://www.mtrules.org/>. Under the Montana Administrative Register heading, type the number "18" in the "Search by Notice No." box and click on the "Go" icon.

Notice of Proposed Rules:

Transportation Commission -- Outdoor Advertising Control. MAR 18-158. A public hearing will be held on April 1, 2016, at 10:00 a.m. in the Transportation Commission Meeting Room (#200) of the Montana Department of Transportation building, 2701 Prospect Ave., Helena. The public comment period ends on April 1, 2016. The Transportation Commission proposes to adopt one new rule, amend 23 rules, and repeal two rules regarding outdoor advertising.

The proposed new rule provides for electronic billboards on controlled routes, subject to a variety of restrictions, including brightness level, display time of the message, and static nature of the message (*i.e.*, streaming messages and messages that fade, roll, explode, dissolve, or spin are prohibited).

The proposed amendments are comprehensive in nature, and they pertain to the following topics: revised definitions, unzoned commercial activities that may qualify for an off-premises outdoor advertising permit, on-premises signs, off-premises signs (including bus shelters), unzoned industrial activity, new sign permits, fees (the inspection fee increased from \$100 to \$150), new sign construction standards, off-premises sign standards, prohibited signs, community "welcome to" signs, mobile advertising devices, temporary signs, church and service club signs, directional

signs, political signs, official signs, repair of nonconforming signs, upgrade or relocation of conforming signs, sign structures that are blank, illegal signs, and cultural signs.

The proposed repeals eliminate cultural (now part of the directional sign category) and noncommercial signs as separate categories.

Staff Comment: Pursuant to section [75-15-121](#), MCA, the Transportation Commission of Montana "may adopt rules to control the erection and maintenance of outdoor advertising along the interstate and primary highway systems in conformance with the terms of [Title 75, ch. 15, part 1] and in conformity with 23 U.S.C. 131, as amended." As such, as part of the adoption process the Commission is implementing federal law. However, section [75-15-105](#), MCA, also contains a provision requiring the Commission to amend rules when federal law no longer contains a restriction that previously existed.

Notice of Adopted Rules

Nothing further as of the March 4, 2016, publication date.

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