#### MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 6

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after print publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 444-2055.

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# BEFORE THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING OF
ARM 8.111.602 and 8.111.603	)	PROPOSED AMENDMENT
pertaining to the low income housing	)	
tax credit program	)	

TO: All Concerned Persons

- 1. On April 15, 2015 at 10:00 a.m., the Department of Commerce will hold a public hearing in Room 228 of the Park Avenue Building at 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.
- 2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Commerce no later than 5:00 p.m. on April 6, 2015, to advise us of the nature of the accommodation that you need. Please contact Paula Loving, Board of Housing, Department of Commerce, 301 South Park Avenue, P.O. Box 200528, Helena, Montana, 59620-0528; telephone (406) 841-2840; fax (406) 841-2841; TDD (406) 841-2702; or e-mail ploving@mt.gov.
- 3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:
- <u>8.111.602 DEFINITIONS</u> When used in these rules, unless the context clearly requires a different meaning:
  - (1) remains the same.
- (2) "Project" means the low income residential rental building, or buildings, that are the subject of an application for low income housing tax credits.
- (3) "QAP" means the board's Montana Housing Tax Credit Program 2015 2016 Qualified Allocation Plan," which sets forth the application process and selection criteria used by the board for evaluation and selection of projects to receive awards for allocation of tax housing credits for calendar year 2015 2016, copies of which may be obtained by contacting the Board of Housing by mail at P.O. Box 200528, Helena, MT 59620-0528, by telephone at (406) 841-2845 or (406) 841-2838, or at the board's web site www.housing.mt.gov.
- (4) "Tax credit" or "housing credit" means the federal low income housing tax credit for owners of qualifying rental housing which meets certain low income occupancy and rent limitation requirements pursuant to 26 U.S.C. 42.

AUTH: 90-6-106, MCA IMP: 90-6-104, MCA

REASON: The proposed amendments to ARM 8.111.602 are necessary to update the Qualified Allocation Plan (QAP) definition to reference the 2016 Qualified

Allocation Plan for the Montana Housing Credit Program and to revise the name of the credit to "housing credit" as used for purposes of Montana's tax credit program.

Federal low income housing tax credits are allocated by the federal government to the states, according to their population, for allocation to particular buildings. Each state's share of federal low income housing tax credits is allocated to particular buildings under programs administered by the respective states' housing credit agencies. The Montana Board of Housing is Montana's housing credit agency for purposes of administering the tax credit program and allocating tax. In Montana, the program is now known as the Montana Housing Credit Program. Federal law requires that tax credits allocated to the state by the federal government must be allocated by the state pursuant to a "qualified allocation plan" or "QAP."

Prior to publication of this notice, the board conducted several public meetings to consider suggestions and comments regarding the provisions of the 2016 QAP. Thereafter, at its November 17, 2014 meeting, the board considered and approved public notice and distribution of the proposed 2016 QAP. After public notice of the proposed 2016 QAP and of the opportunity for public comment was published and distributed, a public hearing on the proposed 2016 QAP was held on December 16, 2014 and written comments were also received. At its January 9, 2015 meeting, after considering all written and oral comments on the proposed 2016 QAP, staff recommendations, additional public comment and various proposed revisions in response to comments, the board approved the 2016 QAP for submission to and approval by the Montana Governor, as required by the federal tax credit statute, 26 U.S.C. 42. The 2016 QAP has been submitted to the Governor for approval. Adoption of the proposed rule is contingent upon the Governor's approval of the 2016 QAP.

A copy of the 2016 QAP is available at http://commerce.mt.gov/Portals/90/shared/DOC/docs/Legal/201501162016QAPGovApproved.pdf or by requesting a copy from: Mary Bair, Board of Housing, Department of Commerce, 301 South Park Avenue, P.O. Box 200528, Helena, Montana, 59620-0528; telephone (406) 841-2845; fax (406) 841-2841; or e-mail mbair@mt.gov.

## 8.111.603 HOUSING TAX CREDIT ALLOCATION PROCEDURE

- (1) Letters of intent and applications for tax housing credits shall be prepared and submitted in conformance with the criteria and requirements contained in the QAP.
  - (2) remains the same.
- (3) At a board meeting after the application letter of intent submission deadline and before the application submission deadline, board staff will present letters of intent to the board, all according to the provisions of the QAP. The board may ask questions of applicants and discuss proposed projects, but there will be no applicant presentations and the board will not make any award determination at this meeting. Board questions, comments, and discussion are for purposes of assisting applicants in presenting better applications and shall not be binding upon the board in any later award determination or other board process.

- (4) Following submission of applications, board staff will evaluate each application for conformance with the threshold and other requirements of the QAP. Applications meeting all minimum threshold requirements and not excluded from further consideration under the QAP will be evaluated for the amount of tax housing credits needed for feasibility and long-term viability and will be further evaluated and scored according to the development evaluation criteria of the QAP. The points awarded to each project pursuant to the evaluation criteria of the QAP are for the purposes specified in (9), and not for purposes of ranking projects for allocation of tax housing credits. Following application evaluation and scoring, board staff may provide recommendations to the board for allocation of tax housing credits to qualifying projects.
  - (5) remains the same.
- (6) Copies of applications and other information submitted to the board in connection with applications are available to other applicants for tax housing credit projects and members of the public to the extent provided and according to the procedures specified in the QAP.
- (7) At one or more regularly scheduled board meetings each year, as specified in or otherwise designated according to the QAP, the board will hear public comment and consider award of tax housing credit allocations in accordance with the QAP. The award of tax housing credit allocations is not a contested case and the award meeting is not a contested case hearing under Title 2, chapter 4, part 6, MCA.
  - (8) remains the same.
- (9) The board will select those projects to receive an award of tax housing credits that it determines best meet the most pressing housing needs of low income people within the state of Montana, taking into consideration the selection criteria as defined in the QAP. The awarding of points to projects pursuant to the development evaluation criteria of the QAP is for purposes of determining that the projects meet at least the minimum criteria required for further consideration under the QAP and to assist the board in evaluating and comparing projects. Development evaluation criteria scoring is only one of several considerations taken into account by the board and does not control the selection of projects that will receive an award of tax housing credits. In addition to any other selection criteria specified in the QAP, the board may consider the following factors in selecting projects for an award of tax housing credits to qualifying projects:
  - (a) the geographical distribution of tax housing credit projects;
  - (b) through (g) remain the same.
- (h) past performance of an applicant in initiating and completing tax housing credit projects;
  - (i) and (j) remain the same.

AUTH: 90-6-106, MCA IMP: 90-6-104, MCA

REASON: The proposed amendments to ARM 8.111.603 are necessary to correct a typographical error that occurred in the most recent prior amendment of this rule. In the previous amendment, the board intended to replace the term "pre-application" with the term "letter of intent," but the term "pre-application" was not entirely deleted.

The proposed amendment corrects this error.

In addition, the proposed amendments to ARM 8.111.603 are necessary to revise the name of the credit to "housing credit" as used for purposes of Montana's tax credit program.

- 4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Mary Bair, Board of Housing, Department of Commerce, 301 South Park Avenue, P.O. Box 200528, Helena, Montana, 59620-0528; telephone (406) 841-2845; fax (406) 841-2841; or e-mail mbair@mt.gov, and must be received no later than 5:00 p.m., April 23, 2015.
- 5. Mary Bair, Department of Commerce, has been designated to preside over and conduct this hearing.
- 6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.
- 7. An electronic copy of this proposal notice is available through the Secretary of State's web site at http://sos.mt.gov/ARM/Register. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.
  - 8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.
- 9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ G. Martin Tuttle
G. MARTIN TUTTLE
Rule Reviewer

/s/ Douglas Mitchell
DOUGLAS MITCHELL
Deputy Director
Department of Commerce

# BEFORE THE FISH AND WILDLIFE COMMISSION OF THE STATE OF MONTANA

) NOTICE OF PUBLIC HEARING ON
) PROPOSED AMENDMENT AND
) ADOPTION
)
)

TO: All Concerned Persons

- 1. On May 6, 2015, at 6:00 p.m., the Fish and Wildlife Commission will hold a public hearing at the Fish, Wildlife and Parks Region 2 Office, 3201 Spurgin Road, Missoula, Montana, to consider the proposed amendment and adoption of the above-stated rules.
- 2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on April 3, 2015, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.
- 3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:
- <u>12.11.501 LIST OF WATER BODIES</u> The following is a list of specific regulations on bodies of water with the reference where the rules regarding those bodies of water are located:
  - (1) through (13) remain the same.
  - (14) Blackfoot River Recreation Corridor [NEW RULE I]
  - (14) through (114) remain the same but are renumbered (15) through (115).

<u>AUTH</u>: 23-1-106, <u>23-2-302</u>, 87-1-301, 87-1-303, MCA IMP: 23-1-106, 23-2-302, 87-1-303, MCA

- <u>12.11.615 BLACKFOOT RIVER</u> (1) The Blackfoot River and its tributaries are closed to use of any motorized watercraft from the headwaters of the Blackfoot River to the confluence with the Clark Fork River.
- (2) A portion of the Blackfoot River is within the Blackfoot River Recreation Corridor and is regulated by [NEW RULE I].

<u>AUTH</u>: <del>23-1-106</del> <u>23-2-302</u>, 87-1-303, MCA <u>IMP</u>: <del>23-1-106</del> <u>23-2-302</u>, 87-1-303, MCA

- 12.11.625 CLEARWATER RIVER (1) In Missoula County the Clearwater River is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), in the following areas:
- (a) from the outlet of Seeley Lake to the first bridge downstream from Camp Paxon swim dock; and
- (b) the portion of the river from Boy Scout Road Bridge north of Seeley Lake to the mouth of the river at the north end of Seeley Lake.
- (2) A portion of the Clearwater River is within the Blackfoot River Recreation Corridor and is regulated by [NEW RULE I].

<u>AUTH</u>: <del>23-1-106</del> <u>23-2-302</u>, 87-1-303, MCA IMP: <del>23-1-106</del> 23-2-302, 87-1-303, MCA

4. The rule as proposed to be adopted provides as follows:

<u>NEW RULE I BLACKFOOT RIVER RECREATION CORRIDOR</u> (1) The Blackfoot River Recreation Corridor includes:

- (a) a portion of the Blackfoot River from the Missoula-Powell County line downstream to Johnsrud Park; and
- (b) a portion of the Clearwater River from Highway 200 downstream to the confluence with the Blackfoot River.
  - (2) Unless otherwise signed, the public is permitted to occupy:
- (a) 50 feet above the ordinary high water mark from the Russell Gates Memorial to Corrick's Riverbend on the Blackfoot River;
- (b) 50 feet above the ordinary high water mark from Clearwater Crossing to Clearwater Bridge on the Clearwater River; and
- (c) 1/4 mile from the Blackfoot River or to the Corridor Road, whichever is greater, from Corrick's Riverbend to Johnsrud Park on the Blackfoot River.
  - (3) Camping is permitted in designated areas only.
  - (4) Building and maintaining a fire is permitted in designated areas only.
- (5) It is the responsibility of the public to know the current regulations, rules, and laws governing the use and occupancy of the land within the Blackfoot River Recreation Corridor. If there is any question, the stream access law should be applied.

<u>AUTH</u>: 23-2-302, 87-1-303, MCA IMP: 23-2-302, 87-1-303, MCA

REASON: The Blackfoot Corridor Agreement was originally adopted in 1976 by landowners adjacent to the Blackfoot River in response to a rapid increase of recreational use on the river. The landowners wished to maintain the natural state of the river while still allowing for the tradition of reasonable public use on private land. The agreement creates a public travel zone along the river bank between parking areas where people can walk, fish, picnic, or carry river craft. The proposed rule language is in accordance with the agreement allowing for more effective management of the Blackfoot River Recreation Corridor. The areas that are not within the expanded areas will be signed and the public may not go above the

ordinary high water mark. Any and all other land use laws and restrictions will continue to apply to the area within the Blackfoot River Recreation Corridor.

- 5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Sharon Rose, Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov, and must be received no later than May 8, 2015.
- 6. Joe Jaquith or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.
- 7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.
- 8. An electronic copy of this proposal notice is available through the Secretary of State's web site at http://sos.mt.gov/ARM/Register. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.
  - 9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.
- 10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Dan Vermillion
Dan Vermillion, Chairman
Fish and Wildlife Commission

/s/ Aimee Fausser Aimee Fausser Rule Reviewer

# BEFORE THE FISH AND WILDLIFE COMMISSION OF THE STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF PUBLIC HEARING ON 12.7.807 pertaining to fishing contests ) PROPOSED AMENDMENT

#### TO: All Concerned Persons

1. On April 23, 2015, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Headquarters, 1420 East 6th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

On April 23, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 1 Office, 490 North Meridian Road, Kalispell, Montana, to consider the proposed amendment of the above-stated rule.

On April 23, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 3 Office, 1400 South 19th Avenue, Bozeman, Montana, to consider the proposed amendment of the above-stated rule.

On April 23, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 5 Office, 2300 Lake Elmo Drive, Billings, Montana, to consider the proposed amendment of the above-stated rule.

On April 23, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 6 Office, 54078 US Highway 2 West, Glasgow, Montana, to consider the proposed amendment of the above-stated rule.

On April 24, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 2 Office, 3201 Spurgin Road, Missoula, Montana, to consider the proposed amendment of the above-stated rule.

On April 24, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 4 Office, 4600 Giant Springs Road, Great Falls, Montana, to consider the proposed amendment of the above-stated rule.

On April 24, 2015, at 6:00 p.m., the commission will hold a public hearing at the Fish, Wildlife and Parks Region 7 Office, 352 I-94 Business Loop, Miles City, Montana, to consider the proposed amendment of the above-stated rule.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on April 3, 2015, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone

(406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

- 3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:
- <u>12.7.807 PROHIBITED CONTESTS</u> (1) Contests involving any Montana listed species or species of special concern are prohibited except the following:
- (a) contests are allowed for lake/ reservoir stocked for Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) or westslope cutthroat trout (*Oncorhynchus clarki lewisi*) including upper Missouri cutthroat trout stocked in lakes or reservoirs.
- (2) All contests involving wild trout (*Salmo Onchorhynchus* or *Salvelinus*) in streams/ or rivers are prohibited except contests for brook trout (*Salvelinus* fontinalis) that are restricted to anglers 14 years or younger.

<u>AUTH</u>: 87-3-121, MCA IMP: 87-3-121, MCA

<u>REASON</u>: ARM 12.7.807 has not been amended since 2002. Section (1) is being amended for clarification purposes and the amendments do not change what is in practice or how the rule is applied. Section (2) is being amended to allow anglers 14 years old or younger to participate in contests for brook trout (*Salvelinus fontinalus*). The rule change would allow young anglers to fish organized events for brook trout in rivers and streams where they may win prizes for catching fish. Associating prizes with a young angler's angling success encourages participation in fishing and provides another incentive to learn and refine new skills.

- 4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Department of Fish, Wildlife and Parks, Fisheries Division, P.O. Box 200701, Helena, Montana, 59620-0701 or e-mail fwpfsh@mt.gov, and must be received no later than May 1, 2015.
- 5. Jessica Snyder or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.
- 6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.
- 7. An electronic copy of this proposal notice is available through the Secretary of State's web site at http://sos.mt.gov/ARM/Register. The Secretary of

State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

- 8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.
- 9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Dan Vermillion
Dan Vermillion, Chairman
Fish and Wildlife Commission

/s/ William A. Schenk William A. Schenk Rule Reviewer

# BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY OF THE STATE OF MONTANA

In the matter of the amendment of ARM	) NOTICE OF EXTENSION OF
17.53.113 pertaining to registration and	) COMMENT PERIOD ON
registration maintenance fees: fee	) PROPOSED AMENDMENT
assessment	)
	) (HAZARDOUS WASTE)

TO: All Concerned Persons

- 1. On February 12, 2015, the Department of Environmental Quality published MAR Notice No. 17-368 regarding a notice of public hearing on the proposed amendment of the above-stated rule at page 101, 2015 Montana Administrative Register, Issue Number 3.
- 2. A comment was received requesting that the department extend the comment period because SB 136, which directly addresses this subject matter, is currently pending before the 64th Montana Legislature. The department is, therefore, extending the comment period to allow the public more time to provide comment.
- 3. Written data, views, or arguments may be submitted to Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana, 59620-0901; faxed to (406) 444-4386; or e-mailed to ejohnson@mt.gov, no later than May 1, 2015. To be guaranteed consideration, mailed comments must be postmarked on or before that date.
- 4. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking action or need an alternative accessible format of this notice. If you require an accommodation, contact Elois Johnson, Paralegal, no later than 5:00 p.m., April 6, 2015, to advise us of the nature of the accommodation that you need. Please contact Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail ejohnson@mt.gov.

Reviewed by: DEPARTMENT OF ENVIRONMENTAL QUALITY

/s/ John F. North

BY: /s/ Tom Livers

TOM LIVERS, Director

Rule Reviewer

# BEFORE THE DEPARTMENT OF AGRICULTURE OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT
ARM 4.12.113 pertaining to apiary	)	
registration fees	)	

TO: All Concerned Persons

- 1. On January 29, 2015, the Department of Agriculture published MAR Notice No. 4-14-223 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 45 of the 2015 Montana Administrative Register, Issue Number 2.
  - 2. The department has amended the above-stated rule as proposed.
- 3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

<u>COMMENT 1:</u> Three people responded that the fee increase was too high especially for hobbyist beekeepers.

<u>RESPONSE 1</u>: Hobbyist beekeepers are generally inspected only on request and are not charged for inspections. In addition to inspections we also coordinate with apiary programs in other states to ensure that bees imported into Montana are accompanied by certification that they have been inspected and are free of disease. For states without an inspection program (Washington, for example) we do our best to inspect imported bees on arrival in Montana.

What prompts a fee increase is the increased cost of providing these and related services to approximately 80 commercial beekeepers and about the same number of small-scale hobbyist and landowner beekeepers. Travel costs are significant in a state the size of Montana, as are the costs of qualified personnel and ordinary things like keeping the lights on, insuring the vehicles, and office space. We have not had a fee increase in the apiary program since 2009. It is the minimum amount of fee increase for the continued service to the industry.

/s/ Cort Jensen/s/ Ron de YongCort JensenRon de YongRule ReviewerDirector

# BEFORE THE DEPARTMENT OF AGRICULTURE OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT
ARM 4.12.1405 pertaining to nursery	)	
fees	)	

TO: All Concerned Persons

- 1. On January 29, 2015, the Department of Agriculture published MAR Notice No. 4-14-224 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 47 of the 2015 Montana Administrative Register, Issue Number 2.
  - 2. The department has amended the above-stated rule as proposed.
- 3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

<u>COMMENT 1</u>: The nursery program fee increase is too high given the work that is done.

RESPONSE 1: The nursery program is a fee-based program, as are the majority of the Agricultural Sciences Division's programs. We appreciate and understand that licensing and inspection fees for businesses are added expenses and do have an impact. There is, unfortunately, not an alternative funding mechanism. There are two fees associated with the current proposed administrative rule: nursery certification hourly fee and clean plant indexing fee. The nursery certification hourly fee needs to reflect the actual personnel cost associated with conducting nursery certification inspections and are not applicable to routine nursery inspections, which have their own fees. General inspections fees remain the same and are not being proposed for change under this administrative rule. The clean plant indexing fee was inadvertently dropped in a previous administrative rulemaking. The proposed rule reinstates the fee but did not change the fee. As with nursery certification, the clean plant indexing fee is specific to clean plant indexing and is not applicable to general nursery inspections.

<u>/s/ Cort Jensen</u>	<u>/s/ Ron de Yong</u>
Cort Jensen	Ron de Yong
Rule Reviewer	Director

# BEFORE THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT
ARM 8.94.3727 pertaining to the	)	
administration of the 2015-2016	)	
Federal Community Development	)	
Block Grant (CDBG) Program	)	

TO: All Concerned Persons

- 1. On February 12, 2015, the Department of Commerce published MAR Notice No. 8-94-128 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 98 of the 2015 Montana Administrative Register, Issue Number 3.
  - 2. The department has amended the above-stated rule as proposed.
- 3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

<u>Comment # 1</u>: Will you be reviewing the revision in your application process, going over any of the proposed changes? So for the future, in terms of our past practices, it's sometimes helpful to review the major pieces with the group. It facilitates conversation. This hearing has a different feel to it, much more formal than in the past – just a comment.

Response # 1: Thank you for your comment. The department follows the Administrative Rules of Montana public hearing process and provides a copy of the proposed changes and existing guidelines for the public to review and provide comment.

Comment # 2: No comments in specificity, I just wanted to give a general comment in support of the approach that you've taken in terms of trying to address the great number of needs across the state of Montana. Based on the infrastructure needs, we need to remain nimble and flexible. We've got everything from preservation of older housing projects to new construction, to sewer and everything else involved with infrastructure. I appreciate what you do.

Response # 2: Thank you.

/s/ G. Martin Tuttle
G. MARTIN TUTTLE
DOUGLAS MITCHELL
Rule Reviewer
Deputy Director
Department of Commerce

# BEFORE THE BOARD OF PHARMACY DEPARTMENT OF LABOR AND INDUSTRY STATE OF MONTANA

In the matter of the amendment of ARM 24.174.301 definitions, 24.174.411 pharmacist meal/rest breaks, 24.174.602 internship requirements, 24.174.701 registration requirements, 24.174.903 patient counseling, 24.174.1101 personnel, 24.174.1111 drug distribution and control, 24.174.1115 use of contingency kits, 24.174.1704 requirements for submitting prescription registry information, 24.174.2403 legal suspension or revocation, the amendment and transfer of ARM 24.174.510, 24.174.514, and 24.174.523 related to prescription requirements, 24.174.1121 sterile products, the adoption of NEW RULE I quality assurance program requirements, and the transfer of ARM 24.174.515, and 24.174.520 through 24.174.522 related to prescription requirements	<pre>) NOTICE OF AMENDMENT, ) AMENDMENT AND TRANSFER, ) ADOPTION, AND TRANSFER ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) )</pre>
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### TO: All Concerned Persons

- 1. On October 23, 2014, the Board of Pharmacy (board) published MAR Notice No. 24-174-65 regarding the public hearing on the proposed amendment, amendment and transfer, adoption, and transfer of the above-stated rules, at page 2508 of the 2014 Montana Administrative Register, Issue No. 20.
- 2. On November 13, 2014, a public hearing was held on the proposed amendment, amendment and transfer, adoption, and transfer of the above-stated rules in Helena. Several comments were received by the November 21, 2014 deadline.
- 3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

<u>COMMENT 1</u>: Several commenters supported the proposed rule changes.

RESPONSE 1: The board appreciates all comments made during the rulemaking

process.

# Proposed Amendment and Transfer of ARM 24.174.510 (24.174.831)

<u>COMMENT 2</u>: One commenter stated that not all patients described in the definition of "chart order" are "inpatient[s]," as currently proposed. The commenter suggested the board amend the description of patient[s] as follows: "...a patient in a hospital, infusion center, or surgery center."

<u>RESPONSE 2</u>: The board agrees with the need to further clarify when a chart order applies and in what type of setting or settings, as well as providing a more accurate description of a patient, as it relates to a chart order.

In defining "chart order," the board intended to clarify what constitutes a prescription at the time a patient is residing in a facility. However, as the commenter noted, the proposed language in (4) of "inpatient" and "resident of an institutional facility" unintentionally restricts the types of settings in which "chart order" applies, and a patient of a hospital, infusion center, or surgery center may not be classified as an inpatient or resident of an institutional facility.

The board reviewed the comment and concluded that use of "inpatient" fails to account for a patient residing in a facility, but receiving a prescription for outpatient use. Additionally, by defining a patient as a "resident of an institutional facility," the board unintentionally omitted other types of residential settings. As "facility" and "institutional facility" are already defined in ARM 24.174.301(14) and (18), the board is further amending this rule to address the commenter's concerns without further restating or defining these settings.

# Proposed Amendment of ARM 24.174.1704:

<u>COMMENT 3</u>: Several commenters thanked the board for creating and maintaining the Montana Prescription Drug Registry (MPDR), and view the MPDR as a tool in combatting prescription drug abuse, misuse, and diversion. The commenters asserted that the MPDR would be more effective if pharmacies reported the dispensing of controlled substance prescriptions more frequently than weekly. The commenters suggested the board amend this rule to encourage pharmacies to immediately report after dispensing, as required in Oklahoma, and require reporting within 24 hours after dispensing. The commenters further suggested the board exempt rural pharmacies from their suggested reporting requirements.

<u>RESPONSE 3</u>: The board appreciates all comments made during the rulemaking process. The board further agrees that requiring pharmacies to report prescription information to the MPDR within 24 hours after dispensing is ideal, and notes that this is the board's long-term goal.

The board established a subcommittee to research reporting requirements and propose amendments to this rule for the board's consideration. The current rule provides two different reporting deadlines and the subcommittee recommended removing the "weekly" reporting requirement and retaining the "eight day" language.

Further, the subcommittee did discuss the feasibility of requiring pharmacies

to report prescription information more frequently than within eight days of dispensing. The subcommittee received feedback that several national chains already report to the MPDR more frequently than required by rule, but that many rural and independent Montana pharmacies may lack the technical capabilities to do so. The board notes that the MPDR advisory group has and will continue to discuss the feasibility of more frequent reporting, including real-time and 24-hour reporting.

Given the subcommittee's findings that some pharmacies already report to the MPDR more frequently than within eight days or weekly, the board concluded that it is unnecessary to encourage pharmacies to do so in rule.

The board notes that the suggestion to require reporting within 24 hours after dispensing is a substantive change to the rule that goes beyond the board's intent of clarifying the reporting requirement and exceeds the scope of this proposal notice. The board is amending this rule exactly as proposed.

- 4. The board has amended ARM 24.174.301, 24.174.411, 24.174.602, 24.174.701, 24.174.903, 24.174.1101, 24.174.1111, 24.174.1115, 24.174.1704, and 24.174.2403 exactly as proposed.
- 5. The board has amended and transferred ARM 24.174.514 (24.174.835), 24.174.523 (24.174.840), and 24.174.1121 (24.174.841) exactly as proposed.
  - 6. The board has adopted NEW RULE I (24.174.407) exactly as proposed.
- 7. The board has transferred ARM 24.174.511 (24.174.832), 24.174.512 (24.174.833), 24.174.513 (24.174.834), 24.174.515 (24.174.836), 24.174.520 (24.174.837), 24.174.521 (24.174.838), and 24.174.522 (24.174.839) exactly as proposed.
- 8. The board has amended and transferred ARM 24.174.510 (24.174.831) with the following changes, stricken matter interlined, new matter underlined:
- 24.174.510 (24.174.831) PRESCRIPTION REQUIREMENTS (1) through (3) remain as proposed.
- (4) "Chart order" means a lawful order entered on the chart or a medical record of an inpatient a patient or resident of an institutional a facility by a practitioner, or his or her designated agent, for a drug or device and shall be considered a prescription.

BOARD OF PHARMACY BECKY DESCHAMP, RPh, VICE PRESIDENT

/s/ DARCEE L. MOE Darcee L. Moe Rule Reviewer /s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

# BEFORE THE DEPARTMENT OF LIVESTOCK OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT
ARM 32.23.301 pertaining to licensee	)	
assessments	)	

TO: All Concerned Persons

- 1. On February 12, 2015, the Department of Livestock published MAR Notice No. 32-15-261 regarding the proposed amendment of the above-stated rule at page 132 of the 2015 Montana Administrative Register, Issue Number 3.
  - 2. The department has amended the above-stated rule as proposed.
  - 3. No comments or testimony were received.

#### DEPARTMENT OF LIVESTOCK

BY: <u>/s/ Christian Mackay</u>
Christian Mackay
Executive Officer

BY: <u>/s/ Sherry Rust</u>
Sherry Rust
Rule Reviewer

Board of Livestock

Department of Livestock

# BEFORE THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES OF THE STATE OF MONTANA

)	NOTICE OF ADOPTION AND
)	AMENDMENT
)	
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	) ) ) ) ) )

#### TO: All Concerned Persons

- 1. On January 15, 2015, the Department of Public Health and Human Services published MAR Notice No. 37-702 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 1 of the 2015 Montana Administrative Register, Issue Number 1.
- 2. The department has adopted New Rule I (37.47.614) and II (37.47.305) as proposed.
- 3. The department has amended ARM 37.5.118, 37.5.304, 37.5.307, 37.47.602, 37.47.610, 37.47.615, and 37.51.216 as proposed.
- 4. The department has amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

# 37.47.613 CHILD PROTECTIVE SERVICES: LISTING OF DETERMINATION IN THE PROTECTION INFORMATION SYSTEM (1) through (7) remain as proposed.

(8) Informational and founded reports that are associated with a prior or subsequent child abuse or neglect report that is investigated and determined as <u>unfounded</u>, unsubstantiated, <u>founded</u>, or substantiated will be retained in the department's protective services information system described in ARM 37.47.315 for the applicable time period for the associated report.

AUTH: 2-4-201, 41-3-208, MCA IMP: 2-4-201, 41-3-202, 41-3-204, MCA

5. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

<u>COMMENT #1</u>: Department staff noticed that the new definition "founded" and the existing term "unfounded" were inadvertently not added to ARM 37.47.613(8).

<u>RESPONSE #1</u>: The department has added the terms "founded" and "unfounded" to the list of determination reports that will be retained in the department's protective services information system.

6. The department intends to apply the following rules effective on July 1, 2015: New Rule I (37.47.614); ARM 37.5.118, ARM 37.47.602 except for (10) and (11); ARM 37.47.610(8); and ARM 37.47.613. The reason for the future effective date is to give time for the updating of forms and other documents used by the state of Montana and Montana counties. All other proposed amendments will be effective the day after publication of the final adoption notice.

/s/ Mark Prichard
Mark Prichard, Attorney
Rule Reviewer

/s/ Richard H. Opper
Richard H. Opper, Director
Public Health and Human Services

# BEFORE THE DEPARTMENT OF PUBLIC SERVICE REGULATION OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT
ARM 38.5.2202 and 38.5.2302	)	
pertaining to pipeline safety	)	

TO: All Concerned Persons

- 1. On February 12, 2015, the Department of Public Service Regulation published MAR Notice No. 38-5-226 pertaining to the proposed amendment of the above-stated rules at page 135 of the 2015 Montana Administrative Register, Issue Number 3.
  - 2. The department has amended the above-stated rules as proposed.
  - 3. No comments or testimony were received.

/s/ JUSTIN KRASKE/s/ BRAD JOHNSONJUSTIN KRASKEBRAD JOHNSONRule ReviewerChairmanDepartment of Public Service Regulation

# BEFORE THE DEPARTMENT OF PUBLIC SERVICE REGULATION OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT
ARM 38.5.2102 pertaining to utility	)	
electricity voltage	)	

TO: All Concerned Persons

- 1. On February 12, 2015, the Department of Public Service Regulation published MAR Notice No. 38-5-227 pertaining to the proposed amendment of the above-stated rule at page 138 of the 2015 Montana Administrative Register, Issue Number 3.
  - 2. The department has amended the above-stated rule as proposed.
  - 3. No comments or testimony were received.

/s/ JUSTIN KRASKE /s/ BRAD JOHNSON Justin Kraske Brad Johnson Rule Reviewer

Chairman

Department of Public Service Regulation

# NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

# **Economic Affairs Interim Committee:**

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

#### **Education and Local Government Interim Committee:**

- State Board of Education;
- Board of Public Education:
- Board of Regents of Higher Education; and
- Office of Public Instruction.

## Children, Families, Health, and Human Services Interim Committee:

Department of Public Health and Human Services.

#### **Law and Justice Interim Committee:**

- Department of Corrections; and
- Department of Justice.

## **Energy and Telecommunications Interim Committee:**

Department of Public Service Regulation.

# **Revenue and Transportation Interim Committee:**

- Department of Revenue; and
- Department of Transportation.

#### State Administration and Veterans' Affairs Interim Committee:

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

# **Environmental Quality Council:**

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

# HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions:

Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR or Register) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

# **Use of the Administrative Rules of Montana (ARM):**

Known Subject Consult ARM Topical Index.
 Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued.

Statute

2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.

#### **ACCUMULATIVE TABLE**

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 2014. This table includes those rules adopted during the period January 1, 2015, through March 31, 2015, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 2014, this table, and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule, and the page number at which the action is published in the 2014/2015 Montana Administrative Register.

To aid the user, the Accumulative Table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

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#### **BOARD APPOINTEES AND VACANCIES**

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees, and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the *Montana Administrative Register* a list of appointees and upcoming or current vacancies on those boards and councils.

In this issue, appointments effective in February 2015 appear. Vacancies scheduled to appear from April 1, 2015 through June 30, 2015, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

Each month, the previous month's appointees are printed, and current and upcoming vacancies for the next three months are published.

#### **IMPORTANT**

Membership on boards and commissions changes constantly. The following lists are current as of March 1, 2015.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

<u>Appointee</u>	Appointed by	<u>Succeeds</u>	Appointment/End Date
Board of Aeronautics (Tra Mr. A. Christopher Edwards Billings Qualifications (if required):		reappointed	2/6/2015 1/1/2019
Mr. Fred Lark Lewistown	Governor  Representative of the General Public	reappointed	2/6/2015 1/1/2019
Board of Crime Control (J Mrs. Laurie Barron Whitefish Qualifications (if required):	Governor	Saunders	2/20/2015 1/1/2019
Director Mike Batista Helena Qualifications (if required):	Governor  Law Enforcement Representative	reappointed	2/20/2015 1/1/2019
Ms. Brenda C. Desmond Missoula Qualifications (if required):	Governor  Judiciary Representative	reappointed	2/20/2015 1/1/2019
Mr. William Hooks Helena Qualifications (if required):	Governor  Criminal Justice Agency Representative	reappointed /e	2/20/2015 1/1/2019

<u>Appointee</u>	Appointed by	<u>Succeeds</u>	Appointment/End Date
Board of Crime Control (Justice) con Mr. Richard Kirn Poplar Qualifications (if required): Tribal Gov	Governor	reappointed	2/20/2015 1/1/2019
Ms. Beth McLaughlin Helena Qualifications (if required): Judiciary I	Governor Representative	reappointed	2/20/2015 1/1/2019
Ms. Roxanne Ross Helena Qualifications (if required): Public Re	Governor	Jensen	2/20/2015 1/1/2019
Rep. Angela Russell Lodge Grass Qualifications (if required): Public Re	Governor	reappointed	2/20/2015 1/1/2019
Board of Livestock (Livestock) Mrs. Nina Baucus Wolf Creek Qualifications (if required): Cattle Pro	Governor	Nielsen	2/20/2015 3/1/2017
Board of Personnel Appeals (Labor a Mr. Steven Johnson Missoula Qualifications (if required): Managem	Governor	reappointed on with collective bargain	2/6/2015 1/1/2019 ing

<u>Appointee</u>	Appointed by	Succeeds	Appointment/End Date
Board of Personnel Appeals (Laberatrial Mr. LeRoy Schramm Helena Qualifications (if required): Substitutions	Governor	Parish nagement experience	2/6/2015 1/1/2019
Mr. Jim Soumas Joliet Qualifications (if required): Employ	Governor ree or elected official of a Lab	reappointed oor Union or Association r	2/6/2015 1/1/2019 ecognized by the Board
Ms. Amy Verlanic Anaconda Qualifications (if required): represe	Governor ents management in collective	reappointed e bargaining activities	2/6/2015 1/1/2019
Board of Public Education (Education Ms. Darlene Schottle Bigfork Qualifications (if required): District	Governor	Olson	2/1/2015 2/1/2022
Montana Alfalfa Seed Committee Mr. Ernest Johnson Chinook Qualifications (if required): Alfalfa	Governor	reappointed	2/6/2015 12/1/2017
Mr. Cavin Steiger Forsyth Qualifications (if required): Alfalfa	Governor Seed Grower	Frank	2/6/2015 12/1/2017

<u>Appointee</u>	Appointed by	<u>Succeeds</u>	Appointment/End Date
Montana Arts Council (Ed Mr. Mark Kuipers Missoula Qualifications (if required):	Governor	reappointed	2/6/2015 2/1/2020
Ms. Lynne Montague Billings Qualifications (if required):	Governor Public Representative	Wood	2/6/2015 2/1/2020
Mr. Rob Quist Kalispell Qualifications (if required):	Governor Public Representative	reappointed	2/6/2015 2/1/2020
Ms. Jean Steele Hamilton Qualifications (if required):	Governor Public Representative	reappointed	2/6/2015 2/1/2020
Ms. Youpa Stein Arlee Qualifications (if required):	Governor Public Representative	reappointed	2/6/2015 2/1/2020
Mr. Anthony Bacino Missoula	se Commission (Military Affairs) Governor Railroad Company Representative	Lawrenson	2/6/2015 10/1/2015

<u>Appointee</u>	Appointed by	<u>Succeeds</u>	Appointment/End Date			
State Emergency Response Commission (Military Affairs) cont.						
Mr. Donald Britton Great Falls	Governor	Mercer	2/6/2015 10/1/2015			
Qualifications (if required):	National Weather Service Represent	tative				
Ms. Nikki Johnson Helena	Governor	Williams	2/6/2015 10/1/2015			
Qualifications (if required):	Agriculture Representative					
Western Interstate Comm	ission on Higher Education (Educat	tion)				
Mr. Pat Williams Missoula	Governor	Ánderson	2/20/2015 6/24/2015			
Qualifications (if required):	engaged in professional occupation					

Board/current position holder	Appointed by	Term end
Agricultural Land Valuation Advisory Council (Revenue) Commissioner Greg Jergeson, Chinook Qualifications (if required): Legislative Non-Voting Member	Governor	6/30/2015
Rep. Jane DeBruycker, Dutton Qualifications (if required): Montana General Public	Revenue	6/30/2015
Rep. Mike Jopek, Whitefish Qualifications (if required): knowledge in agriculture and agricultural economic	Governor	6/30/2015
Mr. Jerry Nielsen, Bozeman Qualifications (if required): knowledge in agriculture and agricultural economic	Governor	6/30/2015
Mr. Richard O'Brien, Great Falls Qualifications (if required): knowledge in agriculture and agricultural economic	Governor	6/30/2015
Mr. John Schutter, Manhattan Qualifications (if required): knowledge in agriculture and agricultural economic	Governor	6/30/2015
Ms. Helen (Jo) Shipman, Lewistown Qualifications (if required): knowledge in agriculture and agricultural economic	Governor	6/30/2015
Rep. Mike Miller, Helmville Qualifications (if required): Legislative Non-Voting Member	Governor	6/30/2015
Sen. Bruce Tutvedt, Kalispell Qualifications (if required): Legislative Non-Voting Member	Governor	6/30/2015

Board/current position holder	Appointed by	Term end
Agricultural Land Valuation Advisory Council (Revenue) cont. Mr. James Johnson, Bozeman Qualifications (if required): Member of the Montana State University College of	Governor of Agriculture	6/30/2015
Mr. James O'Hara, Fort Benton Qualifications (if required): knowledge in agriculture and agricultural economic	Governor cs	6/30/2015
Mr. Dennis McDonald, Melville Qualifications (if required): knowledge in agriculture and agricultural economic	Governor cs	6/30/2015
Mr. William Krutzfeldt, Miles City Qualifications (if required): knowledge in agriculture and agricultural economic	Governor cs	6/30/2015
Rep. Mary McNally, Billings Qualifications (if required): Legislative Non-Voting Member	Governor	6/30/2015
Board of County Printing (Administration) Commissioner Carol Brooker, Plains Qualifications (if required): County Commissioner	Governor	4/1/2015
Mr. Milton Wester, Laurel Qualifications (if required): Printing Industry	Governor	4/1/2015
Commissioner Laura Obert, Townsend Qualifications (if required): County Commissioner	Governor	4/1/2015
Mr. Scott Turner, Wordon Qualifications (if required): Printing Industry	Governor	4/1/2015

Board/current position holder	Appointed by	Term end
Board of County Printing (Administration) cont.  Mr. Roger Wagner, Nashua  Qualifications (if required): Public Representative	Governor	4/1/2015
Board of Hail Insurance (Agriculture) Ms. Trudy Laas Skari, Chester Qualifications (if required): public member	Governor	4/18/2015
Board of Massage Therapists (Labor and Industry) Ms. Lyndsay Schott, Whitefish Qualifications (if required): massage therapist	Governor	5/6/2015
Board of Nursing Home Administrators (Labor and Industry) Ms. Kathryn Beaty, Hamilton Qualifications (if required): nursing home administrator	Governor	5/28/2015
Board of Optometry (Labor and Industry) Mr. Peter Fontana, Great Falls Qualifications (if required): public member	Governor	4/3/2015
Mr. Douglas Kimball, Bozeman Qualifications (if required): registered optometrist	Governor	4/3/2015
Board of Plumbers (Labor and Industry) Mr. Scott Lemert, Livingston Qualifications (if required): master plumber	Governor	5/4/2015

Board/current position holder	Appointed by	Term end
Board of Plumbers (Labor and Industry) cont. Mr. David Lindeen, Helena Qualifications (if required): public representative	Governor	5/4/2015
Ms. Debi Friede, Havre Qualifications (if required): public representative	Governor	5/4/2015
Mr. Steve Carey, Frenchtown Qualifications (if required): journeyman plumber	Governor	5/4/2015
Mr. Denver Fraser, Clancy Qualifications (if required): Department of Environmental Quality representative	Governor /e	5/4/2015
Board of Real Estate Appraisers (Labor and Industry) Ms. Julie Forbes, Jefferson City Qualifications (if required): real estate appraiser	Governor	5/1/2015
Ms. Lori Christophersen, Bozeman Qualifications (if required): public representative	Governor	5/1/2015
Board of Realty Regulation (Labor and Industry) Mr. C.E. "Abe" Abramson, Missoula Qualifications (if required): real estate salesperson and identifies himself as a	Governor Democrat	5/9/2015
Ms. Shirley McDermott, Laurel Qualifications (if required): public representative	Governor	5/9/2015

Board/current position holder	Appointed by	Term end
Board of Realty Regulation (Labor and Industry) cont.  Ms. Connie Wardell, Billings  Qualifications (if required): real estate sales person and identifies herself as a	Governor Democrat	5/9/2015
Mr. Larry Milless, Stevensville Qualifications (if required): real estate sales person and identifies himself as a	Governor Republican	5/9/2015
Board of Regents of Higher Education (Education) Ms. Mariah Williams, Missoula Qualifications (if required): Student Regent	Governor	6/30/2015
Board of Clinical Laboratory Science Practitioners (Labor and Industry) Ms. Sarah Kolar, Lewistown Qualifications (if required): clinical laboratory science practitioner	Governor	4/16/2015
Ms. Vicki Rice, Helena Qualifications (if required): clinical laboratory science practitioner	Governor	4/16/2015
Mr. Carl Donovan, Great Falls Qualifications (if required): public representative	Governor	4/16/2015
Community First Choice Development and Implementation Council (Publish Ms. Diana Tavary, Helena Qualifications (if required): Consumer	lic Health and Human Ser Director	vices) 5/17/2015
Ms. Claudia Clifford, Helena Qualifications (if required): Representative	Director	5/17/2015

Board/current position holder	Appointed by	Term end
Community First Choice Development and Implementation Council Mr. Quentin Schroeter, Helena Qualifications (if required): Representative	(Public Health and Human S Director	ervices) cont. 5/17/2015
Mr. Travis Hoffman, Missoula Qualifications (if required): Consumer	Director	5/17/2015
Mr. Richard Stuker, Chinook Qualifications (if required): Consumer	Governor	5/17/2015
Ms. Connie Leveque, Helena Qualifications (if required): Representative	Director	5/17/2015
Ms. Glenna Dreese, Florence Qualifications (if required): Consumer	Director	5/17/2015
Ms. Ashli Gross, Missoula Qualifications (if required): Consumer	Director	5/17/2015
Ms. Meg Traci, Missoula Qualifications (if required): Representative	Director	5/17/2015
Ms. Dawna Brinkel, Bozeman Qualifications (if required): Provider	Director	5/17/2015
Ms. Kris Carlson, Kalispell Qualifications (if required): Provider	Director	5/17/2015

Board/current position holder	Appointed by	Term end
Community First Choice Development and Implementation Council Ms. Janece Jacob-Sharkey, Missoula Qualifications (if required): Provider	(Public Health and Human Se Director	ervices) cont. 5/17/2015
Ms. Kelly Reynolds, Missoula Qualifications (if required): Provider	Director	5/17/2015
Ms. Lisa Sheppard, Kalispell Qualifications (if required): Provider	Director	5/17/2015
Ms. Patty Rigney, Missoula Qualifications (if required): Provider	Director	5/17/2015
Mr. Todd Wood, Roundup Qualifications (if required): Provider	Director	5/17/2015
Ms. Deb Heerdt, Bozeman Qualifications (if required): Provider	Director	5/17/2015
Ms. Sue Neff, Butte Qualifications (if required): Provider	Director	5/17/2015
Ms. Tiffany Metzler, Billings Qualifications (if required): Consumer	Governor	5/17/2015
District Court Council (Justice) Ms. Lori Maloney, Butte Qualifications (if required): none specified	nominated	6/30/2015

Board/current position holder	Appointed by	Term end
District Court Council (Justice) cont.  Judge Gregory R. Todd, Billings  Qualifications (if required): none specified	nominated	6/30/2015
Flathead Basin Commission (Natural Resources and Conservation) Ms. Kate Hunt, Kalispell Qualifications (if required): public representative	Governor	6/30/2015
Mr. Charles (Jackson) Potter, Columbia Falls Qualifications (if required): public representative	Governor	6/30/2015
Ms. Jasmine Courville-Brown, Ronan Qualifications (if required): public representative	Governor	6/30/2015
Forest Lands Taxation Advisory Committee (Revenue) Ms. Doreen Stokes, Plains Qualifications (if required): Forest Landowner	Governor	6/30/2015
Ms. Jean Curtiss, Missoula Qualifications (if required): county commissioner	Governor	6/30/2015
Mr. Bill Baum, Kalispell Qualifications (if required): nonindustrial forest landowner	Governor	6/30/2015
Mr. Scott Settle, Canyon Creek Qualifications (if required): industrial forest landowner	Governor	6/30/2015

Board/current position holder	Appointed by	Term end
Judicial Standards Commission (Supreme Court) Judge Ed McLean, Missoula Qualifications (if required): Herbicide dealer/applicator representative	elected	6/30/2015
Labor-Management Advisory Council (Labor and Industry) Mr. Don Judge, Helena Qualifications (if required): representative of employees	Director	6/1/2015
Mr. Bill Dahlgren, Missoula Qualifications (if required): representative of employers	Director	6/1/2015
Mr. Riley Johnson, Helena Qualifications (if required): representative of employers	Director	6/1/2015
Mr. Bob Olsen, Helena Qualifications (if required): Montana Hospital Association	Director	6/1/2015
Ms. Jacqueline Lenmark, Helena Qualifications (if required): Private Insurers	Director	6/1/2015
Ms. Jean Branscum, Helena Qualifications (if required): Montana Medical Association	Director	6/1/2015
General John Walsh, Helena Qualifications (if required): none specified	Director	6/1/2015
Mr. Doug Buman, Seattle Qualifications (if required): representative of employees	Director	6/1/2015

Board/current position holder	Appointed by	Term end
Labor-Management Advisory Council (Labor and Industry) cont. Ms. Annette Hoffman, Billings Qualifications (if required): representative of employers	Director	6/1/2015
Mr. Bob Worthington, Helena Qualifications (if required): representative of employers	Director	6/1/2015
Mr. Alan Ekblad, Great Falls Qualifications (if required): representative of employees	Director	6/1/2015
Mr. William Russell McElyea, Bozeman Qualifications (if required): representative of employees	Director	6/1/2015
Mr. Al Smith, Helena Qualifications (if required): Montana Trial Lawyer Appointee	Director	6/1/2015
Mr. Scott Turner, Wordon Qualifications (if required): ex-officio member	Director	6/1/2015
Mr. Roger Wagner, Nashua Qualifications (if required): representative of employers	Director	6/1/2015
Ms. Marietta Canty, Clancy Qualifications (if required): Montana State Fund	Director	6/1/2015
Ms. Shelley Hayes, Billings Qualifications (if required): Rehabilitation Association of Montana	Director	6/1/2015

Board/current position holder	Appointed by	Term end
Labor-Management Advisory Council (Labor and Industry) cont. Ms. Bonnie Lyytinen-Hale, Three Forks Qualifications (if required): Rehabilitation Association of Montana	Governor	6/1/2015
Labor-Management Advisory Council on Workers' Compensation (LMAC) Mr. Marvin Jordan, Great Falls Qualifications (if required): representative of employers	(Governor) Governor	6/1/2015
Land Information Advisory Council (Education) Mr. Art Pembroke, Helena Qualifications (if required): Local Government	Governor	6/30/2015
Mrs. Elaina Graham, Great Falls Qualifications (if required): Federal USDA Representative	Governor	6/30/2015
Mr. Myron Shield, Crow Agency Qualifications (if required): Indian Tribal interests	Governor	6/30/2015
Library Commission (Education) Ms. Anita Scheetz, Sidney Qualifications (if required): public representative	Governor	5/22/2015
Mr. Jim Gransbery, Billings Qualifications (if required): public representative	Governor	5/22/2015
MSU-Billings Local Executive Board (University System) Sen. Lane Larson, Billings Qualifications (if required): public representative	Governor	4/15/2015

Board/current position holder	Appointed by	Term end
MSU-Great Falls College of Technology Local Executive Board Ms. Karla Ekblad, Great Falls Qualifications (if required): public representative	(University System) Governor	4/15/2015
Ms. Debbie Filipowicz, Great Falls Qualifications (if required): public representative	Governor	4/15/2015
MSU-Northern Local Executive Board (University System) Mr. Jupe Compton, Havre Qualifications (if required): public representative	Governor	4/15/2015
Montana Cherry Commodity Advisory Committee (Agriculture) Mr. Barry Hansen, Polson Qualifications (if required): none specified	Director	5/17/2015
Mr. Jan Tusick, Ronan Qualifications (if required): none specified	Director	5/3/2015
Mr. Dupuis Oliver, Polson Qualifications (if required): none specified	Director	5/17/2015
Montana Health Coalition (Public Health and Human Services) Dr. Gary Mihelish, Helena Qualifications (if required): none specified	Director	6/7/2015
Mr. Steve Todd, Ronan Qualifications (if required): Council	Governor	6/7/2015

Board/current position holder	Appointed by	Term end
Montana Health Coalition (Public Health and Human Services) cont.  Mr. Todd Harwell, Helena Qualifications (if required): Department of Public Health and Human Services	Governor	5/31/2015
Mr. Roger Holt, Billings Qualifications (if required): Parent Representative	Governor	5/31/2015
Montana Heritage Preservation and Development Commission (Commer Mr. F.W. "Bill" Howell, West Yellowstone Qualifications (if required): tourist facility manager	rce) Governor	5/23/2015
Ms. Barbie Durham, Cameron Qualifications (if required): business person	Governor	5/23/2015
Montana State University Local Executive Board (University System) Mr. James W. Bentley, Bozeman Qualifications (if required): public representative	Governor	4/15/2015
Petroleum Tank Release Compensation Board (Environmental Quality) Mr. Roy Morris, Butte Qualifications (if required): service station dealer	Governor	6/30/2015
Mr. Tim McDermott, Bozeman Qualifications (if required): public member	Governor	6/30/2015
Postsecondary Scholarships Advisory Council (Higher Education) Mr. LeRoy Schramm, Helena Qualifications (if required): experience in postsecondary education	Governor	6/20/2015

Board/current position holder	Appointed by	Term end
Potato Commodity Advisory Council (Agriculture) Mr. Sid Schutter, Manhattan Qualifications (if required): Potato Producer	Governor	5/20/2015
Mr. Dan Lake, Ronan Qualifications (if required): Potato Producer	Governor	5/20/2015
Mr. Roger Starkle, Ronan Qualifications (if required): none specified	Director	5/20/2015
Mr. Dennis Day, Twin Bridges Qualifications (if required): Potato Producer	Director	5/20/2015
Mr. Dave Cottom, Dillon Qualifications (if required): Potato Producer	Director	5/20/2015
Public Employees' Retirement Board (Administration) Mr. Scott Moore, Miles City Qualifications (if required): public employee	Governor	4/1/2015
Public Health System Improvement Task Force (Public Health and Human Ms. Jean Curtiss, Missoula Qualifications (if required): Agencies and Associations	Services) Director	6/1/2015
Ms. Janet Runnion, Box Elder Qualifications (if required): Agencies and Associations	Director	6/1/2015

Board/current position holder	Appointed by	Term end
Public Health System Improvement Task Force (Public Health and Human Ms. Bonnie Lovelace, Helena Qualifications (if required): Ex-Officio Member	Services) cont. Director	6/1/2015
Ms. Lora Wier, Choteau Qualifications (if required): Agencies and Associations	Director	6/1/2015
Ms. Kristi Aklestad, Shelby Qualifications (if required): Local Health Departments	Director	6/1/2015
Ms. Danielle Golie, Havre Qualifications (if required): Agencies and Associations	Director	6/1/2015
Ms. Jill Grim, Columbus Qualifications (if required): Local Health Departments	Director	6/1/2015
Ms. Charlene Johnson, Billings Qualifications (if required): Agencies and Associations	Director	6/1/2015
Mr. Craig Molgaard, Missoula Qualifications (if required): Agencies and Associations	Director	6/1/2015
Ms. Melanie Reynolds, Helena Qualifications (if required): Local Health Departments	Director	6/1/2015
Mr. Joe Russell, Kalispell Qualifications (if required): Local Health Departments	Director	6/1/2015

Board/current position holder	Appointed by	Term end
Public Health System Improvement Task Force (Public Health and Human Ms. Lindsey Krywaruchka, Helena Qualifications (if required): Ex-Officio Member	Services) cont. Director	6/1/2015
Reserved Water Rights Compact Commission (Natural Resources and Co Rep. Dorothy Bradley, Bozeman Qualifications (if required): public representative	nservation) Governor	6/1/2015
Mr. Gene Etchart, Glasgow Qualifications (if required): public representative	Governor	6/1/2015
Mr. Chris D. Tweeten, Helena Qualifications (if required): none specified	Attorney General	5/31/2015
Mr. Richard Kirn, Poplar Qualifications (if required): public representative	Governor	6/1/2015
Mr. Mark DeBruycker, Bynum Qualifications (if required): public representative	Governor	6/1/2015
Small Business Compliance Assistance Advisory Council (Environmenta Mr. Keith Ouzts, Helena Qualifications (if required): none specified	l Quality) Council Secretary	5/24/2015
Mr. Dan Sharon, Butte Qualifications (if required): none specified	Council Secretary	5/24/2015

Board/current position holder	Appointed by	Term end
Small Business Compliance Assistance Advisory Council (Environmenta Ms. Krista Lee Evans, Helena Qualifications (if required): none specified	ll Quality) cont. Council Secretary	5/24/2015
Mr. Brad Reid, Missoula Qualifications (if required): none specified	Council Secretary	5/24/2015
State Compensation Insurance Fund Board (Administration) Ms. Elizabeth Best, Great Falls Qualifications (if required): public member	Governor	4/28/2015
Commissioner Joe Brenneman, Kalispell Qualifications (if required): private enterprises representative and a policy hole	Governor der	4/28/2015
Mr. Wayne Dykstra, Billings Qualifications (if required): private enterprise representative and a policy hold	Governor er	4/28/2015
State Council on Educational Opportunity for Military Children (Military A Colonel Harold Stearns, Missoula Qualifications (if required): Compact Commissioner and ex-officio member	Affairs) Governor	6/30/2015
Ms. Tammy Lacey, Fairfield Qualifications (if required): Superintendent of a School District with a High Co	Governor ncentration of Military Chi	6/30/2015 ildren
Superintendent Denise Juneau, Helena Qualifications (if required): Superintendent of Public Instruction	Governor	6/30/2015

Board/current position holder	Appointed by	Term end
State Council on Educational Opportunity for Military Children (Military Amaster Sergeant Benjamin Aylward, Great Falls Qualifications (if required): representative of Military Installation	ffairs) cont. Governor	6/30/2015
Major Renea Dorvall, Fort Harrison Qualifications (if required): Representative of the Executive Branch	Governor	6/30/2015
State Tribal Economic Development Commission (Commerce) Mr. Channis Whiteman, Crow Agency Qualifications (if required): Crow Tribe's Alternate member	Governor	6/30/2015
Mr. Shawn Real Bird, Garryowen Qualifications (if required): representative of the Crow Tribe	Governor	6/30/2015
Mr. Gerald Gray, Billings Qualifications (if required): representative of the Little Shell Band of Chippewa	Governor	6/30/2015
Mr. Michael Fox Jr., Harlem Qualifications (if required): representative of the Fort Belknap Indian Commun	Governor ity	6/30/2015
UM-Helena College of Technology Local Executive Board (University Systems. Cheryl Lamb, Helena Qualifications (if required): public representative	em) Governor	4/15/2015
UM-Montana Tech Local Executive (University System) Ms. Anna Gallus, Butte Qualifications (if required): public representative	Governor	4/15/2015

Board/current position holder	Appointed by	Term end
UM-Western Local Executive Board (University System) Commissioner Garth Haugland, Dillon Qualifications (if required): public representative	Governor	4/15/2015
University of Montana Local Executive Board (University System) Rep. Bob Ream, Helena Qualifications (if required): public representative	Governor	4/15/2015