

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 8

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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.

Page Number

TABLE OF CONTENTS

PROPOSAL NOTICE SECTION

COMMERCE, Department of, Title 8

8-111-151 Notice of Public Hearing on Proposed Amendment and Repeal - Financing Programs - Conditions of Financial Assistance - Approved Lenders - Approved Servicers - Counseling Requirements - Eligibility Requirements - Repayment of the Loan - Definitions - Housing Credit Allocation Procedure - Lender and Servicer Requirements and Limits - Loan Terms and Conditions - Confidentiality and Disclosure of Information. 460-469

ENVIRONMENTAL QUALITY, Department of, Title 17

17-390 (Water Quality) Amended Notice and Extension of Comment Period on Proposed Amendment - Nutrient Standard Variances. 470

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-791 Notice of Public Hearing on Proposed Amendment - Revising Medicaid Outpatient Drug Reimbursement Amounts. 471-474

37-792 Notice of Public Hearing on Proposed Adoption and Amendment - Collaborative Practice Drug Therapy Management. 475-479

SECRETARY OF STATE, Office of, Title 44

44-2-223 Notice of Public Hearing on Proposed Amendment - Fees Charged by the Records and Information Management Division. 480-482

44-2-224 Notice of Public Hearing on Proposed Amendment - Administrative Rules Services Fees. 483-485

RULE ADOPTION SECTION

ADMINISTRATION, Department of, Title 2

2-60-555 (State Banking Board) Notice of Adoption and Amendment - Closure or Relocation of Bank Branch - Certificate of Authorization - Procedural Rules - Deposit Liability - Incorporation for State-Chartered Banks. 486

LABOR AND INDUSTRY, Department of, Title 24

24-156-83 (Board of Medical Examiners and the Department) Notice of Amendment, Adoption, and Repeal - Renewal Dates and Requirements - Definitions - Medical Student's Supervision and Permitted Activities - Internship - Fee Schedule - Revocation or Suspension Proceedings - Unprofessional Conduct - Application for Licensure - Professional Conduct and Standards of Professional Practice - Application for Physician Assistant License - Supervision of Physician Assistant - Chart Review - Continuing Education and Refresher Requirements - Medical Direction - Application for Temporary Non-Disciplinary Physician License - Application for Physician Licensure in Another State Via Interstate Compact - Post-Graduates-Supervision and Permitted Activities - Board Meetings - Medical Schools - Intern's Scope of Practice - Residency - Resident's Scope of Practice - Temporary License - Reinstatement - License Requirement - Application for a Telemedicine License - Fees - Failure to Submit Fees - Issuance of a Telemedicine License - Renewals - Effect of Determination That Application for Telemedicine License Does Not Meet Requirements - Sanctions - Obligation to Report to Board - Board Policy - Maintaining NCCPA Certification. 487-491

LIVESTOCK, Department of, Title 32

32-17-279 Notice of Amendment - Animal Health Division Fees - Definitions - Testing Within the DSA - Brucellosis Tests to Be Reported. 492

REVENUE, Department of, Title 42

42-2-967 Notice of Adoption, Amendment, Transfer and
Amendment, and Repeal - Premises Suitability Requirements -
Conditions for Operating All Types of Alcoholic Beverage Licenses. 493-520

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 521-522

How to Use ARM and MAR. 523

Accumulative Table. 524-532

Executive Branch Appointees. 533-541

Executive Branch Vacancies. 542-575

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PUBLIC HEARING ON
ARM 8.111.303 financing programs,)	PROPOSED AMENDMENT AND
8.111.304 conditions of financial)	REPEAL
assistance, 8.111.305 approved)	
lenders, 8.111.305A approved)	
servicers, 8.111.403 counseling)	
requirements, 8.111.404 eligibility)	
requirements, 8.111.406 repayment)	
of the loan, 8.111.602 definitions,)	
8.111.603 housing credit allocation)	
procedure, 8.111.705 lender and)	
servicer requirements and limits, and)	
8.111.707 loan terms and conditions,)	
and repeal of ARM 8.111.203,)	
confidentiality and disclosure of)	
information)	

TO: All Concerned Persons

1. On May 19, 2017, at 10:00 a.m., the Department of Commerce will hold a public hearing in Room 226 of the Park Avenue Building at 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and repeal 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 May 17, 2017, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Paralegal, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana, 59620-0501; telephone (406) 841-2596; fax (406) 841-2771; TDD (406) 841-2702; or e-mail bmartello@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

8.111.303 FINANCING PROGRAMS (1) through (2)(e) remain the same.

(3) No person or family qualifying for a loan under the board's single family program may obtain more than one loan at a time under the board's programs, except that a person or family may qualify for a board down payment assistance loan in addition to a first priority mortgage loan on the same property.

(4) through (6) remain the same.

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

IMP: 90-6-104, 90-6-106, 90-6-108, 90-6-109, 90-6-116, MCA

REASON: The proposed amendments to ARM 8.111.303 are necessary to update the rule consistent with current board programs and practice to permit qualifying persons and families to obtain a down payment assistance loan in addition to a first priority mortgage loan on the same property. Down payment assistance loans are relatively small in amount and such loans are subordinate to the first priority mortgage loan. The lack of sufficient resources to make a down payment presents a significant obstacle for many lower income persons and families in purchasing a home. The board's down payment assistance programs have proven successful in overcoming this hurdle for many such borrowers and are an essential component of the board's single family housing program.

8.111.304 CONDITIONS OF FINANCIAL ASSISTANCE (1) through (4) remain the same.

(5) Subject to board oversight, board staff ~~The board~~ will establish a schedule of fees and charges for each specific program as required to cover board expenditures of operating the program. The board's schedule of fees and charges is available on the board's website.

(6) through (9) remain the same.

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

IMP: 90-6-106, 90-6-108, 90-6-110, MCA

REASON: The proposed amendments to ARM 8.111.304 are necessary to provide for greater administrative flexibility in establishing, maintaining, and making available a current fee schedule for the board's programs. Fees and charges for the board's programs generally are recommended or set by board staff based upon the costs of program operations and the fee and charge amounts necessary to fund program operations. Such fees and charges remain subject at all times to the oversight of the board.

8.111.305 APPROVED LENDERS (1) through (2)(b) remain the same.

(c) evidence of errors and omissions insurance and fidelity insurance, each of which must be in an amount not less than \$300,000 the amount required by the Federal National Mortgage Association (FNMA) for its participating lenders;

(d) through (6) remain the same.

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

IMP: 90-6-106, 90-6-108, MCA

REASON: The proposed amendments to ARM 8.111.305 are necessary to update the board's errors and omissions insurance coverage requirements for participating lenders. The board's minimum coverage requirement is inconsistent with requirements generally used in the mortgage lending industry, as evidenced by the requirements of the Federal National Mortgage Association (Fannie Mae). Required coverage amounts under these programs are not a single amount for all lenders, but

vary depending upon the lender's portfolio of loans. This approach better addresses the need for such coverages, by assuring that lenders are appropriately insured for the risks presented by their portfolios rather than either under- or over-insured based upon a one-size-fits-all coverage amount.

8.111.305A APPROVED LOAN SERVICERS (1) through (2)(d) remain the same.

(e) evidence of errors and omissions insurance and fidelity insurance, each of which must be in an amount not less than ~~\$300,000~~ the amount required by the Federal National Mortgage Association (FNMA) for its participating servicers;

(f) through (8) remain the same.

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

IMP: 90-6-106, 90-6-108, MCA

REASON: The proposed amendments to ARM 8.111.305A are necessary to update the board's errors and omissions insurance coverage requirements for participating loan servicers. The board's minimum coverage requirement is inconsistent with requirements generally used in the mortgage lending industry, as evidenced by the requirements of the Federal National Mortgage Association (Fannie Mae). Required coverage amounts under these programs are not a single amount for all servicers, but vary depending upon the servicer's portfolio of loans. This approach better addresses the need for such coverages, by assuring that servicers are appropriately insured for the risks presented by their portfolios rather than either under- or over-insured based upon a one-size-fits-all coverage amount.

8.111.403 COUNSELING REQUIREMENTS (1) remains the same.

(2) Information as to the required counseling is available ~~at the Governor's Office or through the board~~ by contacting the Board of Housing by mail at P.O. Box 200528, Helena, MT 59620-0528 or by telephone at (406) 841-2845 or (406) 841-2838.

AUTH: 90-6-507, MCA

IMP: 90-6-502, MCA

REASON: The proposed amendments to ARM 8.111.403 are necessary to revise the rule to update the directions regarding where potential borrowers may obtain information regarding required counseling.

8.111.404 ELIGIBILITY REQUIREMENTS (1) remains the same.

(a) ~~successfully complete the required counseling (information about required counseling is available at the Governor's Office and the board's offices~~ by contacting the Board of Housing by mail at P.O. Box 200528, Helena, MT 59620-0528 or by telephone at (406) 841-2845 or (406) 841-2838);

(b) through (i) remain the same.

AUTH: 90-6-507, MCA

IMP: 90-6-505, 90-6-506, MCA

REASON: The proposed amendments to ARM 8.111.404 are necessary to revise the rule to update the directions regarding where potential borrowers may obtain information regarding required counseling.

8.111.406 REPAYMENT OF THE LOAN (1) Repayment of the reverse annuity mortgage loan is payable on the maturity date as set forth in the loan agreement, except when the borrower has made a written request for a deferral of such payment and been granted the request. Upon maturity, the borrower may remain in the property without having to make any repayment on the loan. not required so long as the borrower, or the last surviving borrower, has not permanently vacated the secured property and no event of default has occurred as provided in the loan documents.

(2) The borrower may pay the outstanding loan balance in full at any time without penalty.

(3) The board may include in the reverse annuity mortgage loan documents such terms, conditions, and requirements as are usual and customary in similar loan transactions and which are designed to protect the value of the property securing the loan or to assure repayment of the loan.

(4) The loan becomes due and payable and any remaining advances terminate upon the occurrence of any of the following events:

- (a) the death of the last surviving borrower;
- (b) sale or transfer of the property to anyone other than the an original borrower;
- (c) permanent vacation of the secured property by the borrower; or
- (d) any other act or occurrence which constitutes an event of default under the mortgage instrument securing the loan which in the opinion of the board causes, or is likely to cause, a material decrease in the value of the property.

AUTH: 90-6-507, MCA

IMP: 90-6-506, MCA

REASON: The proposed amendments to ARM 8.111.406 are necessary to conform the provisions of the rule to the provisions of the statute and the board's reverse annuity mortgage (RAM) loan program requirements. Previously, RAM loan documents defined loan maturity as the time at which scheduled advances were completed, although under Montana law the loan was not payable at that time. Previous loan documents also required the borrower to request and receive board approval to defer loan repayment. Montana law at 90-6-506, MCA, however, specifically provides that the borrower may continue to reside in the property without repayment until the death of the borrower or another specified event occurs. Accordingly, the board proposes to remove the requirement that borrowers request and obtain a repayment deferral.

The proposed amendments are also necessary to more accurately and completely describe the conditions under which a RAM loan becomes due and payable.

Montana law at 90-6-506, MCA, lists the events under which the loan becomes due and payable. This includes "any other occurrence that materially decreases the value of the property securing the loan or that will have the likely effect of causing the loan to not be repaid." The statute provides that such occurrences must be recited in the mortgage instrument. Current (1)(d) references an "other act or occurrence which in the opinion of the board causes, or is likely to cause, a material decrease in the value of the property."

Such events are described in the mortgage instrument and other loan documents through terms, conditions and requirements that are usual and customary in similar loan transactions or that address specific RAM program requirements, and which are designed to protect the value of the property securing the loan or to assure repayment of the loan. Proposed (3) reflects the board's authority to include such loan terms, conditions and requirements in its documents. Accordingly, consistent with the statute, proposed (4)(d) provides that the loan will become due and payable upon an act or occurrence which constitutes an event of default under the mortgage instrument.

The proposed rule also adds new (2), which corresponds to 90-6-506, MCA and provides that the borrower may pay the outstanding loan balance in full at any time without penalty. Other proposed revisions are necessary to clarify the rule provisions.

8.111.602 DEFINITIONS When used in these rules, unless the context clearly requires a different meaning:

(1) and (2) remain the same.

(3) "QAP" means the board's "Housing Credit Program ~~2017~~ 2018 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 housing credits for calendar year ~~2017~~ 2018, 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) remains the same.

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 2018 Qualified Allocation Plan for the Montana Housing 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 state's 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 credits in the state of Montana. In Montana, the program is 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 2018 QAP. Thereafter, at its February 13, 2017 meeting, the board considered and approved public notice and distribution of the proposed 2018 QAP. After public notice of the proposed 2018 QAP and of the opportunity for public comment was published and distributed, a public hearing on the proposed 2018 QAP was held on February 28, 2017 and written comments were also received. At its March 14, 2017 meeting, after considering all written and oral comments on the proposed 2018 QAP, staff recommendations, additional public comment and various proposed revisions in response to comments, the board approved the 2018 QAP for submission to and approval by the Montana Governor, as required by the federal tax credit statute, 26 U.S.C. § 42. Montana Governor Steve Bullock approved the 2018 QAP by written approval dated March 21, 2017.

A copy of the 2018 QAP is available on the internet at <http://housing.mt.gov/MFQAP> 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 CREDIT ALLOCATION PROCEDURE (1) remains the same.

(2) Letters of intent and applications shall be submitted to the board on the dates specified in or otherwise designated according to the QAP. The board may extend or change any of the submission, ~~or presentation, or meeting~~ dates or deadlines specified in the QAP if circumstances warrant, and in such event, the board will provide notice of such extension or change by posting on its web site.

(3) remains the same.

(a) At the board's meeting in the month ~~after the letter of intent submission deadline~~ specified in or established in accordance with the QAP, board staff will present letters of intent to the board and the board will provide an opportunity for applicants to make a presentation regarding their projects and letters of intent and for public comment on proposed projects and letters of intent, all according to the provisions of the QAP. The board may ask questions of applicants and discuss proposed projects for purposes of assisting the board in determining which projects it will invite to submit applications and assisting applicants in presenting better applications, but such questions, answers, and discussion shall not be binding upon the board in any later award determination or other board process.

(b) and (4) remain the same.

(5) At the board's award determination meeting ~~in the month of application submission~~, board staff will ~~present applications~~ provide application information to the board and the board will provide an opportunity for public comment on proposed

projects and applications, 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.

(6) and (7) remain the same.

(8) At the award determination meeting provided under (7), applicants should be available to the board to answer questions regarding their respective applications and shall be provided ~~an opportunity to respond to any negative comments regarding their respective projects or applications~~ a brief opportunity to make comments and respond to any information presented regarding their applications.

(9) remains the same.

AUTH: 90-6-106, MCA

IMP: 90-6-104, MCA

REASON: The proposed amendments to ARM 8.111.603 are necessary to revise the rule to correspond to changes in the 2018 QAP, as approved by the Governor and proposed to be incorporated by reference in ARM 8.111.602, for purposes of allocating low-income housing tax credits. These revisions make minor changes in the procedures for board consideration of the housing credit letters of intent and applications for purposes of awarding housing credits, including the timing of board meetings at which various steps of the process are conducted, whether staff or applicants present information to the board and the scope of responses allowed by applicants to the information presented. These provisions were developed through collaborative discussions and public hearings.

8.111.705 LENDER AND SERVICER REQUIREMENTS AND LIMITS

(1) through (2)(b) remain the same.

(c) the sections of the guide pertaining to requirements of the Internal Revenue Service and the bond indentures, as more specifically identified in the guide, (~~currently sections 2.01(a), 2.04(a)(i) and (ii), 2.05, 2.05.1, 2.06, 2.11 and 2.12~~) shall not apply for purposes of the veteran's loan program.

(3) and (4) remain the same.

(5) Veteran's loans will be serviced by the board or its designee. Servicing fees shall be ~~0.375% per annum~~ as set by the board and posted in the program terms and conditions and on the board's website. A servicing release premium will be paid by the board to the lender.

(6) remains the same.

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

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

REASON: The proposed amendments to ARM 8.111.705 are necessary to provide the board with flexibility to revise its purchasing and servicing guide and to adjust servicing fees promptly in response to market changes. Removing the specific citations to inapplicable guide sections allows greater flexibility in revising the guide without the need to amend the rule. Similarly, with the servicing fee amount

specified in rule, the fee cannot be adjusted without undertaking a rule amendment process, preventing the board from making timely adjustments in the fee amount.

8.111.707 LOAN TERMS AND CONDITIONS (1) ~~The purchase price for the property, as agreed upon in a written buy-sell agreement, amount of a loan~~ may not exceed 95% of the value of the statewide allowable purchase price determined by the board.

(2) remains the same.

(3) The lender may charge and collect lender fees not exceeding the amount allowable under the board's regular bond program. No points may be charged. Except as permitted by law, all All fees must be paid by the borrower or seller and will not be paid or financed by the board. Where permitted by law, a borrower may use the minimum contribution to pay closing costs and may borrow the maximum loan amount allowed by the mortgage insurer for the loan.

(4) through (9) remain the same.

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

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

REASON: The proposed amendments to ARM 8.111.707 are necessary to revise the rule to comply with the Montana Veteran's Home Loan Mortgage Program Act. Current (1) provides that the agreed purchase price for the property may not exceed the specified amount. This incorrectly implements the provisions of the statute, which provides that the amount of the loan may not exceed the standard. The proposed amendment corrects this error. The proposed amendments are also necessary to allow the board flexibility, where allowed by law, to permit borrowers to use their minimum cash contribution to pay closing costs and to borrow the maximum loan amount allowed by the mortgage insurer for the loan. This loan authority is currently under consideration by the Legislature in Senate Bill 303, which if enacted will be effective on passage and approval. This would be permitted only if SB 303 becomes law.

4. The board proposes to repeal the following rule:

8.111.203 CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

AUTH: 90-1-106, 90-6-104, MCA

IMP: 2-6-102, MCA

REASON: The rule proposed for repeal establishes procedures to address confidentiality and disclosure of information submitted to the board. This rule is separate from and in addition to the procedures established and followed generally by the Department of Commerce. The board is administratively attached to the department, and the confidentiality of information and handling of public information requests are subject to department rules and handled by and through the department. This separate rule is therefore redundant and unnecessary.

Further, the rule is outdated because the 2015 Montana Legislature substantially revised Montana's statutory scheme governing public information and public information requests. See Ch. 348, L. 2015. This revision included repeal of former section 2-6-102, MCA, the statute that authorized adoption of the rule.

Accordingly, the board proposes to repeal the rule and instead rely upon the department's policies and procedures. The board will maintain on its website a general policy advising the public that information submitted to the board is subject to Montana's Constitutional and statutory provisions requiring disclosure of information, subject to the narrow exceptions provided by law, and that requests for such information will be handled in accordance with the applicable provisions of Montana law and the department's policies and procedures.

5. 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., May 26, 2017.

6. Mary Bair, Department of Commerce, has been designated to preside over and conduct this hearing.

7. 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 paragraph 5 above or may be made by completing a 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 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.

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 repeal of the above-referenced rules will not significantly and directly impact small businesses.

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

/s/ Pam Haxby-Cote
Pam Haxby-Cote
Director
Department of Commerce

Certified to the Secretary of State April 17, 2017.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	AMENDED NOTICE AND
17.30.660 pertaining to nutrient)	EXTENSION OF COMMENT
standard variances)	PERIOD ON PROPOSED
)	AMENDMENT
)	
)	(WATER QUALITY)

TO: All Concerned Persons

1. On April 14, 2017, the Department of Environmental Quality published MAR Notice No. 17-390 pertaining to the public hearing on the proposed amendment of the above-referenced rule at page 394 of the 2017 Montana Administrative Register, Issue Number 7.

2. The department 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 Myla Kelly no later than 5:00 p.m., May 24, 2017, to advise us of the nature of the accommodation that you need. Please contact Myla Kelly at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-3639; fax (406) 444-4386; or e-mail MKelly2@mt.gov.

3. The Department of Environmental Quality is extending the comment period to comply with federal comment period requirements for state agency water quality rulemaking. The date, time, and place of the public hearing remain the same.

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 Denise Hartman, Administrative Rules Coordinator, 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 dhartman2@mt.gov, no later than 5:00 p.m., on May 31, 2017. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

Reviewed by: DEPARTMENT OF ENVIRONMENTAL QUALITY

/s/ John F. North
JOHN F. NORTH
Rule Reviewer

BY: /s/ Tom Livers
TOM LIVERS
Director

Certified to the Secretary of State, April 17, 2017.

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.86.1105 pertaining to) PROPOSED AMENDMENT
revising Medicaid outpatient drug)
reimbursement amounts)

TO: All Concerned Persons

1. On May 19, 2017, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Health and Human Services 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 of Public Health and Human Services no later than 5:00 p.m. on May 10, 2017, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

37.86.1105 OUTPATIENT DRUGS, REIMBURSEMENT (1) and (2) remain the same.

(3) The dispensing fee for filling prescriptions is determined for each pharmacy provider annually.

(a) The dispensing fee is based on the pharmacy's average cost of filling prescriptions and prescription volume. The average cost of filling a prescription is based on the direct and indirect costs that can be allocated to the cost of the prescription department and that of filling a prescription, as determined from the Montana Dispensing Fee Questionnaire. The prescription volume of a provider is determined using the information provided on the annual Montana Dispensing Fee Questionnaire. ~~A provider's failure to submit, upon request, the dispensing fee questionnaire properly completed results in the assignment of the minimum dispensing fee offered~~ If a provider fails to submit a properly completed dispensing fee questionnaire, the provider will receive a dispensing fee in an amount equal to the lowest calculated cost to dispense assigned that year. A copy of the Montana Dispensing Fee Questionnaire is available upon request from the department.

(b) and (c) remain the same.

(4) In-state pharmacy providers that are new to the Montana Medicaid program are assigned the maximum dispensing fee in ARM 37.85.105(3)(f)(i) until a dispensing fee questionnaire, as provided in (3), can be completed for six months of operation. At that time, a new dispensing fee is assigned which is the lower of the dispensing fee calculated in accordance with (3) for the pharmacy or the maximum allowed dispensing fee provided in (3)(b). Failure to comply with the six months dispensing fee questionnaire requirement results in assignment of a dispensing fee of \$2.00. If the provider fails to submit the six-month dispensing fee questionnaire, the provider will receive a dispensing fee in an amount equal to the lowest calculated cost to dispense assigned that year.

(5) through (12) remain the same.

(13) Specialty pharmacies, hemophilia treatment centers, or centers of excellence that dispense clotting factors:

(a) not purchased through the 340B program will be reimbursed at the lesser of the usual and customary charge, submitted ingredient cost, or wholesale acquisition cost, plus the professional dispensing fee; or

(b) when purchased through the 340B program, will be reimbursed the lesser of the usual and customary charge or wholesale acquisition cost, plus the professional dispensing fee.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-113, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) proposes to revise ARM 37.86.1105 to reflect changes required by the federal Centers for Medicare and Medicaid Services (CMS) to the recently approved Pharmacy State Plan. The proposed revisions would change how the department reimburses Medicaid enrolled pharmacies that fail to respond to the dispensing fee questionnaire and also clarify how provider pharmacies are reimbursed for hemophilia drugs.

42 CFR 447 requires Medicaid participating states to analyze and implement appropriate professional dispensing fees. After negotiations with CMS regarding the approved pharmacy state plan, CMS directed the department to modify reimbursement amounts for enrolled pharmacies that fail to respond to the required questionnaire to the department's lowest calculated amount to dispense. Additionally, CMS directed the department to adopt rule language in (13) to clarify the reimbursement methodology for hemophilia drugs.

The proposed rule amendments are necessary to clarify the terms under which pharmacies are appropriately reimbursed, in accordance with federal guidelines, which also provide that Montana Medicaid's outpatient members will continue to have access to care through the dispensing of approved medicines by enrolled pharmacies.

FISCAL IMPACT

The proposed rule amendments will result in an increase in minimal dispensing fees reimbursed to pharmacies that do not fill out the annual dispensing fee questionnaire at an estimated total cost of \$19,892.

The proposed rule amendments are estimated to potentially affect 169,451 Medicaid members, and 281 enrolled pharmacies.

5. The department intends the proposed rule amendments to be applied effective July 1, 2017.

6. 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: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., May 26, 2017.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

8. 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 6 above or may be made by completing a request form at any rules hearing held by the department.

9. 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.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

11. 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.

12. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State April 17, 2017.

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

In the matter of the adoption of New)
Rules I through III and the)
amendment of ARM 37.86.4401)
pertaining to collaborative practice)
drug therapy management)

NOTICE OF PUBLIC HEARING ON
PROPOSED ADOPTION AND
AMENDMENT

TO: All Concerned Persons

1. On May 19, 2017, at 11:00 a.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

2. The Department of Public Health and Human Services 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 of Public Health and Human Services no later than 5:00 p.m. on May 10, 2017, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I COLLABORATIVE PRACTICE DRUG THERAPY MANAGEMENT - DEFINITIONS (1) "Clinical pharmacist practitioner" means a pharmacist who meets the requirements outlined in ARM 24.174.526 and is licensed in the State of Montana.

(2) "Collaborative practice drug therapy management" means face-to-face direct member care, provided by a clinical pharmacist practitioner as outlined in ARM 24.174.524. The care provided must be within the scope of practice for clinical pharmacist practitioners.

(3) "Medical practitioner" means a medical practitioner as defined in 37-2-101, MCA.

AUTH: 53-2-201, 53-6-113, MCA
IMP: 53-2-201, 53-6-101, 53-6-113, MCA

NEW RULE II COLLABORATIVE PRACTICE DRUG THERAPY MANAGEMENT - REQUIREMENTS AND ELIGIBILITY (1) These requirements are in addition to those requirements contained in administrative rule and statutory provisions generally applicable to Medicaid providers.

(2) A clinical pharmacist practitioner who provides collaborative practice drug therapy management must:

(a) have a collaborative practice agreement with a medical practitioner, as provided in ARM 24.174.524;

(b) manage a member's drug therapy by providing face-to-face, direct care; and

(c) provide care through employment or contract with a medical practitioner or facility.

(3) Members who have at least one chronic condition needing at least one maintenance medication are eligible for collaborative practice drug therapy management.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101 53-6-113, MCA

NEW RULE III COLLABORATIVE PRACTICE DRUG THERAPY MANAGEMENT - REIMBURSEMENT (1) Reimbursement for collaborative practice drug therapy management is reimbursed only to the medical practitioner or facility, at the lower of the following:

(a) the provider's usual and customary charge to the general public for the service; or

(b) the department's current fee schedule in ARM 37.85.105 for the appropriate provider type.

(2) Collaborative practice drug therapy management services performed at a federally qualified health center or rural health clinic will be reimbursed in accordance with ARM 37.86.4401 through 37.86.4420.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101 53-6-113, MCA

4. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

37.86.4401 RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS, DEFINITIONS (1) through (7) remain the same.

(8) "Health professional" means services furnished by a:

(a) physician;

(b) nurse practitioner (NP);

(c) physician assistant (PA);

(d) certified nurse-midwife (CNM);

(e) clinical psychologist (CP);

(f) clinical social worker (CSW);

(g) licensed professional counselor (LCPC); and

(h) licensed addiction counselor (LAC); and

(i) clinical pharmacist practitioner.

(9) through (17) remain the same.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

5. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) proposes new rules to establish the Collaborative Practice Drug Therapy Management Program in the Montana Medicaid plan. The new program reimburses clinical pharmacist practitioners for providing face-to-face, direct patient care to Medicaid members who have chronic diseases and complex medication regimes. Clinical pharmacist practitioners, as part of the team approach to care, can help identify and resolve drug-therapy problems and ensure that a Medicaid member's medications are appropriate, effective, and safe. The program is intended to improve access to care by increasing the number of patient-care providers within a medical practice and allowing physicians to devote their time to diagnostic assessment and acute care. The new rules outline the definitions, program, and provider requirements for the department's Collaborative Practice Drug Therapy Management Program.

New Rule I

Proposed New Rule I provides a set of definitions for principal terms appearing in the proposed rule. Definitions are an essential feature of understanding the meaning of written text. The department determined that referring to the Board of Pharmacy's requirements for collaborative practice agreements and clinical pharmacist practitioners is appropriate and essential to the implementation of the new rules.

New Rule II

Proposed New Rule II provides the department's requirements for the Collaborative Practice Drug Therapy Management Program. This rule specifies who is able to provide collaborative practice drug therapy management services. It also specifies where the services can be provided and Medicaid members who are eligible for collaborative practice drug therapy management.

New Rule III

Proposed New Rule III outlines the methodology utilized to provide reimbursement for collaborative practice drug therapy management. Reimbursement is provided to the appropriate provider type for where the service is provided.

ARM 37.86.4401

This proposed amendment will add "clinical pharmacist practitioner" to the definition of health professional.

Fiscal Impact

8-4/28/17

MAR Notice No. 37-792

The projected cost of this program is anticipated to be offset by the savings. This rule will impact 13 providers, and 851 Medicaid members.

6. The department intends the proposed rule adoptions and amendments to be applied effective July 1, 2017.

7. 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: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., May 26, 2017.

8. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

9. 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 7 above or may be made by completing a request form at any rules hearing held by the department.

10. 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.

11. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

12. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption and amendment of the above-referenced rules will not significantly and directly impact small businesses.

13. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable,

the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are appropriate for performance-based measurement and therefore are subject to the performance-based measures requirement of 53-6-196, MCA. The proposed addition of Collaborative Practice Drug Therapy Management can be assessed by performance-based measures. The effectiveness of the Collaborative Practice Drug Therapy Management will be measured by reviewing the medication adherence of members who utilize Collaborative Practice Drug Therapy Management, through the Proportion of Days Covered methodology. This will be completed by:

1. calculating the Proportion of Days Covered for the first nine months following adoption of the proposed change. The Proportion of Days Covered would be calculated based on medication to treat the following conditions:
 - a. diabetes;
 - b. COPD;
 - c. asthma;
 - d. hypertension; and
 - e. hyperlipidemia.

2. calculating the Proportion of Days Covered for the nine months prior to the adoption of the proposed change. The Proportion of Days Covered would be calculated based on medication to treat the following conditions:
 - a. diabetes;
 - b. COPD;
 - c. asthma;
 - d. hypertension; and
 - e. hyperlipidemia.

3. comparing the calculated adherence ratios of before Collaborative Practice Drug Therapy Management and after for the conditions listed below:
 - a. diabetes;
 - b. COPD;
 - c. asthma;
 - d. hypertension; and
 - e. hyperlipidemia.

/s/ Brenda K. Elias
Brenda K. Elias, Attorney
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State April 17, 2017.

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 44.14.301, 44.14.310, and) PROPOSED AMENDMENT
44.14.312 pertaining to fees charged)
by the Records and Information)
Management Division)

TO: All Concerned Persons

1. On May 18, 2017, at 9:30 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Secretary of State 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 Secretary of State no later than 9:30 a.m. on May 4, 2017, to advise us of the nature of the accommodation that you need. Please contact Jeffrey M. Hindoien, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-6197; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail Jeffrey.Hindoien@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

44.14.301 FEES FOR 16MM MICROFILM SERVICES (1) The following fees will be charged for 16mm microfilm images:

- | | |
|--|----------------|
| (a) A auto E xposure or S canning | \$. <u>105</u> |
| (b) M icrofilm S ervices – C amera R otary (all sizes) | .15 |
| (c) M icrofilm S ervices – I mage to F ilm – AR | .06 |

AUTH: 2-15-405, MCA
IMP: 2-6-1101, 2-6-1114, MCA

REASON: The fee for auto exposure in (a) is adjusted to correct a mistake in a previous rule notice and scanning is removed and placed in ARM 44.14.312. This fee increase is the result of a year-long cost analysis performed by Records and Information Management (RIM) that resulted in the adjustment of fees so that the fees charged are commensurate with the overall costs of the office and reasonably reflect the prevailing rates charged in the public and private sectors for similar services. Other minor changes were made so the rule formatting is consistent with other RIM fee rules.

44.14.310 FEES FOR RECORDS CENTER SERVICES (1) The following

fees shall be charged for services provided for records housed in the state records center:

<u>(a) 1/2 cubic foot storage, per month</u>	<u>\$.17</u>
(a) <u>(b) storage per one cubic foot storage, per month</u>	\$.33
(b) through (f) remain the same, but are renumbered (c) through (g).	
(g) <u>(h) tape storage, per inch</u>	0.55
(h) through (k) remain the same, but are renumbered (i) through (l).	
<u>(m) record center, enter new box into database (each)</u>	<u>.40</u>

AUTH: 2-15-405, MCA

IMP: 2-6-1114, MCA

REASON: New section (a) is added to set forth the fee charged for storing 1/2 cubic foot of records to correct an omission from a previous rule notice and to increase the fee from \$.15 to \$.17. New section (m) adds a fee for entering a new storage box into the record center database. These fees are commensurate with the overall costs of the office and reasonably reflect the prevailing rates charged in the public and private sectors for similar services.

44.14.312 FEES FOR IMAGING SERVICES (1) The following fees shall be charged for imaging services:

<u>(a) indexing/document preparation, per hour</u>	<u>\$25.00</u>
<u>(b) scanning (per image)</u>	<u>.15</u>

AUTH: 2-15-405, MCA

IMP: 2-6-1101, MCA

REASON: New section (b) is added because it was previously incorrectly set forth in ARM 44.14.301 under 16MM Microfilm Services. The fee in (b) has been increased from \$.10 to \$.15. This fee is commensurate with the overall costs of the office and reasonably reflects the prevailing rate charged in the public and private sectors for similar service.

4. 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 Jeffrey M. Hindoiien, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing Jeffrey.Hindoiien@mt.gov, and must be received no later than 5:00 p.m., May 26, 2017.

5. Jeffrey M. Hindoiien, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, has been designated to preside over and conduct the hearing.

6. The Secretary of State 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 which includes the name, e-mail, and mailing address of the person to receive notices and specifies

that the person wishes to receive notices regarding administrative rules, corporations, elections, notaries, records, uniform commercial code, or a combination thereof. 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 Secretary of State's Office, Administrative Rules Services, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-4263, e-mailed to sosarm@mt.gov, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

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 Secretary of State has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

10. The cumulative amount for all persons of the proposed fee changes is approximately \$7,500 annually based on FY 2017 charges for Records and Information Management Division services and supplies. The number of persons affected is approximately two state and local government agencies that purchase supplies or perform services with the Records and Information Management Division.

/s/ JEFFREY M. HINDOIEN
Jeffrey M. Hindoien
Rule Reviewer

/s/ COREY STAPLETON
Corey Stapleton
Secretary of State

Dated this 17th day of April, 2017.

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 1.2.104 pertaining to) PROPOSED AMENDMENT
Administrative Rules Services Fees)

TO: All Concerned Persons

1. On May 18, 2017, at 10:00 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Secretary of State 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 Secretary of State no later than 9:30 a.m. on May 4, 2017, to advise us of the nature of the accommodation that you need. Please contact Jeffrey M. Hindoien, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-6197; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail Jeffrey.Hindoien@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

1.2.104 ADMINISTRATIVE RULES SERVICES FEES ~~(1) The Secretary of State is required by law (2-4-312 and 2-4-313, MCA) to distribute copies of the Administrative Rules of Montana and Montana Administrative Register and revisions thereto, free of charge, to certain federal, state, and county agencies. These agencies may opt to provide access to an electronic version of the current ARM and Register in lieu of receiving the print copy.~~

~~(2) The Secretary is also authorized to make available copies of the Administrative Rules of Montana, updates, and the Register to the public at prices fixed to cover publication and mailing costs.~~

(1) Printed copies of the Montana Administrative Register (Register) and/or the Administrative Rules of Montana (ARM) may be available for purchase.

(3) through (8) remain the same, but are renumbered (2) through (7).

AUTH: 2-15-401, 2-15-405, MCA

IMP: 2-4-311, 2-4-312, 2-4-313, 2-15-405, MCA

REASON: House Bill 81 (2017), which was signed by Montana Governor Steve Bullock on March 20, 2017, and contained an immediate effective date, eliminated the provisions in 2-4-312, MCA, and 2-4-313, MCA, requiring the Secretary of State to provide certain entities copies of the Montana Administrative Register (Register) and/or the Administrative Rules of Montana (ARM) free of charge. House Bill 81

also eliminated the provision in 2-4-313, MCA, requiring the Secretary of State to make printed or electronic copies of the Register and the ARM and its supplements available for purchase. The proposed changes to ARM 1.2.104 modify the rule to comport with the statutory changes effectuated by House Bill 81.

4. 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 Jeffrey M. Hindoién, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing Jeffrey.Hindoién@mt.gov, and must be received no later than 5:00 p.m., May 26, 2017.

5. Jeffrey M. Hindoién, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, has been designated to preside over and conduct the hearing.

6. The Secretary of State 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 which includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding administrative rules, corporations, elections, notaries, records, uniform commercial code, or a combination thereof. 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 Secretary of State's Office, Administrative Rules Services, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-4263, e-mailed to sosarm@mt.gov, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

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 Secretary of State has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

10. There is no fee change associated with this proposed rule amendment. However, 38 entities currently receive free yearly print copies of the MAR and ARM

updates. Five additional entities currently receive free print copies of the yearly ARM updates. If SOS continues to make print copies of the MAR and the ARM updates available for sale through a yearly subscription and all those entities choose to pay for the yearly subscription, the cumulative MAR cost to the entities will be \$13,300 and the cumulative ARM update cost will be \$12,900. Electronic copies of the MAR and ARM are accessible through the Secretary of State's website free of charge and the cumulative cost to the entities to access those copies is \$0.00.

/s/ JEFFREY M. HINDOIEN
Jeffrey M. Hindoien
Rule Reviewer

/s/ COREY STAPLETON
Corey Stapleton
Secretary of State

Dated this 17th day of April, 2017.

BEFORE THE STATE BANKING BOARD
OF THE STATE OF MONTANA

In the matter of the adoption of NEW)	NOTICE OF ADOPTION AND
RULE I pertaining to closure or)	AMENDMENT
relocation of bank branch and the)	
amendment of ARM 2.60.203,)	
2.60.204, 2.60.501, and 2.60.904)	
pertaining to certificate of authorization,)	
procedural rules, deposit liability, and)	
incorporation for state-chartered banks)	

TO: All Concerned Persons

1. On March 10, 2017, the Department of Administration published MAR Notice No. 2-60-555 pertaining to the proposed adoption and amendment of the above-stated rules at page 260 of the 2017 Montana Administrative Register, Issue Number 5.
2. No comments were received.
3. The department has adopted New Rule I (ARM 2.60.401) exactly as proposed.
4. The department has amended ARM 2.60.203, 2.60.204, 2.60.501, and 2.60.904 exactly as proposed.

By: /s/ John Lewis
 John Lewis, Director
 Department of Administration

By: /s/ Michael P. Manion
 Michael P. Manion, Rule Reviewer
 Department of Administration

Certified to the Secretary of State April 17, 2017.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
AND THE BOARD OF MEDICAL EXAMINERS
STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT,
24.101.413 renewal dates and) ADOPTION, AND REPEAL
requirements, 24.156.501 definitions,)
24.156.503 medical student's)
supervision and permitted activities,)
24.156.504 internship, 24.156.601 fee)
schedule, 24.156.626 revocation or)
suspension proceedings, 24.156.625,)
24.156.1005, 24.156.1307,)
24.156.1412, and 24.156.1625)
unprofessional conduct, 24.156.1304)
and 24.156.1404 application for)
licensure, 24.156.1306 professional)
conduct and standards of professional)
practice, 24.156.1617 application for)
physician assistant license,)
24.156.1622 supervision of physician)
assistant, 24.156.1623 chart review,)
24.156.2718 continuing education and)
refresher requirements, and)
24.156.2732 medical direction; the)
adoption of NEW RULE I application for)
temporary non-disciplinary physician)
license, NEW RULE II application for)
physician licensure in another state via)
interstate compact, NEW RULE III)
application for licensure, and NEW)
RULE IV post-graduates—supervision)
and permitted activities; and the repeal)
of ARM 24.156.203 board meetings,)
24.156.502 medical schools,)
24.156.505 intern's scope of practice,)
24.156.506 residency, 24.156.507)
resident's scope of practice, 24.156.605)
temporary license, 24.156.627)
reinstatement, 24.156.803 license)
requirement, 24.156.804 application for)
a telemedicine license, 24.156.805)
fees, 24.156.806 failure to submit fees,)
24.156.807 issuance of a telemedicine)
license, 24.156.808, 24.156.1004,)
24.156.1305, 24.156.1411, and)
24.156.1619 renewals, 24.156.809)

effect of determination that application)
 for telemedicine license does not meet)
 requirements, 24.156.811 sanctions,)
 24.156.812 obligation to report to board,)
 24.156.1602 board policy, and)
 24.156.1616 maintaining NCCPA)
 certification)

TO: All Concerned Persons

1. On January 6, 2017, the Department of Labor and Industry (department) and the Board of Medical Examiners (board) published MAR Notice No. 24-156-83 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 49 of the 2017 Montana Administrative Register, Issue No. 1.

2. On February 3, 2017, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. Several comments were received by the February 10, 2017, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: Several commenters wrote in support of the proposed rule changes, with three specifically in favor of the changes applicable to emergency care providers (ECPs).

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

COMMENT 2: One commenter wrote in support of Montana joining the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA).

RESPONSE 2: Authorization to join REPLICA requires legislative action and is outside the scope of the board's rulemaking authority.

COMMENT 3: One commenter expressed support for acceptance of the National Registry of Emergency Medical Technicians' (NREMT) testing and certification process for emergency medical services credentialing.

RESPONSE 3: The board recognizes Montana licensees may obtain and maintain NREMT certification, and may report coursework completed in pursuit of NREMT certification to meet some or all of the board's continuing education and refresher course requirements for license renewal. The board disagrees that it should adopt NREMT education and testing standards as a complete replacement for Montana licensing and renewal purposes.

COMMENT 4: One commenter noted that the reasonable necessity statement for ARM 24.156.1617 refers to an "acupuncturist" application seemingly in error.

RESPONSE 4: The board recognizes the incorrect reference to an acupuncturist license in the reasonable necessity for ARM 24.156.1617. Noting that similar changes were proposed to other rules to align with current application requirements, the board acknowledges a similarity among several reasonable necessity statements. It is clear that this rule change and the accompanying reasonable necessity statement applies only to physician assistant license requirements. The reference to acupuncturist was an inadvertent typographical error.

ARM 24.156.2718 CONTINUING EDUCATION AND REFRESHER

COMMENT 5: Two commenters expressed concern that the proposed rule changes prohibit ECP licensees from reporting continuing education or refresher course credits to NREMT for certification purposes and also to the board for Montana license renewal.

RESPONSE 5: The proposed rule changes are not intended to prohibit ECP licensees from reporting continuing education or refresher courses to NREMT for certification, and also to the board for license renewal. Amendments to the rule are intended to clarify that NREMT certification, in and of itself, may not in all cases meet the board's continuing education and refresher course requirements. Licensees must meet the board's requirements, but may continue to report NREMT courses for Montana license renewal purposes.

The board recognizes the confusion created by the proposed amendment and is further amending the rule for improved clarity.

COMMENT 6: Several commenters expressed concern that proposed rule changes impose additional duties and responsibilities on lead instructors and medical directors beyond what is currently required specifically related to responsibilities to validate licensees' knowledge, skills, and competence commensurate with a licensee's scope of practice.

RESPONSE 6: As reflected in the reasonable necessity statement in support of proposed amendments to this rule, the board's intent is not to modify or increase the current responsibilities for lead instructors and medical directors in conducting continuing education, but rather to clarify the requirements in response to licensee complaints that the existing rule is confusing.

COMMENT 7: Several commenters requested that the board include standardized testing criteria by which lead instructors or medical directors should validate the knowledge, skills, and competency of licensees taking continuing education or refresher courses.

RESPONSE 7: The board acknowledges the suggestion, and may consider it on a future rules committee agenda.

4. The department has amended ARM 24.101.413 exactly as proposed.

5. The board has amended ARM 24.156.501, 24.156.503, 24.156.504, 24.156.601, 24.156.625, 24.156.626, 24.156.1005, 24.156.1304, 24.156.1306, 24.156.1307, 24.156.1404, 24.156.1412, 24.156.1617, 24.156.1622, 24.156.1623, 24.156.1625, and 24.156.2732 exactly as proposed.

6. The board has adopted NEW RULES I (24.156.612), II (24.156.613), III (24.156.1001), and IV (24.156.509) exactly as proposed.

7. The board has repealed ARM 24.156.203, 24.156.502, 24.156.505, 24.156.506, 24.156.507, 24.156.605, 24.156.627, 24.156.803, 24.156.804, 24.156.805, 24.156.806, 24.156.807, 24.156.808, 24.156.809, 24.156.811, 24.156.812, 24.156.1004, 24.156.1305, 24.156.1411, 24.156.1602, 24.156.1616, and 24.156.1619 exactly as proposed.

8. The board has amended ARM 24.156.2718 with the following changes, stricken matter interlined, new matter underlined:

24.156.2718 CONTINUING EDUCATION AND REFRESHER REQUIREMENTS (1) remains as proposed.

(2) ECPs must complete a refresher course in which a lead instructor or medical director validates knowledge and skills. An ECP cannot build a refresher course by combining continuing education topics or offerings.

(a) The refresher course must ~~assure~~ assess the licensee's competency demonstrated during the course to function at the level of the ECP license in accordance with the scope of education and practice.

(b) remains as proposed.

(i) The content must be structured to ~~assure ongoing~~ assess competency of the core knowledge and skills for the level of the ECP license.

(ii) remains as proposed.

(3) ~~An ECP cannot build a refresher course by combining continuing education topics or offerings.~~ ECPs certified by the NREMT may report completed continuing education and refresher course credits to the NREMT for registration purposes and also to the board to meet, in whole or in part, the requirements of (1) and (2).

(4) remains as proposed.

(5) The medical director is responsible for the refresher training at the endorsed EMT level and above.

~~(a)~~ The medical director may assign duties as appropriate, but retains the overall responsibility for the refresher.

(6) The lead instructor conducting a refresher course must ~~be able to provide~~ an agenda and detailed student performances that document the licensee's ability demonstrated during the course of instruction to function in accordance with knowledge and skills within the original scope of education.

(a) remains as proposed.

(b) If audited by the board, the ~~The local~~ medical director must justify the AEMT and paramedic refresher content ~~to the board, if audited.~~
(7) through (9) remain as proposed.

BOARD OF MEDICAL EXAMINERS
JAMES FEIST, MD
PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 17, 2017.

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 32.2.401 department of)
livestock animal health division fees;)
32.3.401 definitions; 32.3.435 testing)
within the DSA; 32.3.455 brucellosis)
tests to be reported)

TO: All Concerned Persons

1. On March 10, 2017 the Department of Livestock published MAR Notice No. 32-17-279 pertaining to the proposed amendment of the above-stated rules at page 267 of the 2017 Montana Administrative Register, Issue Number 5.

2. The department has amended the above-stated rules as proposed.

3. No comments or testimony were received.

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State April 17, 2017.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of New)	NOTICE OF ADOPTION,
Rules I through V, the amendment of)	AMENDMENT, TRANSFER AND
ARM 42.12.105, 42.12.106,)	AMENDMENT, AND REPEAL
42.12.133, 42.12.209, 42.12.302,)	
42.12.401, 42.13.111, 42.13.405,)	
42.13.601, and 42.13.802, the)	
transfer and amendment of ARM)	
42.12.134, 42.12.135, 42.12.136,)	
42.12.137, and 42.12.138, and the)	
repeal of ARM 42.12.122, 42.12.126,)	
42.12.139, 42.12.213, 42.12.312,)	
42.12.314, 42.13.301, 42.13.304,)	
42.13.305, 42.13.602, and 42.13.805)	
pertaining to the premises suitability)	
requirements and conditions for)	
operating all types of alcoholic)	
beverage licenses)	

TO: All Concerned Persons

1. On November 25, 2016, the Department of Revenue published MAR Notice No. 42-2-967 pertaining to the public hearing on the proposed adoption, amendment, transfer and amendment, and repeal of the above-stated rules at page 2117 of the 2016 Montana Administrative Register, Issue Number 22.

2. On December 15, 2016, a public hearing was held to consider the proposed adoption, amendment, transfer and amendment, and repeal. Paul Cartwright, interested citizen; Dax Cetraro, Montana Tavern Association; Jack Fisher, Silver Bow Tavern Association; Jim Harris, Montana Distillers Guild; Sam Hoffman, Red Lodge Ales; John Iverson, Montana Tavern Association; Matt Leow, Montana Brewers Association; Neil Peterson, Gaming Industry Association; Max Pigman, Lewis and Clark Brewing Co.; Steffen Rasile, Gulch Distillers; Jill Roberts, Hawthorn Wine Shop; Melissa Shannon, Montana Beer and Wine Distributors Association; Joel Silverman, Liquor Store Owners' Association of Montana; Brian Smith, Blackfoot River Brewing Co.; and Josh Townsley, Tamarack Brewing Company, appeared and testified at the hearing. Several of those who testified at the hearing also submitted written comments. Kristi Blazer, Montana Beer and Wine Distributors Association; Gena Burghoff, Ox Pasture; Tyrrell Hibbard, Gulch Distillers; Michael Lawlor, Goodrich and Reely, PLLC; Nicholas Lee, Glacier Distilling; and Brad Simshaw, Blackfoot River Brewing Co., provided written comments.

3. The department amends ARM 42.12.105, 42.12.209, 42.12.302, and 42.12.401, amends and transfers ARM 42.12.135 (42.13.1103), and repeals ARM

42.12.122, 42.12.126, 42.12.139, 42.12.213, 42.12.312, 42.12.314, 42.13.301, 42.13.304, 42.13.305, 42.13.602, and 42.13.805 as proposed.

4. After consideration of the comments received, the department adopts, amends, and transfers and amends the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (42.12.145) ON-PREMISES CONSUMPTION BEER AND ALL-BEVERAGE LICENSE - PREMISES SUITABILITY REQUIREMENTS (1) remains as proposed.

(2) The premises of an on-premises consumption beer or all-beverage retailer may be considered suitable only if:

(a) the applicant or licensee has possessory interest in the premises ~~and the land upon which the premises are located;~~

(b) through (d) remain as proposed.

(e) the premises are located in one building or a specific portion of one building, except that a patio/deck may extend the premises beyond the interior portion of the building. The interior portion of the premises must be a continuous area that is not broken by any area in which the applicant or licensee does not have adequate control, such as another business or a common area shared with other building tenants. Subject to the exception in 16-3-311(2), MCA, if the premises are located in a portion of a building, the premises must be separated by permanent floor-to-ceiling walls from any other business, including any other business operated by the licensee. The only access from the premises to another business may be through a single lockable door, no more than six feet wide, in the permanent floor-to-ceiling wall. ~~An additional lockable door~~ Additional lockable doors in the permanent floor-to-ceiling wall may be allowed only upon department approval;

(f) through (k) remain as proposed.

(l) there are no signs, posters, or advertisements displayed on the exterior portion of the premises that identify ~~an alcoholic beverage manufacturer~~ any brewer, beer importer, or wholesaler, or distributor in any manner. This prohibition extends to buildings adjacent to the premises only if the retailer has possessory interest in the building. This prohibition does not apply to temporary advertisements allowed under 16-3-244, MCA;

(m) the floor plan accurately states the dimensions of the premises, includes the entity name, alcoholic beverage license number, physical address, and date and identifies any service area, seating required under (o), stationary drink preparation area, storage area, patio/deck, perimeter barrier, and permanent floor-to-ceiling wall required between the premises and another business, ~~off-premises sales area, and separation barrier required between the on-premises and off-premises sales areas;~~

(n) through (r) remain as proposed.

(s) ~~except as provided for in (t), the physical layout and equipment utilized prevent the self-service of alcoholic beverages. This includes a prohibition against the service of alcoholic beverages through self-service devices and vending machines. Reach-in coolers and open shelving are prohibited unless they are located in a drink preparation area and the department determines~~

that provide sufficient physical safeguards are in place to prevent the self-service of alcoholic beverages at any drink preparation area; and

~~(t) any off-premises sales area is contiguous with the on-premises sales area and there is a separation barrier between the off-premises sales area and the on-premises sales area. The off-premises sales area may contain reach-in coolers and open shelving. It must include a cash register or other equipment for conducting sales transactions~~ self-service devices and vending machines are not used to serve alcoholic beverages.

(3) through (5) remain as proposed.

NEW RULE II (42.12.146) RESTAURANT BEER AND WINE LICENSE - PREMISES SUITABILITY REQUIREMENTS (1) remains as proposed.

(2) The premises of a restaurant beer and wine retailer may be considered suitable only if:

(a) the applicant or licensee has possessory interest in the premises ~~and the land upon which the premises are located~~;

(b) through (d) remain as proposed.

(e) the premises are located in one building or a specific portion of one building, except that a patio/deck may extend the premises beyond the interior portion of the building. The interior portion of the premises must be a continuous area that is not broken by any area in which the applicant or licensee does not have adequate control, such as another business or a common area shared with other building tenants. Subject to the exception in 16-3-311(2), MCA, if the premises are located in a portion of a building, the premises must be separated by permanent floor-to-ceiling walls from any other business, including any other business operated by the licensee. The only access from the premises to another business may be through a single lockable door, no more than six feet wide, in the permanent floor-to-ceiling wall. ~~An additional lockable door~~ Additional lockable doors in the permanent floor-to-ceiling wall may be allowed only upon department approval;

(f) through (j) remain as proposed.

(k) there are no signs, posters, or advertisements displayed on the exterior portion of the premises that identify ~~an alcoholic beverage manufacturer~~ any brewer, beer importer, or wholesaler, or distributor in any manner. This prohibition extends to buildings adjacent to the premises only if the retailer has possessory interest in the building. This prohibition does not apply to temporary advertisements allowed under 16-3-244, MCA;

(l) through (p) remain as proposed.

(q) the physical layout and equipment utilized ~~prevent the self-service of alcoholic beverages. This includes a prohibition against the service of alcoholic beverages through self-service devices and vending machines. Reach-in coolers and open shelving are prohibited unless they are located in the service bar area and the department determines that~~ provide sufficient physical safeguards are in place to prevent the self-service of alcoholic beverages at any service bar;

(r) self-service devices and vending machines are not used to serve alcoholic beverages; and

(r) remains as proposed, but is renumbered (s).

(3) through (5) remain as proposed.

NEW RULE III (42.12.147) OFF-PREMISES BEER AND TABLE WINE LICENSE - PREMISES SUITABILITY REQUIREMENTS (1) remains as proposed.

(2) The premises of an off-premises beer and table wine retailer may be considered suitable only if:

(a) the applicant or licensee has possessory interest in the premises ~~and the land upon which the premises are located;~~

(b) through (d) remain as proposed.

(e) the premises are located in one building or a specific portion of one building. The interior portion of the premises must be a continuous area that is not broken by any area in which the applicant or licensee does not have adequate control, such as another business or a common area shared with other building tenants. If the premises are located in a portion of a building, the premises must be separated by permanent floor-to-ceiling walls from any other licensed alcoholic beverage business, ~~including any other business operated by the licensee.~~ The only access from the premises to another licensed alcoholic beverage business may be through a single lockable door, no more than six feet wide, in the permanent floor-to-ceiling wall. ~~An additional, lockable door~~ Additional lockable doors or a doorway larger than six feet wide in the permanent floor-to-ceiling wall may be allowed only upon department approval;

(f) through (k) remain as proposed.

(l) there are no signs, posters, or advertisements displayed on the exterior portion of the premises that identify ~~an alcoholic beverage manufacturer~~ any brewer, beer importer, or wholesaler, ~~or distributor~~ in any manner. This prohibition extends to buildings adjacent to the premises only if the retailer has possessory interest in the building. This prohibition does not apply to temporary advertisements allowed under 16-3-244, MCA;

(m) the floor plan accurately states the dimensions of the premises, includes the entity name, alcoholic beverage license number, physical address, and date and identifies any storage area and permanent floor-to-ceiling wall required between the premises and another licensed alcoholic beverage business;

(n) through (4) remain as proposed.

NEW RULE IV (42.12.148) BEER WHOLESALER AND TABLE WINE DISTRIBUTOR - PREMISES SUITABILITY REQUIREMENTS (1) remains as proposed.

(2) The premises of a beer wholesaler and table wine distributor may be considered suitable only if:

(a) the applicant or licensee has possessory interest in the premises ~~and the land upon which the premises are located;~~

(b) through (e) remain as proposed.

(f) the premises are located in one building or a specific portion of one building. The interior portion of the premises must be a continuous area that is not broken by any area in which the applicant or licensee does not have adequate control, such as another business or a common area shared with other building tenants. If the premises are located in a portion of a building, the premises must be separated by permanent floor-to-ceiling walls from any other licensed alcoholic

~~beverage business, including any other business operated by the licensee.~~ The only access from the premises to another licensed alcoholic beverage business may be through a single lockable door, no more than six feet wide, in the permanent floor-to-ceiling wall. ~~An additional lockable door~~ Additional lockable doors in the permanent floor-to-ceiling wall may be allowed only upon department approval;

(g) the floor plan accurately states the dimensions of the premises, includes the entity name, alcoholic beverage license number, physical address, and date and identifies any permanent floor-to-ceiling wall required between the premises and another licensed alcoholic beverage business;

(h) through (5) remain as proposed.

NEW RULE V (42.12.149) WINERY, BREWERY, AND DISTILLERY - PREMISES SUITABILITY REQUIREMENTS (1) remains as proposed.

(2) The premises of a manufacturer may be considered suitable only if:

(a) the applicant or licensee has possessory interest in the premises ~~and the land upon which the premises are located;~~

(b) through (e) remain as proposed.

(f) the premises are located in one building or a specific portion of one building, except that a patio/deck may extend the premises beyond the interior portion of the building. The interior portion of the premises must be a continuous area that is not broken by any area in which the applicant or licensee does not have adequate control, such as another business or a common area shared with other building tenants. If the premises are located in a portion of a building, the premises must be separated by permanent floor-to-ceiling walls from any other licensed alcoholic beverage business, ~~including any other business operated by the licensee.~~ The only access from the premises to another licensed alcoholic beverage business may be through a single lockable door, no more than six feet wide, in the permanent floor-to-ceiling wall. ~~An additional lockable door~~ Additional lockable doors in the permanent floor-to-ceiling wall may be allowed only upon department approval;

(g) the floor plan accurately states the dimensions of the premises, includes the entity name, alcoholic beverage license number, physical address, and date and identifies any manufacturing area, storage area, sample room, drink preparation area, patio/deck, perimeter barrier, and permanent floor-to-ceiling wall required between the premises and another licensed alcoholic beverage business, ~~off-premises sales area, and separation barriers required between the on-premises and off-premises sales areas;~~

(h) through (5) remain as proposed.

(6) In addition to all other requirements, a manufacturer's premises with a sample room shall be considered suitable only if:

(a) through (c) remain as proposed.

(d) the sample room contains a drink preparation area. The premises may have more than one drink preparation area, including drink preparation areas on the patio/deck, subject to department approval; ~~and~~

(e) the physical layout and equipment utilized ~~prevent the self-service of alcoholic beverages.~~ This includes a prohibition against the service of alcoholic beverages through self-service devices and vending machines. ~~Reach-in coolers and open shelving are prohibited unless they are located in a drink preparation area~~

and the department determines that provide sufficient physical safeguards are in place to prevent the self-service of alcoholic beverages at any drink preparation area; and

(f) self-service devices and vending machines are not used to serve alcoholic beverages.

~~(7) In addition to all other requirements, a manufacturer's premises with an off-premises sales area shall be considered suitable only if there is a separation barrier between the off-premises sales area and a sample room where the areas are contiguous. The off-premises sales area may contain reach-in coolers and open shelving. It must include a cash register or other equipment for conducting sales transactions.~~

(8) through (10) remain as proposed, but are renumbered (7) through (9).

42.12.106 DEFINITIONS The following definitions apply to this chapter:

(1) through (6) remain as proposed.

(7) "Business directly related to the on-premises consumption of alcoholic beverages" means a business that is readily associated with on-site alcoholic beverage consumption, such as a hotel, bowling alley, casino, or restaurant. It does not include alcoholic beverage manufacturers, grocery stores, or off-premises alcoholic beverage businesses.

(8) through (23) remain as proposed.

(24) "Manufacturing area" means the portion of a manufacturing premises that is not designated as a sample room ~~or off-premises sales area~~.

(25) remains as proposed.

~~(26) "Off-premises sales area" means an area on the premises of an on-premises consumption licensee or a manufacturer where alcoholic beverages are available for purchase in original packaging for off-premises consumption.~~

(27) and (28) remain as proposed, but are renumbered (26) and (27).

~~(29)~~(28) "Patio/Deck" means an outdoor portion of the premises where the preparation, service, and consumption of alcoholic beverages is ~~permitted~~ allowed.

(30) through (35) remain as proposed, but are renumbered (29) through (34).

~~(36)~~(35) "Self-service of alcoholic beverages" means allowing persons other than the licensee or its employees to have access to alcoholic beverages prior to the licensee or its employees providing the alcoholic beverage to the person for on-premises consumption.

~~(37) "Separation barrier" means a barricade that limits entry from the on-premises sales area to the off-premises sales area through an entrance no wider than six feet. An additional entrance in the separation barrier may be allowed only upon department approval. The separation barrier shall span from floor to ceiling and remain in a fixed position unless alternative construction that accomplishes the same purpose is approved by the department. The barrier may be constructed of materials such as lattice or wrought iron that do not form a solid physical barrier.~~

(38) through (45) remain as proposed, but are renumbered (36) through (43).

42.12.133 CONCESSION AGREEMENTS (1) through (3) remain as proposed.

(4) The licensee must maintain a physical possessory interest as required in

ARM ~~42.12.133~~ 42.12.145.

(5) and (6) remain as proposed.

42.13.111 DEFINITIONS The following definitions apply to this ~~subchapter~~ chapter:

(1) through (18) remain as proposed.

~~(19) "Off-premises sales area" means an area on the premises of an on-premises consumption licensee or manufacturer where alcoholic beverages are available for purchase in original packaging for off-premises consumption.~~

(20) remains as proposed, but is renumbered (19).

~~(21)~~(20) "Patio/deck" means an outdoor portion of the premises where the preparation, service, and consumption of alcoholic beverages is ~~permitted~~ allowed.

(22) through (31) remain as proposed, but are renumbered (21) through (30).

~~(32)~~(31) "Self-service of alcoholic beverages" means allowing persons other than the licensee or its employees to have access to alcoholic beverages prior to the licensee or its employees providing the alcoholic beverage to the person for on-premises consumption.

(33) through (35) remain as proposed, but are renumbered (32) through (34).

42.13.405 WINERY - CONDITIONS FOR OPERATING (1) In addition to all other alcoholic beverage licensing requirements, a winery shall:

(a) through (e) remain as proposed.

(f) prevent the self-service of alcoholic beverages on the premises, ~~except in an off-premises sales area;~~

(g) through (j) remain as proposed.

~~(k) for any alcoholic beverage purchased on the premises, prevent the consumption of alcoholic beverages on any property in which the licensee has possessory interest and that is contiguous or used in connection with the licensee's business, including any patio, deck, sitting area, smoking area, playground, or parking lot that is not part of the premises~~ prevent the consumption of alcoholic beverages in the manufacturing area or storage area except as authorized by federal laws;

(l) through (2) remain as proposed.

(3) A winery may sell alcoholic beverages on its premises to a consumer for off-premises consumption only as follows:

(a) and (b) remain as proposed.

(c) alcoholic beverages may only be sold ~~from a drink preparation area in an approved sample room or an approved off-premises sales area.~~

42.13.601 BREWERY - CONDITIONS FOR OPERATING (1) In addition to all other alcoholic beverage licensing requirements, a brewery shall:

(a) through (d) remain as proposed.

(e) prevent the self-service of alcoholic beverages on the premises, ~~except in an off-premises sales area;~~

(f) and (g) remain as proposed.

~~(h) for any alcoholic beverage purchased on the premises, prevent the consumption of alcoholic beverages on any property in which the licensee has~~

~~possessory interest and that is contiguous or used in connection with the licensee's business, including any patio, deck, sitting area, smoking area, playground, or parking lot that is not part of the premises~~ prevent the consumption of alcoholic beverages in the manufacturing area or storage area except as authorized by federal laws;

(i) through (2) remain as proposed.

(3) A brewery may sell alcoholic beverages on its premises to a consumer for off-premises consumption only as follows:

(a) and (b) remain as proposed.

(c) alcoholic beverages may only be sold ~~from a drink preparation area in an approved sample room or an approved off-premises sales area;~~ and

(d) through (5) remain as proposed.

42.13.802 DISTILLERY - CONDITIONS FOR OPERATING (1) and (2) remain as proposed.

(3) In addition to all other requirements, a microdistillery shall:

(a) remains as proposed.

(b) only transfer alcoholic beverages from a manufacturing area or storage area to a sample room ~~or off-premises sales area~~ in original packaging;

(c) ~~for any alcoholic beverage purchased on the premises, prevent the consumption of alcoholic beverages on any property in which the licensee has possessory interest and that is contiguous or used in connection with the licensee's business, including any patio, deck, sitting area, smoking area, playground, or parking lot that is not part of the premises~~ prevent the consumption of alcoholic beverages in the manufacturing area or storage area except as authorized by federal laws;

(d) prevent the self-service of alcoholic beverages on the premises, ~~except in an off-premises sales area;~~

(e) through (4) remain as proposed.

(5) In addition to all other requirements, a microdistillery that conducts off-premises sales shall:

(a) and (b) remain as proposed.

(c) sell alcoholic beverages only ~~from a drink preparation area~~ in an approved sample room ~~or an approved off-premises sales area;~~

(d) through (f) remain as proposed.

42.12.134 (42.13.1102) ALL-BEVERAGES LICENSE - CONDITIONS FOR OPERATING (1) In addition to all other alcoholic beverage licensing requirements, an all-beverages licensee shall:

(a) through (c) remain as proposed.

(d) prevent the self-service of alcoholic beverages on the premises, ~~except in an off-premises sales area;~~

(e) and (f) remain as proposed.

(g) prevent the consumption or possession of alcoholic beverages on the premises by persons who are under 21 years of age or actually, apparently, or obviously intoxicated; and

(h) prevent the on-premises consumption of alcoholic beverages not sold or

provided at the premises and those sold in original packaging or growlers for off-premises consumption; ~~and~~

~~(i) prevent the consumption of alcoholic beverages on any property in which the licensee has possessory interest and that is contiguous or used in connection with the licensee's business, including any patio, deck, sitting area, smoking area, playground, or parking lot that is not part of the premises.~~

(2) An all-beverages licensee may sell alcoholic beverages for off-premises consumption only as follows:

(a) alcoholic beverages must be sold in original packaging or individual servings, except that the retailer may fill and sell growlers with beer and table wine; and

(b) the sale of alcoholic beverages must occur on the premises; the delivery of alcoholic beverages to the consumer off-site is prohibited;

~~(c) alcoholic beverages may only be sold from a drink preparation area or an off-premises sales area; and~~

~~(d) the sale of alcoholic beverages within the off-premises sales area must equal at least 95 percent of the gross revenue of all sales in that area.~~

42.12.136 (42.13.1104) ON-PREMISES CONSUMPTION BEER LICENSE - CONDITIONS FOR OPERATING

(1) In addition to all other alcoholic beverage licensing requirements, an on-premises consumption beer licensee shall:

(a) through (c) remain as proposed.

~~(d) prevent the self-service of alcoholic beverages on the premises, except in an off-premises sales area;~~

(e) and (f) remain as proposed.

(g) prevent the consumption or possession of alcoholic beverages on the premises by persons who are under 21 years of age or actually, apparently, or obviously intoxicated; and

(h) prevent the on-premises consumption of alcoholic beverages not sold or provided at the premises and those sold in original packaging or growlers for off-premises consumption; ~~and~~

~~(i) prevent the consumption of alcoholic beverages on any property in which the licensee has possessory interest and that is contiguous or used in connection with the licensee's business, including any patio, deck, sitting area, smoking area, playground, or parking lot that is not part of the premises.~~

(2) remains as proposed.

(3) An on-premises consumption beer licensee and an on-premises consumption beer licensee with a wine amendment may sell alcoholic beverages for off-premises consumption only as follows:

(a) alcoholic beverages must be sold in original packaging or individual servings, except that the retailer may fill and sell growlers with beer and table wine; and

(b) the sale of alcoholic beverages must occur on the premises; the delivery of alcoholic beverages to the consumer off-site is prohibited;

~~(c) alcoholic beverages may only be sold from a drink preparation area or an off-premises sales area; and~~

~~(d) the sale of alcoholic beverages within the off-premises sales area must equal at least 95 percent of the gross revenue of all sales in that area.~~

42.12.137 (42.13.1105) OFF-PREMISES CONSUMPTION BEER AND TABLE WINE LICENSE - CONDITIONS FOR OPERATING

(1) In addition to all other alcoholic beverage licensing requirements, an off-premises consumption beer and table wine licensee shall:

- (a) through (c) remain as proposed.
 - (d) operate as a stand-alone beer and/or table wine business, grocery store, or drugstore licensed as a pharmacy; and
 - (e) prevent the sale of alcoholic beverages between 2 a.m. and 8 a.m.; and
 - ~~(f) prevent the consumption of alcoholic beverages on the premises and any property in which the licensee has possessory interest and that is contiguous or used in connection with the licensee's business, including any patio, deck, sitting area, smoking area, playground, or parking lot that is not part of the premises.~~
- (2) remains as proposed.

42.12.138 (42.13.1202) BEER WHOLESALER AND TABLE WINE DISTRIBUTOR - CONDITIONS FOR OPERATING

(1) In addition to all other alcoholic beverage licensing requirements, a beer wholesaler and table wine distributor shall:

- (a) through (b)(i) remain as proposed.
 - (ii) all product labels have been approved by the department; and
 - (iii) an agreement of distributorship agreement is in place between the manufacturer or importer and the wholesaler or distributor; and
 - ~~(iv) an accommodation agreement is in place between the importer and manufacturer when the product is received from an importer;~~
- (c) through (3) remain as proposed.

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:

COMMENT 1: Mr. Pigman asked if it was consumer complaints, licensee abuses, or fines that prompted the department to propose the rule amendments.

RESPONSE 1: Section 2-4-314, MCA, of the Montana Administrative Procedure Act, states that each agency shall review its rules at least biennially. The intent of the review is to determine if any rules can be eliminated, are in need of updates, or should be amended for better guidance and clarity. The review process can also bring to light the need to reorganize certain rules or sections of rules, which happened during the department's recent comprehensive review of these liquor rules. In addition to the updates and reorganization changes proposed in this notice based on the findings of its recent review, the department also proposed changes to address some observations by and questions received from the industry since the previous biennial review took place.

COMMENT 2: Mr. Lawlor asked the department to consider outside perspective in advance of all rulemaking as a matter of efficiency, to stay in sight of

statutory boundaries of authority, to be mindful of burdens placed on businesses, and to be aware of inconsistencies with other rules and laws.

RESPONSE 2: The department complies with statutory rulemaking requirements, which provides all interested parties with the same opportunity and time to review the department's proposed actions. This is the fairest approach and ensures the concerns of all interested parties are considered equally.

COMMENT 3: Mr. Lawlor stated that the department's small business impact statement does not account for the burden and costs that New Rules I through V will create, such as expensive remodels that put strain on a business's finances and employees.

RESPONSE 3: The department has reviewed its small business impact statement and believes it accurately reflects the impact the proposed rules would have on licensees.

Based on comments received about some of the proposed language in the new rules, the department has made amendments to remove requirements for off-premises sales areas, separation barriers, and permanent floor-to-ceiling walls in certain circumstances. These amendments to the new rules should also lessen any perceived burden or financial strain.

COMMENT 4: Mr. Silverman asked if the proposed new rules will impact agency liquor stores.

RESPONSE 4: Agency liquor stores are not subject to this set of administrative rules. ARM Title 42, chapter 12 contains rules related to liquor licenses and permits, and chapter 13 contains rules related to regulation of licenses. Agency liquor store rules are located in ARM Title 42, chapter 11.

COMMENT 5: Mr. Harris commented that any reference to on-premises, off-premises, and separation barriers throughout the proposed rule changes is a copy and paste from areas in the rules regulating agency liquor or package liquor stores. Manufacturers such as wineries, breweries, and distilleries are not bound by these same distinctions and the rule language should specify these differences.

RESPONSE 5: The department has amended New Rule V to remove the requirement for manufacturers to have a separation barrier.

COMMENT 6: Mr. Lawlor requested that the language "and the land upon which the premises are located" be stricken from New Rules I through V, because the requirement that a licensee have possessory interest in the premises and the land upon which it is located is not supported by statute and is inconsistent with property law. A large number of existing premises would be rendered unsuitable by this language. Mr. Lawlor further stated that any grandfather provision for future application would not adequately remedy the problem.

RESPONSE 6: The department has amended New Rules I through V to remove the language "and the land upon which the premises are located." However, licensees are still required to have possessory interest in the premises, which includes any patio/deck or other outside area used by the licensee.

COMMENT 7: Mr. Silverman commented that New Rule I(2)(b), which requires an on-premises consumption beer or all-beverage retailer to have adequate control over the premises, would prohibit retailers from utilizing a common area as part of their premises.

Mr. Lawlor commented that the language requiring that "the interior portion of the premises be a continuous area unbroken by any area in which the licensee does not have adequate control, such as another business or a common area shared with other building tenants" in New Rules I through III(2)(e), and New Rules IV and V(2)(f), would render a large number of existing licensed premises unsuitable. There is no legitimate basis for the department to conclusively presume that a licensee would not have adequate control over a common area unless it has exclusive authority to govern the conduct of the area.

RESPONSE 7: To effectively manage the sale, service, and consumption of alcoholic beverages on the premises, the licensee must have adequate control of the premises. When areas are shared with other building tenants, a licensee does not have the exclusive authority to govern the conduct that occurs in that area. Therefore, these areas are prohibited from being part of the premises.

COMMENT 8: Mr. Hoffman, Mr. Iverson, Mr. Lawlor, Mr. Peterson, and Mr. Pigman all stated opposition to the requirement for a single, lockable door, as proposed in New Rules I through V. They maintain this regulation is unwarranted and unsupported by statute, which broadly allows inside access to the rest of the building during lawful hours without a restriction as to the number of doors. They recommend the department instead use language such as "doors must be for building, fire, health, or service purposes, and must be lockable."

RESPONSE 8: The department has amended the language in all five new rules to allow for multiple additional doors, subject to department approval.

COMMENT 9: Mr. Hoffman, Mr. Iverson, Mr. Lawlor, Mr. Peterson, Mr. Pigman, Mr. Leow, and Mr. Silverman all stated opposition to the restriction on doors more than six feet wide, as proposed in the New Rules I through V. They maintain this limitation is impractical and unfair, especially for warehouses. There are existing, licensed storage depots with overhead doors much wider than six feet. Renovations would be costly and not lead to increased public health and welfare. They recommended the department use language requiring door widths comply with building and fire codes instead.

RESPONSE 9: The language in 16-3-311, MCA, allows for inside access through a permanent wall when an on-premises consumption retail licensee's premises is within a building shared by other entities. The six-foot door requirement

for on-premises consumption retail licenses is an existing requirement that ensures the licensee can retain adequate control over the premises and prevent unauthorized access. The department declines to make further amendments to New Rule I or II, which are specific to on-premises consumption retail license types.

The department has amended the language in New Rules III through V, which are specific to off-premises licensees, wholesalers, distributors, and manufacturers, to only include a door size requirement when the premises are within a building shared with another alcoholic beverage licensee. This will ensure there is a clear designation of each licensee's premises. For off-premises licensees, wholesalers, distributors, and manufacturers, this means no door size requirement exists when the premises is located within a building shared by non-licensed entities.

COMMENT 10: Mr. Lawlor asked whether there is a contradiction between the "lockable door" requirement in New Rules I through III, and the explanatory language pertaining to these sections which indicate that "unrestricted access" by law enforcement means that there will be "no locked gates."

RESPONSE 10: The department is requiring, when a licensed establishment is located in a portion of a building, any doors between the licensed establishment and another business have the ability to be locked. This will prevent unauthorized access to the licensed establishment. The requirement that law enforcement must have unrestricted access pertains to the land upon which the premises are located. Gates or fences that prevent law enforcement access onto the land are prohibited.

COMMENT 11: Multiple parties commented regarding the language in New Rule I(2)(l), New Rule II(2)(k), and New Rule III(2)(k), prohibiting signage other than certain temporary advertisements on the exterior of a building.

Mr. Lawlor, Mr. Iverson, and Mr. Peterson requested clarification that this requirement does not restrict the placement of signage inside windows that are visible from the outside, such as neon beer signs.

Mr. Silverman also requested clarification whether there was a certain percentage of ownership interest a retailer must have in an adjacent building before the prohibition applied. He also asked if a sign must be removed when a retailer moves into a building with a sign painted on the exterior.

Mr. Pigman stated the proposed amendments regarding signage could cause substantial financial outlay for any premises alterations.

Mr. Leow and Mr. Pigman questioned whether the term "adjacent to," as used in New Rule I and defined in ARM 42.12.106(1)(c), could mean that a building across the street would be subject to the signage prohibition.

Mr. Smith and Mr. Simshaw stated that they thought the statutory language was clear without additional rule guidance and that it allowed manufacturer advertising on an adjacent building as long as the retailer did not cause it to be placed there. They also requested that existing retailers in violation of the statute not be grandfathered in until committing a triggering event for a suitability review.

Mr. Hoffman requested that the department not extend the statutory beer advertising limitations to wineries and distilleries. He also stated that there was an

apparent conflict between New Rule I(2)(l) and New Rule V(2)(k) because New Rule I prohibits certain signs and New Rule V requires manufacturers to have signs.

RESPONSE 11: The prohibition of signs, posters, or advertisements displayed on the exterior portion of the premises that identify an alcoholic beverage manufacturer, importer, wholesaler, or distributor in New Rule I(2)(l), New Rule II(2)(k), and New Rule III(2)(l), does not extend to the interior portion of the premises. A licensee is not prohibited from having these forms of marketing inside the premises facing outward through a window.

The beer advertising limitation applies to any retail owner, regardless of the ownership percentage. In Mr. Silverman's hypothetical situation, the retailer would be required to remove the painted sign before final approval is granted by the department.

The department has amended New Rules I, II, and III to remove the advertising prohibition to other alcoholic beverage types. As amended, the rules will only prohibit beer advertisements as per 16-3-244, MCA. The beer advertising limitations in 16-3-244, MCA, prohibit the retail alcoholic beverage licensee from displaying the marketing material on the exterior portion of the premises.

Because a retail alcoholic beverage licensee cannot control the activities that occur on property not owned by the licensee, the department is clarifying that adjacent property is only affected when it is owned by the licensee.

New Rule I(2)(l) and New Rule V(2)(k) are not in conflict because each rule is specific to a different alcoholic beverage license type. The prohibition of exterior signs only applies to retailers. Therefore, the prohibition exists only in New Rules I, II, and III. The prohibition does not exist in New Rule IV or V, as these rules are specific to distributors, wholesalers, and manufacturers.

COMMENT 12: Mr. Smith and Mr. Simshaw requested adding a condition for operating which would prohibit a licensee from utilizing marketing that advertises itself as a type of licensee that it is not.

RESPONSE 12: Although the department will consider the inclusion of such false advertising claims in future rulemaking, such an amendment cannot occur at this stage of the current rulemaking process as it would be implementing new content that the public did not have an opportunity to consider and comment on.

COMMENT 13: Mr. Cartwright, Mr. Hibbard, Mr. Iverson, Mr. Lawlor, Mr. Lee, Mr. Peterson, Mr. Pigman, Mr. Rasile, Ms. Roberts, and Mr. Silverman all spoke in opposition to the regulations pertaining to on-premises licenses with off-premises sales areas regarding self-service, reach-in coolers, open shelving, separation barriers, and additional cash registers, as proposed in New Rules I and V; the definition of "off-premises sales area" in ARM 42.12.106; and the 95 percent sales requirement in ARM 42.12.134 and 42.12.136. They maintain the regulations are unsupported by statute, engraft new requirements not envisioned by the legislature, cause financial and other hardships for businesses for renovations and additional staffing, and yield little public benefit.

RESPONSE 13: The department has amended New Rules I and V to remove the requirement that the licensee have a separation barrier between the on-premises consumption area and the off-premises sales area. This includes removing the definitions of separation barrier and on-premises sales area in ARM 42.12.106 and ARM 42.13.111. Additionally, the requirement to have a cash register or other equipment for conducting sales transactions and the 95 percent sales requirement is being removed from ARM 42.13.1102 and ARM 42.13.1104.

The department has further amended the definition of "business directly related to the on-premises consumption of alcoholic beverages," in ARM 42.12.106, to include grocery stores as a type of business that is not directly related to the on-premises consumption of alcoholic beverages.

The original intent of the 95 percent sales requirement was to ensure on-premises licensees were not extending the operations of the business into avenues in which off-premises licenses are more suitable. Prohibiting an on-premises consumption license from operating in conjunction with a grocery store serves the same purpose as the 95 percent sale requirement without putting any additional burden on licensees to implement an off-premises sales area.

COMMENT 14: Mr. Peterson asked if the department is removing the requirement that there be stools or seats at the bar, because New Rule I(2)(n) only references the requirement to include at least one stationary drink preparation area. If this is the case, Mr. Peterson supports the change because it will eliminate the need for licensees to incur the expense of putting unutilized seats at a bar.

RESPONSE 14: Mr. Peterson is correct that there is no longer language in the suitability requirements requiring seats to be located at the drink preparation area. However, as provided in New Rule I(2)(o), licensees are still required to have at least twelve seats independent of any seats at gambling machines.

COMMENT 15: Mr. Silverman asked how New Rule I(2)(p), which requires interior access to any interior portion of the premises, will affect historic buildings or licensees that have already received floor plan approvals.

RESPONSE 15: To meet suitability requirements, a premises must be located in one building or a specific portion of one building. By not having interior access to all interior portions of the premises, the licensee is operating out of multiple portions of a building, which is prohibited. Licensees must come into compliance with this provision when requesting an alteration or transfer in ownership requiring the vetting of a new party.

COMMENT 16: Mr. Iverson, Mr. Peterson, and Mr. Pigman asked the department to allow the storage of alcoholic beverages in areas other than the interior portion of the premises, as proposed in New Rule I(2)(q), New Rule III(2)(o), and the definition of "storage area" in ARM 42.12.106(42). The parties contend that interior storage is unnecessary so long as the department knows where the product is stored and can inspect and verify security of that area. They contend that the

department should only require that the storage area be included on the floor plan and be on property owned or leased by the licensee.

RESPONSE 16: The department declines to amend New Rule I, New Rule III, or the definition of "storage area," in ARM 42.12.106, to allow alcoholic beverages to be stored in other areas than the interior portion of the premises.

A retail licensee's premises is required to be located in one building or a specific portion of one building. Storing alcoholic beverages in an additional building would involve the licensee operating in more than one location.

COMMENT 17: Mr. Cartwright recommended the department adopt a rule requiring employees to open all bottles, containers, etc., to place the responsibility of monitoring over-consumption on the licensee and their employees.

Mr. Iverson voiced opposition to Mr. Cartwright's proposal, asserting that it will not work well in all situations, including sporting events, festivals, concerts, or on a golf course where the patron is participating or seated at a great distance from the service bar and use of a sealed container would make sense.

RESPONSE 17: Although the department will consider the inclusion of such language in future rulemaking, such an amendment cannot occur at this stage of this current rulemaking process as it would be implementing new content that the public did not have an opportunity to consider and comment on.

COMMENT 18: Regarding New Rule II(2)(i), governing suitability for restaurant beer and wine licenses, Mr. Hoffman asked who determines the "general layout and atmosphere" of a premises in terms of its suitability to possess a restaurant beer and wine license.

RESPONSE 18: As part of suitability determination, the department determines whether the general layout and atmosphere clearly demonstrates that an alcoholic beverage license is being operated within the premises.

COMMENT 19: Mr. Peterson commented that New Rule II(2)(n) eliminates the previous requirement that a restaurant beer and wine (RBW) licensee not allow patrons to consume beer or wine at a bar, which may open up the possibility for a licensee to allow patrons to consume beer or wine without the sale of food prepared on the premises to that patron. Mr. Iverson stated a similar concern and opposition to the proposed amendment of ARM 42.12.135, which allows patrons to sit at the service bar, because it could create an environment that is more reflective of an on-premises consumption beer or all-beverage license rather than an RBW license.

RESPONSE 19: Although the department is allowing patrons to sit at the service bar, patrons are still required to purchase food to be served alcoholic beverages pursuant to 16-4-420, MCA. This condition clearly differentiates the license from other on-premises consumption licenses and reduces the perception of the atmosphere being more reflective of other on-premises consumption licenses.

COMMENT 20: Mr. Iverson opposes the requirement in New Rule III(2)(e) for floor-to-ceiling walls to separate the off-premises business because the requirement will pose significant problems for current licensees, does nothing to protect the public's health, welfare, and safety, and fails to allow for any requirements that local building, health, and fire departments may place on the premises.

RESPONSE 20: The department has amended New Rule III(2)(e) to require a permanent floor-to-ceiling wall only when an off-premises establishment shares a building with another alcoholic beverage licensee. This amendment will allow the off-premises licensee more flexibility when sharing a building with a non-licensed entity. A permanent floor-to-ceiling wall is required when sharing a portion of a building with another alcoholic beverage licensee to ensure there is a clear and separate designation between licensed premises. This amendment was also made to New Rules IV and V, specific to wholesalers, distributors, and manufacturers.

New Rules I and II, which are specific to on-premises consumption retailers, were not further amended. Suitability requirements in 16-3-311, MCA, specifically state that a permanent wall must separate on-premises consumption retailers from all other businesses located within the same building.

COMMENT 21: Ms. Shannon commented that New Rule IV(2)(f), which specifies that "premises are located in one building or a specific portion of one building," is contradicted by (3), which states that the "premises may include more than one building for storage purposes only if the property on which buildings are located is contiguous."

RESPONSE 21: These two sections of New Rule IV are not contradictory. Section (2)(f) requires beer wholesaler and table wine distributors to be located in one building or a portion of a building. Section (3) provides for an exception to this general requirement, in that licensees can seek approval to use separate product storage areas if their property meets certain qualifications.

COMMENT 22: Regarding floor plans in New Rule IV(2)(g), Ms. Shannon commented that, while 16-3-234, MCA, does not allow beer and wine distributors to consume alcohol on their premises, some distributors do have department-approved floor plans that include adjacent, separate, secure, access-controlled areas that are not part of their premises, where alcohol may be consumed for manufacturer-distributor education, training, tastings, private functions, etc., and wants the department to confirm that this new rule language does not preclude distributors from continuing to do this.

Ms. Shannon requested similar assurance about the amended language in ARM 42.12.138(1)(g), to ensure that separate areas in beer and wine distribution warehouses for sampling and education of sales staff are still allowed.

RESPONSE 22: The suitability requirements in New Rule IV, and the conditions for operating a beer wholesaler and table wine distributor license in newly numbered ARM 42.13.1202, apply to the floor plan that is on file and approved by the department. Those areas that are not on the approved floor plan are not bound

by the suitability and operational condition requirements in New Rule IV and ARM 42.13.1202.

COMMENT 23: Mr. Silverman asked if the department would be able to more clearly define the meaning of "drink preparation area," which is used in New Rule V and defined in ARM 42.12.106. He added that he understands that more clearly defining the term to address off-premises versus on-premises consumption might be difficult to do. Mr. Smith and Mr. Simshaw asked for clarification of this definition as it applies to New Rule V(6)(d), because they want to continue filling growlers and bottles in the drink preparation area of their business for off-premises consumption.

RESPONSE 23: New Rule V requires a manufacturer to have a drink preparation area in the sample room, and the department believes the definition provided for a drink preparation area in ARM 42.12.106 is sufficient for the application of this new rule. As Mr. Silverman acknowledged, it would be difficult to define the term any further. As for growler fills, the definition of drink preparation area does not prohibit a brewer from filling growlers and bottles behind the bar for off-premises consumption.

COMMENT 24: Regarding the language in New Rule V(6)(d), allowing multiple drink preparation areas for wineries, distilleries, and breweries, Mr. Iverson commented that multiple drink preparation areas add complication to compliance with the statutory service limits placed on manufacturers and, therefore, he requests that the department add language to ensure that each of the manufacturer's systems will adequately ensure compliance with those limits, such as "the manufacturer must have adequate controls in place to ensure that patrons are not served more than the statutorily allowed number of ounces per day."

RESPONSE 24: Although the department will consider the inclusion of such language in future rulemaking, such an amendment cannot occur at this stage of this current rulemaking process as it would be implementing new content that the public did not have an opportunity to consider and comment on.

COMMENT 25: Mr. Leow requested elimination of the proposed language in New Rule V(6)(e) and (7), and the definitions in ARM 42.12.106(26) and 42.13.111(19) and (20), regarding off-premises sales areas and original packaging. He commented that, while it is probably not intended to require a brewery to have a separate off-premises sales area for growler fills and other to-go beer, ambiguity exists in these proposed amendments that could cause problems in the future, and he requested that the current practice of sample room growler fills and sales of other to-go beer remain in place and continue to be permitted.

RESPONSE 25: The department is not implementing a separate off-premises sales area for growler fills. Growler fills are allowed to continue to occur from the drink preparation area. The department has further amended New Rule V to remove the requirement that a separate off-premises sales area be located on the

premises. This additional amendment should eliminate the ambiguity Mr. Leow mentions.

COMMENT 26: Mr. Harris commented that the regulations for a non-contiguous warehouse should accurately reflect federal regulations and requested that the language in New Rule V(5) allow a distillery or warehouse to perform the same tasks permitted by the TTB under 27 C.F.R., section 19.

RESPONSE 26: The ability for a distiller to operate a non-contiguous warehouse for storage purposes only is currently allowed in rule. Performing any further activities would require the distiller to obtain an additional license under Montana's laws and regulations.

COMMENT 27: Mr. Leow expressed concern that, based upon the language in New Rule V(9), the department could change its suitability determination and require a licensee to make costly changes. Mr. Silverman stated that licensees are concerned that the department will revoke their licenses because they are no longer in compliance with the proposed new regulations.

RESPONSE 27: New Rule V(9) requires the licensee to remain in compliance with the suitability requirements in place when the premises were last inspected. Licensees are subject to administrative action when their premises are not in compliance with those suitability requirements. The licensee is responsible for complying with any new suitability requirements when the licensee proposes to change locations, alter an existing premises, or change ownership, requiring the vetting of a new party. This is the same process that exists in current rules.

COMMENT 28: Mr. Silverman stated his interpretation is that a patio/deck will no longer be a part of the licensed premises but will require permits, and asked if there is an application for the permits.

RESPONSE 28: A patio/deck, when approved by the department, is part of the licensed premises. This is the case in current rule and in the proposed rule language. New Rule I(2)(e) allows the interior portion of the premises to be extended by a patio/deck. New Rule I(2)(m), requires the licensee to accurately identify all areas of the premises, including the patio/deck. Also, New Rule I(3) states that the premises may have a patio/deck if certain requirements are met.

The department's use of the word "permitted" in the definition of patio/deck referred to services that are allowed, not an actual permit. To eliminate any confusion, the department has further amended ARM 42.12.106(29) and ARM 42.13.111(21) to replace the word "permitted" with "allowed."

COMMENT 29: Mr. Leow said he takes issue with the wording of the proposed definition of "business directly related to the on-premises consumption of alcoholic beverages," in ARM 42.12.106(7), and asked what could be more directly associated with on-premises consumption than a manufacturing facility that is producing the beverages that are being consumed there.

RESPONSE 29: New Rule I requires an on-premises consumption beer licensee's or all-beverage licensee's premises to be solely dedicated to the on-premises consumption of alcoholic beverages or to be within a business directly related to the on-premises consumption of alcoholic beverages. As Mr. Leow mentions, the definition of "business directly related to the on-premises consumption of alcoholic beverages" does not include an alcoholic beverage manufacturer.

As provided in (2)(c), of the same rule, only a single alcoholic beverage license of any kind can be operated at the premises. In other words, the stacking of multiple alcoholic beverage licenses on the premises is prohibited.

Therefore, the premises of an on-premises consumption beer or an all-beverage licensee cannot be operated in conjunction with an alcoholic beverage manufacturer. Each license is bound by its own suitability requirements and must be operated independent of each other.

COMMENT 30: Regarding the proposed definition of "perimeter barrier" in ARM 42.12.106 and 42.13.111, Mr. Lawlor asked the department to provide its rationale for the default limitation to a single entrance.

RESPONSE 30: The proposed amendment to the definition of "perimeter barrier" requires a single entrance. The definition further states that additional entrances may be allowed upon department approval. Only one entrance on the patio/deck is necessary. Additional entrances may be added. Therefore, the department's proposed language best meets the needs of all licensees.

COMMENT 31: Regarding the proposed definition of "perimeter barrier" in ARM 42.12.106 and 42.13.111, Mr. Lawlor asked for a description of the process by which the department will determine the allowance of such things as additional entrances, use of lattice, barriers under three feet high, and water barriers.

RESPONSE 31: The determination of additional entrances, building material, barrier height, and whether water barriers may be considered will vary from one location to another depending on circumstances. The department will grant variances to these when an alternative barrier accomplishes the same purposes of clear markings for patrons, licensees, licensees' employees, investigators, local law enforcement, or other interested parties, where consumption of alcohol is allowed and impedes access to the service areas by underage persons or others who may attempt to enter the premises without the licensee's knowledge.

COMMENT 32: Regarding the proposed definition of "perimeter barrier" in ARM 42.12.106 and 42.13.111, Mr. Lawlor asked if the department would be willing to review and approve a prospective license applicant's floor plan drawing, including patio and perimeter barrier, early in the planning stages before the full license application is submitted. This information would help determine the viability of a business plan. Early review and assistance from the department is appreciated.

RESPONSE 32: The department is available for guidance; however, granting approval of an applicant's floor plan cannot occur until all required documents have been submitted and reviewed. This includes an investigation of the premises by the Montana Department of Justice.

COMMENT 33: Mr. Lawlor, Mr. Lee, and Mr. Peterson all commented on the proposed definition of "permanent floor-to-ceiling wall" in ARM 42.12.106(31), specifically the restriction against the use of lattice or wrought iron materials. They contend that this requirement engrafts additional requirements not envisioned by the legislature and that it is onerous and overly restrictive. The construction materials used are not relevant to temperance, orderly markets, and tax collection, as per 16-1-101(3), MCA. They request allowing a separation barrier to be constructed in a manner that does not form a solid physical barrier.

RESPONSE 33: When an on-premises consumption retail licensee operates out of a portion of a building, section 16-3-311, MCA, requires the premises to be separated by a permanent wall from any other portion of the building. The building material used in constructing the permanent wall must be sufficient to ensure the licensee can maintain adequate control of the premises and ensure any unauthorized entrance is prohibited. The building material specified by the department will ensure a solid structure is built to meet its intended purpose.

COMMENT 34: Mr. Silverman asked why an exception for the use of building materials, such as lattice and metal, would be allowed for a separation barrier as defined in ARM 42.21.106(37), but not for a wall as defined in (31).

RESPONSE 34: Different building materials are specified for floor-to-ceiling walls and separation barriers in these two different sections of the rule, because they serve different purposes. Floor-to-ceiling walls separate the licensed premises from another business, whereas, the separation barrier would be an internal structure within the licensed premises. Floor-to-ceiling walls ensure the licensee has adequate control of the premises to prevent unauthorized access by another business. Separation barriers were proposed to ensure there is a clear distinction between the on-premises sales area and the off-premises sales area of the licensee's business and to ensure the licensee has control over the consumption of alcoholic beverages on the premises to prevent self-service, overconsumption, or consumption by underage persons.

COMMENT 35: Mr. Townsley expressed concern about the definition of permanent floor-to-ceiling wall in ARM 42.12.106 because, if he made an alteration, it may affect him financially and impact customer expectation about the atmosphere.

RESPONSE 35: The requirement of a permanent wall between an on-premises consumption retailer and another business is a statutory requirement pursuant to 16-3-311, MCA. Both the department and licensees must follow the laws of the state and cannot waive this requirement.

COMMENT 36: Mr. Leow asked that the perimeter barrier definition in ARM 42.12.106 be amended to allow for fire and building code compliance.

RESPONSE 36: The health and safety of the public is of the utmost importance to the department. All portions of the premises must be compliant with building, health, and fire codes. The department will approve or disapprove a license in conjunction with compliance with these codes. Therefore, no additional language is necessary.

COMMENT 37: Mr. Smith and Mr. Simshaw commented that the proposed definition of "sample room" in ARM 42.12.106(35) appears to specify that the sample room is the only place on the premises where consumption of alcohol is allowed. They asked the department to add language clarifying that on-premises consumption of alcohol can continue in the manufacturing area under the guidance of a licensee's employee on tours of the manufacturing process.

Mr. Harris, Mr. Hibbard, and Mr. Rasile all requested language in ARM 42.13.802(4)(b), to allow microdistilleries to sample, test, and consume within their storage and manufacturing areas.

RESPONSE 37: The department has further amended ARM 42.13.405, 42.13.601, and 42.13.802 to provide for the consumption of alcoholic beverages in the manufacturing area or storage area as allowed by federal law.

COMMENT 38: Mr. Iverson asked that the definition of "self-service of alcoholic beverages," in ARM 42.12.106(36), be amended to clarify that self-service for on-premises consumption is not allowed. Mr. Peterson also recommended amending the definition to include consumption as part of self-service.

RESPONSE 38: The department has further amended the definition of "self-service of alcoholic beverages" to reference on-premises consumption.

COMMENT 39: Mr. Harris requested the addition of the phrase "wines and spirits" to the end of the sentence in ARM 42.13.111(11), to reflect legal allowances for non-beverage flavoring and alcoholic beverages other than strictly beer, as provided by federal law.

RESPONSE 39: The term "flavors and nonbeverage ingredients containing alcohol," as defined in ARM 42.13.111, is used in ARM 42.13.603, which pertains only to the manufacturing of beer. Because ARM 42.13.603 does not speak to the manufacturing of wine or spirits, the department declines to amend this definition.

COMMENT 40: Mr. Iverson and Mr. Peterson expressed concern with the proposed elimination of language in ARM 42.12.122(5), addressing situations that do not require suitability inspections such as the death or divorce of a co-owner.

RESPONSE 40: This language in ARM 42.12.122(5), to which Mr. Iverson and Mr. Peterson refer, currently does not require the licensee to come into

compliance with suitability requirements when ownership changes occur due to the death of a co-owner or a divorce among co-owners.

The department is not eliminating this exception in the rules. If the co-owner assuming more ownership interest due to the death or divorce of another co-owner is an approved owner that was vetted pursuant to 16-4-401, MCA, then the department does not require a suitability inspection. However, if the co-owner assuming the additional ownership interest was not vetted pursuant to 16-4-401, MCA, then the department would require a suitability inspection. This is consistent with current practice.

COMMENT 41: Mr. Lawlor noted that the existing language in ARM 42.12.133(4) contains an apparent typographical error from a prior rule revision. Therefore, the reference cited in this section, which should have been to ARM 42.12.122, needs to be changed to reference New Rule I.

RESPONSE 41: The department agrees and has further amended the rule to reference ARM 42.12.145, the number being assigned to New Rule I.

COMMENT 42: Mr. Cartwright said the department failed to cite the relevant statute to prohibit the on-premises consumption of alcoholic beverages not sold or provided at the premises, as proposed in ARM 42.12.134(1)(h), 42.12.135(1)(k), and 42.12.136(1)(h). He recommends the department strike these references and instead require all businesses covered by these rules to charge a corkage fee for alcohol brought in by the customer.

RESPONSE 42: Licensees are prohibited from allowing alcoholic beverages to be consumed on the premises that were not purchased at the premises. Section 16-6-303, MCA, is clear that liquor may not be present on a licensee's premises for any purpose whatsoever unless the licensee purchased it from an agency liquor store. Additionally, 16-3-301, MCA, which was added as a citation in the implementing section for these three rules in the proposal notice, makes it unlawful for a licensed retailer to have beer or wine on its premises except beer and wine purchased or acquired by the licensee from a licensed brewery, winery, or wholesaler. The citation is correct. The department declines to amend this rule to allow patrons the ability to bring alcohol onto a licensed premises.

COMMENT 43: Ms. Fisher, Mr. Iverson, Mr. Leow, and Mr. Silverman all requested the removal of the proposed language pertaining to a licensee preventing alcohol consumption on land or property in which a licensee has possessory interest that is not part of the premises, as stated in ARM 42.13.405, 42.13.601, 42.13.802, 42.13.1102, 42.13.1104, and 42.13.1105.

RESPONSE 43: The department has further amended these six rules to remove the requirement that the licensee prevent the consumption of alcoholic beverages on such unlicensed areas.

COMMENT 44: Regarding the conditions for operating a restaurant beer and wine (RBW) license, in ARM 42.12.135, Mr. Iverson asked the department to require licensees to provide a "meaningful food purchase" with the sale of beer or wine, something other than snack items such as chips, cookies, and pretzels. He contends that while the legislative intent of the RBW license was to allow restaurateurs to provide alcohol with sit-down lunch or dinners, there are some RBW licenses being used outside of this intent and operating more like taverns. Mr. Peterson asked the department to require these licensees to sell only food prepared on the premises to ensure a RBW licensee does not sell prepackaged food.

RESPONSE 44: Although the department will consider the inclusion of such language in future rulemaking, such an amendment cannot occur at this stage of this current rulemaking process as it would be implementing new content that the public did not have an opportunity to consider and comment on.

COMMENT 45: Mr. Lawlor opposes the exclusion of non-alcoholic beverages from the 65 percent food requirement in the proposed amendment of ARM 42.12.135(1)(f), because it would require changes in business operations and bookkeeping for some businesses that would need to track three separate categories. He further stated that the department's rationale that food is not commonly understood to include liquids is debatable given the statutory definition of food in 50-50-102(9), MCA, which provides that "food means an edible substance, beverage, or ingredient used, intended for use, or for sale for human consumption."

RESPONSE 45: The department declines to allow the sale of non-alcoholic beverages to count towards the 65 percent food requirement. A patron is required to order food to be served alcoholic beverages pursuant to 16-4-420, MCA. If non-alcoholic beverages were considered food, then a patron at a licensed restaurant beer and wine establishment could order a soda (to meet the food requirement) and a glass of beer or wine. This is not the intent of the statute.

COMMENT 46: Ms. Shannon requested clarification on the requirement for an accommodation agreement in ARM 42.12.138(1)(b)(iv).

RESPONSE 46: After further consideration, the department has determined the accommodation agreement requirement is unnecessary and inapplicable and has further amended ARM 42.12.138 to remove this provision.

COMMENT 47: Mr. Silverman asked why the department is placing a limitation on the earnest money allowed for in ARM 42.12.209, why five percent was chosen, and whether this applies to agency liquor stores.

RESPONSE 47: The existing rule language prevented any funds or other consideration for the liquor license to be exchanged between the seller and the buyer. Understanding that business transactions typically allow earnest money to be exchanged, the department proposed allowing five percent as a reasonable amount

to help ensure buyers follow through with their agreement to a purchase transaction. Additionally, rules in ARM Title 42, chapter 12, do not apply to agency liquor stores.

COMMENT 48: Mr. Cartwright recommends in ARM 42.12.401(4) that wines between 16 and 24 percent alcohol by volume be labelled as "strong wine" or "elevated ABV wines" rather than "fortified wine," because the term "fortified wine" has a specific meaning in the trade, referring to wines which have had distilled spirits added to them.

RESPONSE 48: The department is using the term fortified wine as a general term to describe all wine with more than 16 percent but less than 24 percent alcohol by volume. Because the department is not specifying how the wine is to be produced, the department declines to amend the definition.

COMMENT 49: Ms. Shannon requested additional clarification of the meaning of "self-service of alcoholic beverages" in ARM 42.13.111(32).

RESPONSE 49: The term "self-service of alcoholic beverages" means allowing persons other than the licensee or its employees to have access to alcoholic beverages prior to the licensee or its employees providing the alcoholic beverages to the person. Self-service of alcoholic beverages occurs when consumers or patrons of an establishment obtain or can access alcoholic beverages without the licensee or the licensee's employees providing it to them.

COMMENT 50: Mr. Leow and Mr. Silverman suggested that wherever "alternating proprietor" is mentioned, such as in New Rule V(2)(c), ARM 42.13.405(1)(d), 42.13.601(1)(c), and 42.13.802(1)(d), that the department also add "alternating premises." Mr. Silverman further commented that the department's proposed rule language should reflect the TTB's allowance for alternating manufacturing to occur within a single facility. Ms. Shannon requested clarification of the meaning of "alternating proprietor arrangement."

RESPONSE 50: Alternating proprietor arrangements are allowed pursuant to ARM 42.13.1002. Once approved by the department, these arrangements allow a manufacturer to utilize the licensed premises and equipment of another manufacturer. The department declines to further amend these rules, because ARM 42.13.1002 currently allows the premises to be alternated for these types of arrangements.

In order to obtain licensure, each manufacturer is required to have its own premises. Multiple manufacturers operating out of a single facility under an alternating proprietor arrangement is not allowable, because multiple licenses would have the same location as the primary premises.

COMMENT 51: As to product returns, Ms. Blazer and Ms. Shannon expressed concern that a retailer could claim that a product is discontinued, necessitating that the distributor retrieve the product. If ARM 42.13.305 is repealed, then ARM 42.12.138 (newly numbered 42.13.1202) should be amended with better

definitions and to specify what is allowed on the exchange or return of products. Specifically, they request clarification of what "discontinued" and "acquisition of other products" mean. Ms. Blazer also asked if the detailed outline of consignment sales language in the rule being repealed is really being replaced by the simple statement in ARM 42.12.138, that "a beer wholesaler and/or table wine distributor shall only sell product under a bona fide sale. It shall not sell product on consignment, under conditional sale, with the privilege of return, or in a sale involving acquisition of other products," with no further guidance, and stated that it is a major change not addressed in the statement of reasonable necessity provided for this rulemaking. Ms. Shannon requested clarification of what "the sale involving the acquisition of other products" in this same section means and who determines what product is discontinued in (3). Is it the retailer, the manufacturer, or the distributor?

RESPONSE 51: Beer wholesalers and table wine distributors are bound by the laws and regulations set forth in 27 C.F.R., section 11, subpart C, as they apply to sales arrangements between an industry member and retailer. The department reiterates the allowance or prohibition of these sales arrangements in newly numbered ARM 42.13.1202(2) and (3).

Title 27 C.F.R., section 11.23, refers to the "acquisition of other products" as exchanging one product for another product. This title also refers to the status of a product being "discontinued," as determined by the producer or importer in 27 C.F.R., section 11.38.

Ms. Blazer is correct that the department is repealing ARM 42.13.305 and replacing the contents in ARM 42.13.1202. ARM 42.13.305 provided a list of examples of when a product may or may not be returned to a beer wholesaler or table wine distributor. The inclusion of these examples in ARM 42.13.1202(2) and (3) provides retailers and distributors with the same guidance as the repealed rule.

COMMENT 52: Mr. Smith and Mr. Simshaw requested that ARM 42.13.601(1)(c) be amended to apply only to alcohol stored in the sample room because under the proposed rule the storage of alcohol products, such as commercially available beers being professionally sampled or distilled spirits used in yeast culturing and infusion, in the brewery manufacturing area would be prohibited.

RESPONSE 52: A licensee is allowed to have on its premises only the alcoholic beverages for which the premises are licensed or those alcoholic beverages authorized under an approved alternating proprietor arrangement. Other beers could be on the premises for research purposes because the premises is licensed as a brewery; however, a brewery would be prohibited from selling or providing those beers on its premises. Additionally, distilled spirits would not be prohibited if the spirits are used in the beer making process. However, storing distilled spirits on the premises for any other purpose would be prohibited.

COMMENT 53: Mr. Lawlor commented that the reason provided by the department for ARM 42.13.601(1)(d), to "prohibit such things as a manufacturer delivering product to a retailer by such unapproved means as pipes or hoses," requires further explanation. He stated that 16-3-214, MCA, permits a brewery to

deliver beer to a retailer using the brewery's own equipment, and does not exclude pipes or hoses.

RESPONSE 53: For federal tax purposes, beer may be removed from the brewery for consumption or sale only in barrels, kegs, bottles, or similar containers pursuant to 27 C.F.R., section 25.155.

The department allows a brewery to use pipes and hoses to transfer beer to its sample room because the sample room is part of the brewery. However, beer sales to wholesalers, retailers, and consumers outside the sample room requires the use of original packaging.

COMMENT 54: Mr. Harris noted the omission of the statute that allows for direct delivery of product to state agency liquor stores in ARM 42.13.802. He proposes the language in (1)(e), which reads "sell and deliver its product in Montana only in original packaging and to the department" be amended to add "and to the department or agency liquor stores as allowed by code." He stated that the language should not inhibit the ability to sell out of state or export out of the country.

RESPONSE 54: The ability to deliver product directly to an agency liquor store is solely granted to distilleries that produce less than 25,000 gallons of product annually. ARM 42.13.802(1) lists operational conditions that apply to all distilleries regardless of annual production. Section (5) lists additional operational conditions that apply to distilleries that produce less than 25,000 gallons of product annually (microdistilleries). Subsection (5)(f) specifically allows the microdistillery to deliver alcoholic beverages to an agency liquor store.

The proposed language does not inhibit a distiller from selling its products out of state or out of the country. The operational condition in (1)(e) only applies to sales within Montana. The department declines to further amend this section.

COMMENT 55: Mr. Iverson requested that ARM 42.13.802(3)(g)(i) be amended to read "for purposes of this rule, alcohol previously distilled at another distillery does not count towards the 90 percent requirement," to ensure that consumers are receiving a product closely aligned with their expectations when entering a microdistillery sample room and that microdistilleries operate within the expectations set with the passage of the microdistillery sample room law.

RESPONSE 55: Although the department will consider the inclusion of such language in future rulemaking, such an amendment cannot occur at this stage of this current rulemaking process as it would be implementing new content that the public did not have an opportunity to consider and comment on.

COMMENT 56: Mr. Iverson requested that ARM 42.13.802(3)(g)(ii) be amended to read "all alcohol provided at the microdistillery for on-premises and off-premises consumption contain at least 50 percent alcohol that was distilled at the microdistillery," because the proposed rule, as written, is meaningless.

RESPONSE 56: Although the department will consider the inclusion of such language in future rulemaking, such an amendment cannot occur at this stage of this current rulemaking process as it would be implementing new content that the public did not have an opportunity to consider and comment on.

COMMENT 57: Mr. Lee stated that ARM 42.13.802(4)(c), which adds a requirement preventing alcohol consumption between 8 p.m. and 10 a.m., is unnecessarily restrictive because 16-4-312(3), MCA, does not require a specific time by which the beverage must be consumed. Mr. Lee further stated that regulating how quickly a lawfully obtained beverage must be consumed does not encourage responsible consumer behavior.

RESPONSE 57: The statute which Mr. Lee mentions specifically states that the consumption of liquor on the premises is only allowed between the hours of 10 a.m. and 8 p.m. The department declines to amend this rule because the statute is clear and unambiguous.

COMMENT 58: Mr. Iverson requested that the department add language following ARM 42.13.802(4)(d) to make it clear in the rule that free-pouring from a liquor bottle is not allowed in a business with a volume distribution limit.

RESPONSE 58: Although the department will consider the inclusion of such language in future rulemaking, such an amendment cannot occur at this stage of this current rulemaking process as it would be implementing new content that the public did not have an opportunity to consider and comment on.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State April 17, 2017.

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.

Water Policy Interim Committee (where the primary concern is the quality or quantity of water):

- 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 | 1. 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, 2016. This table includes those rules adopted during the period September 30, 2016, through December 31, 2016, 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, 2016, this table, and the table of contents of this issue of the Register.

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 either the 2016 or 2017 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.

ADMINISTRATION, Department of, Title 2

- | | |
|-----------|---|
| 2.21.4002 | and other rules - Equal Employment Opportunity - Nondiscrimination - Harassment Prevention, p. 617, 1838, 130 |
| 2.59.104 | and other rules - Semiannual Assessment - Retention of Bank Records - Definitions - Change in Location - Application and Review Procedures - State, County, and Municipal Issues for Banks, p. 1744, 2326 |
| 2.59.301 | and other rules - Advertising - Standardized Forms and Procedures - Annual Reporting Form for Consumer Loan Licensees - Transition of Licenses to the NMLS, p. 1750, 2327 |
| 2.59.401 | and other rules - Model Bylaws and Statutory Reference for Credit Unions - Supervisory and Examination Fees - Limited Income Persons - Corporate Credit Unions, p. 1738, 2325 |
| 2.59.701 | and other rule - Application Procedure - Standardized Forms and Procedures - Transition of Escrow Business Licensees to the NMLS, p. 1879, 2410 |
| 2.59.1201 | and other rule - Standardized Forms and Procedures - Transition of Sales Finance Company Licensees to the NMLS, p. 1883, 2411 |
| 2.59.1506 | and other rules - Definitions - Standardized Forms and Procedures - Annual Reporting Form for Deferred Deposit Lending, p. 1886, 2412 |
| 2.59.1738 | and other rule - Definition of "Regularly Engage" - Renewal Fees for Mortgage Brokers, Lenders, Servicers, and Originators, p. 1287, 1845 |

(State Banking Board)

2.60.203 and other rules - Closure or Relocation of Bank Branch - Certificate of Authorization - Procedural Rules - Deposit Liability - Incorporation for State-Chartered Banks, p. 260

(Montana Lottery Commission)

2.63.204 and other rules - General Provisions - Revocation or Suspension of License - Prizes, p. 1591, 2185

2.63.1201 Prizes, p. 388

AGRICULTURE, Department of, Title 4

New Rules Hemp Definitions - License Applications, p. 114, 283

4.4.306 Hail Insurance Program, p. 207, 437

4.5.206 and other rules - State Noxious Weed List, p. 2257, 185

4.10.201 and other rules - Pesticide Housekeeping Changes, p. 2261

4.13.1001A Grain Fee Schedule, p. 2089, 131

STATE AUDITOR, Office of, Title 6

(Commissioner of Securities and Insurance)

New Rule Adoption of the NAIC Valuation Manual, p. 1494, 1846

New Rule and other rules - Group Disability Income Opt Out, p. 1497, 2057

New Rule and other rules - Annuity Mortality Tables – Determining Reserve Liabilities, p. 1890, 2328

6.6.201 and other rules - Life Insurance Buyer's Guide, p. 1754, 2329

6.6.1906 and other rules - Comprehensive Health Care Association and Plan, p. 2026, 2413

6.6.3801 and other rules - Credit for Reinsurance - Letters of Credit Used in Reduction of Liability for Reinsurance Ceded, p. 1596, 2186

6.6.4902 and other rules - Patient-Centered Medical Homes, p. 1895, 85

COMMERCE, Department of, Title 8

New Rule Administration of the 2017 and 2018 Program Year Community Development Block Grant (CDBG) Program – Small-Scale Housing Development and Rehabilitation Application Guidelines, p. 1292, 1944

8.22.2702 and other rules - Board of Horse Racing, p. 2300, 132

EDUCATION, Title 10

(Board of Public Education)

10.53.101 and other rules - K-12 Science Content Standards, p. 1298, 1955

10.57.101 and other rules - Educator Licensure, p. 1775, 2330

10.64.301 School Bus Requirements, p. 391

FISH, WILDLIFE AND PARKS, Department of, Title 12

12.5.701 and other rules - Aquatic Invasive Species, p. 209, 438

(Fish and Wildlife Commission)

12.6.2215 Exotic Species Classification, p. 1501, 2335

12.11.501 and other rules - Recreational Use on Rivers in Montana, p. 2094, 1

12.11.501 and other rules - Flathead Lake, p. 118

12.11.501 and other rule - Madison River, p. 121

12.11.501 and other rules - Fort Peck Dredge Cuts - Fort Peck Reservoir, p. 124

GOVERNOR, Office of, Title 14

14.6.101 and other rules - Implementation of the Sage-Grouse Stewardship Act,
p. 2359

ENVIRONMENTAL QUALITY, Department of, Title 17

17.30.660 Nutrient Standard Variances, p. 394

17.50.403 and other rules - Definitions of Solid Waste Management - Landfarm
Facility Standards - Compost Standards and Definitions, p. 3, 285

17.56.506 and other rules - Reporting of Confirmed Releases - Adoption by
Reference - Release Categorization, p. 2029, 186

(Board of Environmental Review)

17.8.102 and other rule - Incorporation by Reference--Publication Dates -
Incorporation by Reference and Availability of Referenced Documents,
p. 1109, 1848

17.24.645 and other rules - Ground and Surface Water Monitoring - Definitions -
Use and Classification Standards - Adoption by Reference, p. 2372

17.38.104 and other rules - Public Water Supply Systems, p. 1900, 220

TRANSPORTATION, Department of, Title 18

18.9.101 and other rules - Motor Fuels Tax, p. 1317, 1849, 2417

CORRECTIONS, Department of, Title 20

New Rule Inmate Worker Savings Subaccount, p. 1623, 286

New Rule Inmate Trust Accounts, p. 1628, 294

JUSTICE, Department of, Title 23

New Rule and other rules - Ignition Interlock Devices, p. 2305, 2394

23.16.101 and other rules - Social Card Games Played for Prizes of Minimal
Value - Location Managers - Definitions - Transfer of Interest Among
Licensees - Transfer of Interest to New Owners - Application for

Operator License - Change in Managers, Officers, and Directors -
Card Game Tournaments - Large-Stakes Card Game Tournaments -
Video Gambling Machine Ticket Vouchers, p. 1914, 87

LABOR AND INDUSTRY, Department of, Title 24

Boards under the Business Standards Division are listed in alphabetical order by chapter following the department rules.

- 24.8.201 and other rules - Human Rights Matters, p. 1504, 91
24.11.204 and other rules - Unemployment Insurance Program, p. 1630, 2058
24.17.127 and other rules - Prevailing Wage Rates for Public Works Projects, p. 2035, 93
24.26.695 Labor-Management Relations and Grievances, p. 187
24.29.1433 and other rules - Workers' Compensation Facility Service Rules and Rates and Conversion Factors, p. 399
24.29.1591 Utilization and Treatment Guidelines for Workers' Compensation Injuries, p. 1520, 2420
24.101.413 and other rules - Renewal Dates and Requirements - Procedural Rules - Public Participation Rules - Definitions - Fees - Prohibitions - General Licensing Requirements - Bout Approval - Fee Abatement - Promoter - Contest Regulations - Boxing Contestants - Female Contestants - Managers - Physical Examination - Ringside Health Care Professional Requirements - Number and Duration of Rounds - Down - Fouls - Appeal of Decisions of Officials - Hand Wraps - Official Boxing Gloves - Mouthpiece - Ring--Equipment - Officials Required - Judges - Seconds/Corners - Referee - Unprofessional Conduct - Department Representatives - Contracts and Penalties - Medical Advisor - Tickets - Elimination-Type Events - Inspectors – Announcer, p. 404

(Board of Barbers and Cosmetologists)

- 24.121.301 and other rules - Definitions - Nonroutine Applications - Licensure by Examination - Licensure by Credentialing With an Out-of-State License - Licensure Equivalency for Professional Education - Application for Postsecondary School Licensure - Inspection–School Layout - School Curricula - Teacher-Training Curriculum - Teaching Methodology Coursework - Salons/Booth Rental - Implements, Instruments, Supplies, and Equipment - Anonymous Complaints, p. 2396, 221

(Board of Clinical Laboratory Science Practitioners)

- 24.129.401 and other rules - Fees - Supervision - Minimum Standards for Licensure - Military Training or Experience - Temporary Practice Permits - Unprofessional Conduct - Nonroutine Applications, p. 2040, 299

(Board of Dentistry)

24.138.3227 Onsite Inspection of Facilities, p. 45, 223

(Board of Medical Examiners)

24.156.501 and other rules - Renewal Dates and Requirements - Definitions - Medical Student's Supervision and Permitted Activities - Internship - Fee Schedule - Revocation or Suspension Proceedings - Unprofessional Conduct - Application for Licensure - Professional Conduct and Standards of Professional Practice - Application for Physician Assistant License - Supervision of Physician Assistant - Chart Review - Continuing Education and Refresher Requirements - Medical Direction - Application for Temporary Non-Disciplinary Physician License - Application for Physician Licensure in Another State Via Interstate Compact - Post-Graduates-Supervision and Permitted Activities - Board Meetings - Medical Schools - Intern's Scope of Practice - Residency - Resident's Scope of Practice - Temporary License - Reinstatement - License Requirement - Application for a Telemedicine License - Fees - Failure to Submit Fees - Issuance of a Telemedicine License - Renewals - Effect of Determination That Application for Telemedicine License Does Not Meet Requirements - Sanctions - Obligation to Report to Board - Board Policy - Maintaining NCPPA Certification, p. 49

(Board of Nursing)

24.159.301 and other rule - Continuing Education, p. 2406

(Board of Nursing Home Administrators)

24.162.401 and other rules - General Requirements - Fee Schedule - Military Training or Experience - Examinations - Reciprocity Licenses - Inactive License - Continuing Education - Nonroutine Applications - Quorum - Submittals and Requests - Record of Minutes and Hearings - Application Denial - Hearings or Proceedings - Reinstatement - Renewals, p. 1222, 1958

(Board of Occupational Therapy Practice)

24.165.302 and other rules - Definitions - Fees - Continuing Education, p. 1523, 2422

(Board of Optometry)

24.168.401 and other rule - Fees - Continuing Education, p. 214

(Board of Outfitters)

24.171.401 and other rules - Fees - Outfitter Records - Watercraft Identification - Outfitter Qualifications - Fishing Outfitter Operations Plans - Outfitter Examination - Operations Plans and Amendments - Renewals - Unprofessional Conduct and Misconduct - Transfer of River-Use Days, p. 855, 1960

24.171.408 and other rules - Outfitter Records - Safety and First Aid Provisions - Watercraft Identification - Outfitter Qualifications - Successorship - Fishing Outfitter Operations Plan - Operations Plans and Amendments - Renewals, p. 428

(Board of Pharmacy)

24.174.1712 Prescription Drug Registry Fee, p. 264

(Board of Plumbers)

24.180.2102 and other rules - Continuing Education Requirements - Board Meetings - General Responsibilities - Investigation - Renewals - Complaint Procedure, p. 1790, 189

(Board of Professional Engineers and Professional Land Surveyors)

24.101.413 and other rules - Renewal Dates and Requirements - Standards of Responsible Charge - Fee Schedule - Branch Office - Teaching of Advanced Engineering Subjects - Certificate of Authorization - Board-Approved Curricula - Applications - Exhibits of Land Surveying - Examination Procedures - Grant and Issue Licenses - License Seal - Comity - Classification of Experience - Uniform Standards - Inactive Status - Complaints - Teaching of Land Surveying Subjects - Definitions - Direct Supervision - Application for Emeritus Status - Renewals - Late Renewals, p. 1117, 2424

(Board of Psychologists)

24.189.401 and other rules - Fee Schedule - Application Procedures - Minimum Standards - Work Samples—Examination - Temporary Permit - License Preparation - Renewals - Complaint Procedure, p. 1348, 2337

(Board of Real Estate Appraisers)

24.207.2101 Continuing Education, p. 995, 1853

(Board of Realty Regulation)

24.210.641 and other rules - Unprofessional Conduct - New Licensee Mandatory Continuing Education – Salespersons - Course Provider – Continuing Real Estate Education – Course Approval - Continuing Real Estate Education – Instructor Approval - Renewals - New Licensee Mandatory Continuing Education – Property Manager - Nonroutine Applications - Trust Account Course Requirement - Application for Determination of Equivalent Experience for Broker Licensing, p. 319

(Board of Veterinary Medicine)

24.225.425 and other rules - Nonroutine Applications - Unprofessional Conduct - Renewals, p. 1795, 191

LIVESTOCK, Department of, Title 32

- 32.2.401 and other rule - Department of Livestock Animal Health Division Fees - Exportation of Alternative Livestock, p. 1646, 2062
- 32.2.401 and other rules - Animal Health Division Fees - Definitions - Testing Within the DSA - Brucellosis Tests to Be Reported, p. 267
- 32.3.207 and other rules - Permits - Special Requirements for Sheep - Brands and Earmarks, p. 2047, 2428
- 32.6.712 Food Safety and Inspection Service (Meat, Poultry), p. 1527, 1854

(Board of Milk Control)

- 32.23.301 Licensee Assessments, p. 127, 304

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

(Board of Oil and Gas Conservation)

- New Rule Notification of Application for Permit to Drill, p. 1531, 97

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- New Rules Surveillance and Utilization Review Section (SURS) Program-Integrity Activities to Prevent, Identify, and Recover Erroneous Medicaid Payments as Outlined Under Federal or State Law, p. 71, 447
- New Rules Creation and Administration of the Senior Farmers' Market Nutrition Program (SFMNP), p. 271
- 37.40.101 and other rule - Updating Direct Care Wage Effective Dates and Reimbursement Dates Effective January 1, 2017, p. 2317, 193
- 37.40.830 Hospice Reimbursement, p. 81, 305
- 37.57.101 and other rules - Children's Special Health Services Financial Assistance Program, p. 664, 1855
- 37.62.501 and other rules - Updating Child Support Enforcement Rules, p. 2104, 135
- 37.81.304 Maximum Big Sky Rx Premium Change, p. 1802, 2434
- 37.85.104 and other rule - Updating Medicaid Fee Schedules With Medicare Rates - Updating Effective Dates to July 1, 2016 and January 1, 2017, p. 1924, 2431
- 37.85.204 Medicaid Cost Share, p. 2051, 100
- 37.85.212 and other rule - Adding a New Provider Called Mobile Imaging/Portable X-Ray Provider Type - Reimbursement for State Fiscal Year 2017, p. 1932, 2435
- 37.86.1005 Removal of Dental Orthodontia Service Lifetime Limits in Medicaid Dental Services, p. 1373, 134
- 37.86.2102 and other rule - Medicaid Eyeglass Reimbursement, p. 1656, 2064
- 37.86.2928 Inpatient Hospital Reimbursement, p. 1799, 2429
- 37.86.3503 Clarifying the Definition of Severe Disabling Mental Illness, p. 280
- 37.87.809 Targeted Case Management Services for Youth With Serious Emotional Disturbance, Reimbursement, p. 1534, 2063

- 37.87.1303 and other rules - Integrated Co-Occurring Treatment Provider Requirements, p. 1408, 1856
- 37.87.1410 Specifying the Location of Minimum Scheduled Face-To-Face Contacts Within a Home and Community Environment, p. 217
- 37.95.162 and other rules - Annual Training Requirements for Child Care Facilities, p. 1649, 2102, 192
- 37.108.507 Healthcare Effectiveness Data and Information Set (HEDIS) Measures, p. 328
- 37.114.101 and other rules - Reporting and Control of Communicable Disease, p. 161, 343

PUBLIC SERVICE REGULATION, Department of, Title 38

- New Rules Minimum Filing Requirements for Rate Adjustments for Taxes and Fees, p. 332
- 38.2.4801 and other rules - Procedural Rules, p. 580, 877, 1966
- 38.5.1010 and other rules - Electric Standards for Utilities - Pipeline Safety, p. 2321

REVENUE, Department of, Title 42

- New Rule Montana Ammunition Availability Act - Property Tax Exemption Applications, p. 1251, 1862
- New Rule Requests for Nondisclosure of Property Owner Record Information, p. 1429, 1971
- 42.2.304 and other rules - Application of Penalties and Interest - Reasonable Cause - Timeframe for Appealing Notices of Assessment, p. 1668, 2073, 2205
- 42.2.705 Alternative Business Office Hours in Qualified County Offices, p. 1376, 1863
- 42.2.705 Alternative Business Office Hours in Qualified County Offices - Removing Pondera County, p. 182, 355
- 42.9.110 and other rules - Pass-Through Entity Audit Adjustments - Computation of Composite Tax - Pension and Annuity Income Exclusions - Small Business Liability Funds, p. 1660, 2072
- 42.12.105 and other rules - Premises Suitability Requirements - Conditions for Operating All Types of Alcoholic Beverage Licenses, p. 2117
- 42.12.132 and other rules - Alcoholic Beverage Establishment Location Managers - Compliance With Laws and Rules - Penalty Schedule - Consumer Promotions - Contract Manufacturing, p. 2170, 346
- 42.17.101 and other rules - Computation of Wage Withholding for State Income Taxes, p. 1557, 1974
- 42.18.122 and other rules - Property Reappraisal, p. 1805, 2339
- 42.19.401 and other rules - Property Tax Assistance Programs, p. 1379, 1865
- 42.19.1401 and other rules - Urban Renewal Districts (URD), Targeted Economic Development Districts (TEDD), Tax Increment Finance Districts (TIFD), p. 1424, 1968

- 42.20.106 and other rule - Golf Course Valuation, p. 1433, 2188
- 42.20.173 and other rules - Property Reappraisal Cycles - Assessment Review Deadlines - Electronic Classification and Appraisal Notices - Agricultural Land Regions - Bona Fide Agricultural Operation Determinations (Montana Tax Appeal Board Ruling), p. 1416, 1537, 2065
- 42.20.660 and other rules - Agricultural Land Valuation, p. 1833, 2341
- 42.21.113 and other rules - Trended Depreciation Schedules for Valuing Property, p. 1813, 2340

SECRETARY OF STATE, Office of, Title 44

- New Rule Rotation of Executive Branch Agencies on the State Records Committee, p. 1565, 1866
 - 1.2.104 and other rule - Fees Charged by Administrative Rules Services, p. 1939, 2344
 - 1.2.419 Scheduled Dates for the 2017 Montana Administrative Register, p. 1936, 2342
 - 44.2.204 Access to Documents and Fees for Copies, p. 2055, 2436
- (Commissioner of Political Practices)
- 44.12.204 Payment Threshold--Inflation Adjustment for Lobbyists, p. 2182, 101

EXECUTIVE BRANCH 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 March 2017 appear. Vacancies scheduled to appear from May 1, 2017 through July 30, 2017, 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 April 1, 2017.

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.

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
8th Judicial District			
Mr. John Parker Great Falls	Governor	Sandefur	3/14/2017 1/1/2023
Qualifications (if required): none specified			
Board of Aeronautics			
Mr. Walter LeRoy McNutt Sidney	Governor	Reappointed	3/10/2017 1/1/2021
Qualifications (if required): Member of the Montana Chamber of Commerce			
Ms. Tricia McKenna Bozeman	Governor	Reappointed	3/10/2017 1/1/2021
Qualifications (if required): Member of the Montana Pilots' Association			
Mr. Roger Lincoln Gildford	Governor	Reappointed	3/10/2017 1/1/2021
Qualifications (if required): Member of the Association of Montana Aerial Applicators			
Mr. Bill Hunt, Jr. Shelby	Governor	Reappointed	3/10/2017 1/1/2021
Qualifications (if required): Attorney/Member of the MT County Comm. Assoc. or the MT League of Cities & Towns			
Mr. Jeff Wadekamper Helena	Governor	Leistiko	3/10/2017 1/1/2021
Qualifications (if required): Representative of the Montana Airport Management Association			

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Dentistry			
Mr. Jim Corson Billings Qualifications (if required): Public Representative	Governor	Reappointed	3/29/2017 4/1/2022
Board of Humanities Montana			
Mrs. Carmen McSpadden Bozeman Qualifications (if required): Public Representative	Governor	Reappointed	3/3/2017 1/1/2021
Mr. Aaron David Pruitt Bozeman Qualifications (if required): Public Representative	Governor	Reappointed	3/3/2017 1/1/2021
Ms. Mandy L. Smoker Broaddus Helena Qualifications (if required): Public Representative	Governor	Reappointed	3/3/2017 1/1/2021
Mr. David A. Irion Billings Qualifications (if required): Public Representative	Governor	Reappointed	3/3/2017 1/1/2021
Board of Oil and Gas Conservation			
Mrs. Peggy Ames Nerud Circle Qualifications (if required): Public Representative	Governor	Reappointed	3/17/2017 1/1/2021

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Oil and Gas Conservation Cont.			
Mr. Mac McDermott Shelby	Governor	Smith	3/17/2017 1/1/2021
Qualifications (if required): Member from the oil and gas industry			
Mr. Dennis Trudell Fairview	Governor	Nelson	3/17/2017 1/1/2021
Qualifications (if required): Landowner (Special)			
Mr. Corey Michael Welter Billings	Governor	Reappointed	3/17/2017 1/1/2021
Qualifications (if required): Member from the oil and gas industry			
Board of Regents of Higher Education			
Mr. William A. Johnstone Bozeman	Governor	Reappointed	3/3/2017 2/1/2024
Qualifications (if required): District 1, Democrat			
Coal Board			
Ms. Marianne Roose Eureka	Governor	Lenhart	3/10/2017 1/1/2021
Qualifications (if required): District 1			
Mayor John N. Williams Colstrip	Governor	Reappointed	3/10/2017 1/1/2021
Qualifications (if required): District 2, Impact Area			

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Coal Board Cont.			
Commissioner Sidney Fitzpatrick Hardin Qualifications (if required): District 2, Impact Area	Governor	Stewart	3/10/2017 1/1/2021
Mr. Shawn Fredrickson Butte Qualifications (if required): District 1	Governor	Miles	3/10/2017 1/1/2021
Committee on Telecommunications Access Services for Persons with Disabilities			
Mr. Ron Bibler Great Falls Qualifications (if required): Person with disability, deaf or hard-of-hearing	Governor	Reappointed	3/3/2017 7/1/2019
Mr. Jim Marks Helena Qualifications (if required): Member from the Department of Public Health and Human Services	Governor	Reappointed	3/3/2017 7/1/2019
Mr. Jay Wilson Preston Ronan Qualifications (if required): Member from an InterLATA Interexchange Carrier	Governor	Maxwell	3/3/2017 7/1/2018
Director of the Department of Commerce			
Director Pam Haxby-Cote Butte Qualifications (if required): none specified	Governor	O'Leary	3/27/2017 1/1/2021

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Hard-Rock Mining Impact Board			
Mr. Joe Michaletz Helena	Governor	Reappointed	3/3/2017 1/1/2021
Qualifications (if required): Representative of the hard-rock mining industry, District 1			
Ms. Kay Clevidence Victor	Governor	Cremer	3/3/2017 1/1/2021
Qualifications (if required): Representative of a Major Financial Institution in Montana, District 1			
Mr. Tim Warner Bozeman	Governor	Roose	3/3/2017 1/1/2021
Qualifications (if required): Public At-Large, District 1			
Information Technology Managers Advisory Council			
Mr. Eric Tarr Helena	Governor	Moog	3/3/2017 8/1/2018
Qualifications (if required): Information Technology Manager			
Montana Arts Council			
Ms. Cynthia L. Andrus Bozeman	Governor	Reappointed	3/10/2017 2/1/2022
Qualifications (if required): Public Representative			
Mr. John Paul Gabriel, Jr. Bozeman	Governor	Reappointed	3/10/2017 2/1/2022
Qualifications (if required): Public Representative			

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Arts Council Cont.			
Ms. Tracy Linder Molt Qualifications (if required): Public Representative	Governor	Reappointed	3/10/2017 2/1/2022
Ms. Elizabeth Albers Missoula Qualifications (if required): Public Representative	Governor	Deschner	3/10/2017 2/1/2022
Dr. Renee Westlake Bozeman Qualifications (if required): Public Representative	Governor	Reappointed	3/10/2017 2/1/2022
Montana Council on Developmental Disabilities			
Mr. Len Nopen East Helena Qualifications (if required): Self-Advocate	Governor	Reese	3/3/2017 1/1/2021
Ms. Tricia Yvonne Lough Lewistown Qualifications (if required): Parent/Family Advocate	Governor	New	3/3/2017 1/1/2021
Mr. Terry Stratton Missoula Qualifications (if required): Parent/Family Advocate	Governor	New	3/3/2017 1/1/2021

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Public Safety Officers Standards and Training (POST) Council			
Sheriff Tony Harbaugh Miles City Qualifications (if required): Sheriff	Governor	Reappointed	3/3/2017 1/1/2021
Mr. John Strandell Helena Qualifications (if required): State Government Law Enforcement Representative	Governor	Reappointed	3/3/2017 1/1/2021
Mrs. Kimberly Burdick Fort Benton Qualifications (if required): Montana citizen at-large who is informed and experienced in the subject of law enforcement	Governor	Reappointed	3/3/2017 1/1/2021
Sheriff Leo Dutton Helena Qualifications (if required): Board of Crime Control Member	Governor	Cashell	3/3/2017 1/1/2021
Lt. Timothy Owen Neiter Billings Qualifications (if required): Detention Center Administrator or Detention Officer	Governor	Reappointed	3/3/2017 1/1/2021
Mr. Lewis K. Smith Deer Lodge Qualifications (if required): County Attorney	Governor	Dahl	3/3/2017 1/1/2019

EXECUTIVE BRANCH APPOINTEES FOR MARCH 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Public Safety Officers Standards and Training (POST) Council Cont.			
Mr. James Thomas	Governor	Reappointed	3/3/2017
Canyon Creek			1/1/2021
Qualifications (if required): Montana citizen at-large who is informed and experienced in the subject of law enforcement			
State Emergency Response Commission			
Mr. Andy Fjeseth	Governor	Rust	3/3/2017
Helena			10/1/2019
Qualifications (if required): Department of Agriculture Representative			
Mr. Thomas Luhrsen	Governor	Moore	3/3/2017
Bozeman			10/1/2019
Qualifications (if required): University Representative			
Mr. Chadwick Alex Messerly	Governor	Ridgeway	3/3/2017
Missoula			10/1/2019
Qualifications (if required): Trucking Industry Representative			

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Funeral Service		
Mr. Ronald E. Brothers, Hamilton Qualifications (if required): Mortician	Governor	7/1/2017
Mr. Bart Thompson, Helena Qualifications (if required): Cemeterian	Governor	7/1/2017
Mr. John Tarr, Helena Qualifications (if required): Public Representative	Governor	7/1/2017
Board of Hail Insurance		
Mr. Gary Gollehon, Brady Qualifications (if required): Public Representative	Governor	5/1/2017
Board of Hearing Aid Dispensers		
Ms. Mary Eve Tolbert, St. Ignatius Qualifications (if required): Hearing Aid Dispenser	Governor	7/1/2017
Mr. Michael Spinti, Great Falls Qualifications (if required): Hearing Aid Dispenser	Governor	7/1/2017
Board of Massage Therapy		
Mrs. Anne Gergen, Broadus Qualifications (if required): Massage Therapist	Governor	5/6/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Nursing		
Ms. Sharon Sweeney Fee, Livingston Qualifications (if required): Registered Nurse practicing in a rural health care facility	Director	7/1/2017
Board of Nursing Home Administrators		
Ms. Carla Neiman, Plains Qualifications (if required): Representative of an Institution Caring for Chronically Ill or Aged	Governor	5/28/2017
Mr. Joshua Brown, Bozeman Qualifications (if required): Nursing Home Administrator	Governor	5/28/2017
Board of Physical Therapy Examiners		
Mr. Brian Miller, Kalispell Qualifications (if required): Licensed Physical Therapist	Governor	7/1/2017
Board of Plumbers		
Ms. Donna L. Paulson, Great Falls Qualifications (if required): Public Representative	Governor	5/4/2017
Mr. Steven R. Henry, Billings Qualifications (if required): Representative of Public who is not engaged in business of installing or selling plumbing	Governor	7/1/2017
Board of Private Alternative Adolescent Outdoor and Residential Treatment Programs		
Senator Trudi Schmidt, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Private Alternative Adolescent Outdoor and Residential Treatment Programs Cont.		
Mr. John Santa, Marion Qualifications (if required): Adolescent Treatment Program Nominee	Governor	7/1/2017
Ms. Penny James, Trout Creek Qualifications (if required): Adolescent Treatment Nominee	Governor	7/1/2017
Ms. Pamela Carbonari, Kalispell Qualifications (if required): Public Representative	Governor	7/1/2017
Mr. Rick Johnson, Kalispell Qualifications (if required): Adolescent Treatment Program Nominee	Governor	7/1/2017
Board of Public Accountants		
Ms. Linda Harris, Absarokee Qualifications (if required): Public Accountant	Governor	7/1/2017
Mr. Daniel Vuckovich, Great Falls Qualifications (if required): Public Accountant	Governor	7/1/2017
Board of Radiologic Technologists		
Mr. C.E. "Abe" Abramson, Missoula Qualifications (if required): Public Member	Governor	7/1/2017
Ms. Janet Fuller, Anaconda Qualifications (if required): Radiologic Technologist	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Real Estate Appraisers		
Mr. Thomas G. Stevens, Missoula Qualifications (if required): Real Estate Appraiser	Governor	5/1/2017
Mr. George Simek, Billings Qualifications (if required): Real Estate Appraiser	Governor	5/1/2017
Board of Realty Regulation		
Mrs. Carlie Boland, Great Falls Qualifications (if required): Public Representative - Democrat	Governor	5/1/2017
Ms. Jessie Lundberg, Missoula Qualifications (if required): Public Representative	Governor	5/1/2017
Board of Research and Commercialization Technology		
Mr. David William Opitz, Missoula Qualifications (if required): Public Member	Governor	7/1/2017
Board of Sanitarians		
Mayor Gene Townsend, Three Forks Qualifications (if required): Public Representative	Governor	7/1/2017
Ms. Susan K. Brueggeman, Polson Qualifications (if required): Registered Sanitarian	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Sanitarians Cont. Mr. Eugene Pizzini, Helena Qualifications (if required): Public Representative	Governor	7/1/2017
Board of Veterans' Affairs Mr. Joren Underdahl, Columbia Falls Qualifications (if required): Representative from the Department of Public Health and Human Services	Governor	7/1/2017
Board of Veterinary Medicine Ms. Barbara Calm, Kila Qualifications (if required): Veterinarian	Governor	7/31/2017
Board of Water Well Contractors Mr. Kirk Waren, Butte Qualifications (if required): Hydrogeologist	Director	6/30/2017
Capitol Complex Advisory Council Senator Carol Williams, Missoula Qualifications (if required): Public Member	Governor	7/1/2017
Commission on Community Service Ms. Danette Rector, Missoula Qualifications (if required): Not-for-Profit Agency	Governor	7/1/2017
Ms. Julie Seedhouse, Billings Qualifications (if required): Public Representative	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Commission on Community Service Cont.		
Dr. Sandra Boham, Pablo Qualifications (if required): Tribal Member	Governor	7/1/2017
Mr. Charles Wetherington, Billings Qualifications (if required): Public Representative	Governor	7/1/2017
Commission on Sentencing		
Mr. Derek W. Gibbs, Lewistown Qualifications (if required): Member of the Public from the list provided	Governor	6/30/2017
Reverend Roxanne P. Klingensmith, Bozeman Qualifications (if required): Member of the Public from the list provided	Governor	6/30/2017
Ms. LeeAnn Montes, Box Elder Qualifications (if required): Member of the Public from the list provided	Governor	6/30/2017
Committee on Telecommunications Access Services for Persons with Disabilities		
Ms. Marilyn Daumiller, Helena Qualifications (if required): Non-disabled senior citizen	Governor	7/1/2017
Community First Choice Development and Implementation Council		
Ms. Diana Tavary, Helena Qualifications (if required): none specified	Director	5/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Community First Choice Development and Implementation Council Cont.		
Ms. Claudia Clifford, Helena Qualifications (if required): none specified	Director	5/1/2017
Mr. Quentin Schroeter, Helena Qualifications (if required): none specified	Director	5/1/2017
Mr. Travis Hoffman, Missoula Qualifications (if required): none specified	Director	5/1/2017
Ms. Glenna Dreese, Florence Qualifications (if required): none specified	Director	5/1/2017
Ms. Ashli Gross, Missoula Qualifications (if required): none specified	Director	5/1/2017
Ms. Meg Traci, Missoula Qualifications (if required): none specified	Director	5/1/2017
Ms. Dawna Brinkel, Bozeman Qualifications (if required): none specified	Director	5/1/2017
Ms. Kris Carlson, Kalispell Qualifications (if required): none specified	Director	5/1/2017
Ms. Kelly Reynolds, Missoula Qualifications (if required): none specified	Director	5/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Community First Choice Development and Implementation Council Cont.		
Ms. Sue Neff, Butte Qualifications (if required): none specified	Director	5/1/2017
Ms. Tiffany Metzler, Billings Qualifications (if required): none specified	Director	5/1/2017
Mr. Randy Morigeau, Polson Qualifications (if required): none specified	Director	5/1/2017
Ms. Kimberly Schwartz, Great Falls Qualifications (if required): none specified	Director	5/1/2017
Mr. John Stevenson, Great Falls Qualifications (if required): none specified	Director	5/1/2017
Ms. Sheila Thompson, Missoula Qualifications (if required): none specified	Director	5/1/2017
Ms. Jerilee Wilkerson, Helena Qualifications (if required): none specified	Director	5/1/2017
Economic Development Advisory Council		
Ms. Kathie Bailey, Lewistown Qualifications (if required): Snowy Mountain Development Corporation Region Representative	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Economic Development Advisory Council Cont.		
Representative Julie E. French, Scobey Qualifications (if required): Great Northern Development Corporation Region Representative	Governor	7/1/2017
Mr. Brent Campbell, Missoula Qualifications (if required): Public Representative	Governor	7/1/2017
Mr. Luke Walawander, Joliet Qualifications (if required): Beartooth Resource Conservation and Development Region Representative	Governor	7/1/2017
Mr. Chad Cottet, Polson Qualifications (if required): Lake County Community Development Corporation Region Representative	Governor	7/1/2017
Family Education Savings Program Oversight Committee		
Mr. Robert W. Minto, Jr., Missoula Qualifications (if required): Public Representative	Governor	7/1/2017
Ms. Joella Bloomgren, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2017
Flathead Basin Commission		
Ms. Jan Metzmaker, Whitefish Qualifications (if required): Public Representative	Governor	6/30/2017
Mr. Thompson Smith, Charlo Qualifications (if required): Public Representative	Governor	6/30/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Flathead Basin Commission Cont. Mr. Chas Cartwright, Columbia Falls Qualifications (if required): Public Representative	Governor	6/30/2017
Future Fisheries Review Panel Mr. Joseph Willauer, Butte Qualifications (if required): Licensed Montana angler	Governor	7/1/2017
Mr. Michael Paul Johns, Bozeman Qualifications (if required): Licensed Montana angler	Governor	7/1/2017
Ms. Meriwether Schroeer, Helena Qualifications (if required): Montana High School Student	Governor	7/1/2017
Mr. William Frank Wichers, Hamilton Qualifications (if required): Member with expertise in fisheries	Governor	7/1/2017
Governor's Advisory Council on Aging Senator Dan W. Harrington, Butte Qualifications (if required): Public Representative	Governor	7/1/2017
Mr. John Melton, Chester Qualifications (if required): Public Representative	Governor	7/1/2017
Mr. Robert Meyers, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Governor's Advisory Council on Aging Cont. Ms. Peggy Tombre, Bozeman Qualifications (if required): Public Representative	Governor	7/1/2017
Governor's Postsecondary Scholarship Advisory Council Mr. Devin Wertman, Colstrip Qualifications (if required): Experience in financial aid at a postsecondary institution	Governor	7/1/2017
Historical Society Board of Trustees Mr. George Dennison, Missoula Qualifications (if required): Montana General Public	Governor	7/1/2017
Judicial Standards Commission Mr. John Murphy, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2017
Labor-Management Advisory Council Senator Mike Cooney, Helena Qualifications (if required): none specified	Director	7/1/2017
Mr. Don Judge, Helena Qualifications (if required): none specified	Director	7/1/2017
Mr. Bill Dahlgren, Missoula Qualifications (if required): none specified	Director	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Labor-Management Advisory Council Cont.		
Mr. Doug Buman, Seattle, WA Qualifications (if required): none specified	Director	7/1/2017
Ms. Annette Hoffman, Billings Qualifications (if required): none specified	Director	7/1/2017
Mr. Bob Worthington, Helena Qualifications (if required): none specified	Director	7/1/2017
Mr. Marvin Jordan, Great Falls Qualifications (if required): none specified	Director	7/1/2017
Mr. Chris Cavazos, Helena Qualifications (if required): none specified	Director	7/1/2017
Mr. Eric Strauss, Helena Qualifications (if required): none specified	Director	7/1/2017
Mr. Lance Zanto, Helena Qualifications (if required):	Governor	7/1/2017
Land Information Advisory Council		
Mr. Art Pembroke, Helena Qualifications (if required): Local Government	Governor	6/30/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Land Information Advisory Council Cont.		
Ms. Catherine Maynard, Bozeman Qualifications (if required): USDA Representative	Governor	6/30/2017
Mr. Rudy Cicon, Chester Qualifications (if required): Land Surveyor	Governor	6/30/2017
Mr. Warren Fahner, Troy Qualifications (if required): Represents county or municipal government	Governor	6/30/2017
Director John Tubbs, Helena Qualifications (if required): Agency representative or designee	Governor	6/30/2017
Mrs. Elaina Graham, Great Falls Qualifications (if required): Federal USDA Representative	Governor	6/30/2017
Ms. Molly Hirschi, Bozeman Qualifications (if required): GIS Professional	Governor	6/30/2017
Mr. Ryan Leland, Helena Qualifications (if required): Private Sector or Public Utilities	Governor	6/30/2017
Ms. Leslie Zolman, Helena Qualifications (if required): GIS Professional	Governor	6/30/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Low Income Energy Programs Policy Advisory Council		
Director Jason Smith, Helena Qualifications (if required): Special Qualifications with respect to solving the problems experienced by low-income	Director	7/30/2017
Ms. Tina Shorten, Helena Qualifications (if required): Special Qualifications with respect to solving the problems experienced by low-income	Director	7/30/2017
Ms. Pamela Hanson, Butte Qualifications (if required): Special Qualifications with respect to solving the problems experienced by low-income	Director	7/30/2017
Mr. Kane Quenemoen, Helena Qualifications (if required): Special Qualifications with respect to solving the problems experienced by low-income	Director	7/30/2017
Mr. Brian Steffen, Glendive Qualifications (if required): Special Qualifications with respect to solving the problems experienced by low-income	Director	7/30/2017
Mental Disabilities Board of Visitors		
Ms. Tracy Perez, Ronan Qualifications (if required): Professional Person in the field of mental health treatment	Governor	6/30/2017
Ms. Miriam Hertz, Seeley Lake Qualifications (if required): Consumer or family member of a consumer with developmental disabilities	Governor	6/30/2017
Mr. James Henry Hajny, Livingston Qualifications (if required): Consumer or family member of a consumer of mental health services	Governor	6/30/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Agriculture Development Council		
Ms. Patricia Quisno, Harlem Qualifications (if required): Agriculture Experience	Governor	7/1/2017
Mr. Jim Stone, Ovando Qualifications (if required): Agriculture Experience	Governor	7/1/2017
Mr. Lars Wesley Hanson, Edgar Qualifications (if required): Agriculture Experience	Governor	7/1/2017
Ms. Tara Mastel, Whitehall Qualifications (if required): Representative who is or was actively engaged in agriculture	Governor	7/1/2017
Montana Cherry Commodity Advisory Committee		
Mr. Cody Herring, Bigfork Qualifications (if required): Cherry Producer	Director	6/1/2017
Mr. Bruce Johnson, Bigfork Qualifications (if required): Cherry Producer	Director	6/1/2017
Mr. John Nasgovitz, Missoula Qualifications (if required): Cherry Producer	Director	6/1/2017
Mr. Mark St. Sauver, Bigfork Qualifications (if required): Cherry Producer	Director	6/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Developmental Center Transition Planning Committee		
Mr. Charlie Briggs, Helena Qualifications (if required): Representative of the State Protection & Advocacy Program	Governor	6/30/2017
Commissioner Bob Mullen, Boulder Qualifications (if required): Jefferson County Commissioner	Governor	6/30/2017
Ms. Mary Dalton, Helena Qualifications (if required): Representative of the Department of Public Health and Human Services	Governor	6/30/2017
Mr. Erik Burke, Helena Qualifications (if required): Representative of the Montana Developmental Center Workforce	Governor	6/30/2017
Mr. Dan Villa, Helena Qualifications (if required): Representative of the Office of Budget and Program Planning	Governor	6/30/2017
Ms. Tara Veazey, Helena Qualifications (if required): Governor's Health Policy Advisor	Governor	6/30/2017
Mrs. Dianna Crawford, Valier Qualifications (if required): Family member or Guardian of an individual who is or was committed to the MDC	Governor	6/30/2017
Ms. Carol Dailey, Bozeman Qualifications (if required): Family member or Guardian of an individual who is or was committed to the MDC	Governor	6/30/2017
Ms. Francine Sadowski, Missoula Qualifications (if required): Provider of Community-Based Services	Governor	6/30/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Developmental Center Transition Planning Committee Cont.		
Mr. Carl Seilstad, Lewistown Qualifications (if required): Representative of Community Mental Health Centers	Governor	6/30/2017
Ms. Deborah Swingley, Helena Qualifications (if required): Member of the Montana Council on Developmental Disabilities	Governor	6/30/2017
Montana Health Coalition		
Ms. Mary Dalton, Helena Qualifications (if required): none specified	Director	6/1/2017
Representative Edith J. Clark, Sweet Grass Qualifications (if required): none specified	Director	6/1/2017
Mr. S. Kevin Howlett, Arlee Qualifications (if required): none specified	Director	6/1/2017
Dr. Gary Mihelish, Helena Qualifications (if required): none specified	Director	6/1/2017
Mr. Travis Hoffman, Missoula Qualifications (if required): none specified	Director	6/1/2017
Mr. Bob Marsalli, Helena Qualifications (if required): none specified	Director	6/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Health Coalition Cont.		
Mr. Eric Shields, Missoula Qualifications (if required): none specified	Director	6/1/2017
Mr. Steve Todd, Ronan Qualifications (if required): none specified	Director	6/1/2017
Mr. Todd Harwell, Helena Qualifications (if required): none specified	Director	6/1/2017
Mr. Roger Holt, Billings Qualifications (if required): none specified	Director	6/1/2017
Dr. Greg Holzman, Helena Qualifications (if required): none specified	Director	6/1/2017
Montana Heritage Preservation and Development Commission		
Mr. Andy Poole, Helena Qualifications (if required): Public At-Large	Governor	5/1/2017
Ms. Cynthia L. Andrus, Bozeman Qualifications (if required): Member of Tourism Advisory Council	Governor	5/1/2017
Dr. Timothy Lehman, Billings Qualifications (if required): Montana Historian	Governor	5/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Historical Society Board of Trustees		
Mr. Steve Lozar, Polson Qualifications (if required): Public Member	Governor	7/1/2017
Mr. Kent Kleinkopf, Missoula Qualifications (if required): Public Member	Governor	7/1/2017
Ms. Leslie Halligan, Missoula Qualifications (if required): Public Member	Governor	7/1/2017
Montana Information Security Advisory Council		
Ms. Margaret Kauska, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Representative Mark W. Blasdel, Somers Qualifications (if required): State Legislature	Director	6/30/2017
Major General Matthew T. Quinn, Helena Qualifications (if required): State Homeland Security Advisor	Director	6/30/2017
Ms. Sherri Davidoff, Missoula Qualifications (if required): General Public	Director	6/30/2017
Mr. Ron Baldwin, Helena Qualifications (if required): State Chief Information Officer	Director	6/30/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Information Security Advisory Council Cont. Representative Kelly McCarthy, Billings Qualifications (if required): State Legislature	Director	6/30/2017
Ms. Erika Billiet, Kalispell Qualifications (if required): Local Governments	Director	6/30/2017
Mr. Joe Chapman, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Mr. Bryan Costigan, Helena Qualifications (if required): Montana Analysis and Technical Information Center Representative	Director	6/30/2017
Mr. John Daugherty, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Mr. Stuart Fuller, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Mr. Kreh Germaine, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Mr. Jim Gietzen, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Mr. Adrian Irish, Missoula Qualifications (if required): University Representative	Director	6/30/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Information Security Advisory Council Cont. Ms. Lynne Pizzini, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Montana Mint Committee Mr. Kenneth W. Smith, Kalispell Qualifications (if required): Mint Grower	Governor	7/1/2017
Montana Organic Commodity Advisory Council Mr. Gene Thayer, Great Falls Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Director Ron de Yong, Helena Qualifications (if required): Director of the Department of Agriculture	Director	7/1/2017
Ms. Alison Harmon, Bozeman Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Mr. Matt Johnson, Hinsdale Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Mr. Ty O'Connor, Broadus Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Ms. Catherine Odden, Dutton Qualifications (if required): Organic Handler Representative	Director	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Organic Commodity Advisory Council Cont.		
Mr. Karl Sutton, Polson Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Mr. Mark Smith, Lavina Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Mr. Sam Schmidt, Great Falls Qualifications (if required): Organic Handler	Governor	7/1/2017
Montana State Workforce Innovation Board		
Ms. Arlene Templer, Pablo Qualifications (if required): Tribal Government Representative	Governor	7/1/2017
Ms. Billie Lee, Ronan Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Paul Gatzemeier, Billings Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Michael J. McGinley, Dillon Qualifications (if required): Local Government Elected Official	Governor	7/1/2017
Director Richard Opper, Helena Qualifications (if required): Director of the Department of Public Health and Human Services or designee	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana State Workforce Innovation Board Cont.		
Mr. Bill Hunt, Jr., Shelby Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Jay Reardon, Helena Qualifications (if required): Workforce Representative	Governor	7/1/2017
Mr. Dave Crum, Great Falls Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Kirk Hammerquist, Kalispell Qualifications (if required): Business Representative	Governor	7/1/2017
Ms. Jacquie Helt, Missoula Qualifications (if required): Workforce Representative	Governor	7/1/2017
Mr. Clayton Christian, Missoula Qualifications (if required): Commissioner of Higher Education or designee	Governor	7/1/2017
Mr. Robert W. Minto, Jr., Missoula Qualifications (if required): Business Representative	Governor	7/1/2017
Superintendent Denise Juneau, Helena Qualifications (if required): State Superintendent of Public Instruction or designee	Governor	7/1/2017
Governor Steve Bullock, Helena Qualifications (if required): Governor or designee	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana State Workforce Innovation Board Cont. Ms. Tina Bundtrock, Great Falls Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Alan Ekblad, Great Falls Qualifications (if required): Workforce Representative	Governor	7/1/2017
Commissioner Pam Bucy, Helena Qualifications (if required): Commissioner of the Department of Labor and Industry	Governor	7/1/2017
Ms. Jane Weber, Great Falls Qualifications (if required): Local government elected official	Governor	7/1/2017
Mr. Larry Hall, Ronan Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Jasyn Harrington, Helena Qualifications (if required): Community Organization Representative	Governor	7/1/2017
Mr. Niles Hushka, Bozeman Qualifications (if required): Business Representative	Governor	7/1/2017
Ms. Loren Rose, Seeley Lake Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. John McKee, Butte Qualifications (if required): Business Representative	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana State Workforce Innovation Board Cont. Mr. Fred Kellogg, Polson Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Dean Bentley, Butte Qualifications (if required): Business Representative	Governor	7/1/2017
Ms. Casey Blumenthal, Helena Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Scott Trent, Missoula Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Miles McCarvel, Missoula Qualifications (if required): Workforce Representative	Governor	7/1/2017
Mr. Rich Aarstad, Helena Qualifications (if required): Workforce Representative	Governor	7/1/2017
Ms. Anna Doran, Helena Qualifications (if required): Business Representative	Governor	7/1/2017
Ms. Vicky Byrd, Montana City Qualifications (if required): Workforce Representative	Governor	7/1/2017
Mr. Paul Hopfauf, Glendive Qualifications (if required): Business Representative	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Wheat and Barley Committee		
Mr. Leonard Schock, Vida Qualifications (if required): District 7 Representative and an Independent	Governor	6/1/2017
Mr. Michael V. O'Hara, Fort Benton Qualifications (if required): District 4 Representative and a Democrat	Governor	6/1/2017
Noxious Weed Management Advisory Council		
Mr. Jack Eddie, Dillon Qualifications (if required): Member from the Montana Weed Control Association	Governor	7/1/2017
Ms. Margie Edsall, Sheridan Qualifications (if required): Member from the agriculture community	Governor	7/1/2017
Mr. Doug Dupuis, Pablo Qualifications (if required):	Governor	7/1/2017
Mr. Joel Farkell, Brady Qualifications (if required): Member from a consumer group	Governor	7/1/2017
Ms. Jeannette Nordahl, Lincoln Qualifications (if required): Member from a recreationist or wildlife group	Governor	7/1/2017
Mr. Brian Ostwald, Joliet Qualifications (if required): Member representing counties from the eastern part of the state	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Petroleum Tank Release Compensation Board		
Ms. Kate Cassidy, Whitefish Qualifications (if required): Background in environmental regulation	Governor	7/1/2017
Ms. Susan Quigley, Shelby Qualifications (if required): Representative of the financial or banking industry with experience in small business	Governor	7/1/2017
Private Land/Public Wildlife Advisory Council		
Mr. John Swanz, Judith Gap Qualifications (if required): Landowner	Governor	7/31/2017
Mr. Lee Cornwell, Glasgow Qualifications (if required): Landowner	Governor	7/31/2017
Protect Montana Kids Commission		
Representative Chuck Hunter, Helena Qualifications (if required): Legislator	Governor	7/1/2017
Public Defender Commission		
Mr. Richard Gillespie, Helena Qualifications (if required): Attorney nominated by the State Bar	Governor	7/1/2017
Mr. Mark Parker, Billings Qualifications (if required): Attorney submitted by the Supreme Court	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Public Defender Commission Cont.		
Ms. Margaret Novak, Chester Qualifications (if required): Organization advocating on behalf of indigent persons	Governor	7/1/2017
Mr. Kenneth R. Olson, Great Falls Qualifications (if required): Attorney nominated by the Supreme Court	Governor	7/1/2017
Ms. Ann Sherwood, Pablo Qualifications (if required): Attorney nominated by the State Bar Association	Governor	7/1/2017
Mr. Brian Gallik, Bozeman Qualifications (if required): Attorney nominated by the Supreme Court	Governor	7/1/2017
Mr. Terrell Jessee, Billings Qualifications (if required): Member of an organization that advocates on behalf of indigent persons	Governor	7/1/2017
State Banking Board		
Dr. Maureen J. Fleming, Missoula Qualifications (if required): Member of the Public	Governor	7/1/2017
State Library Commission		
Ms. Anne Kish, Twin Bridges Qualifications (if required): Public Representative	Governor	6/1/2017
Ms. Aaron LaFromboise, Browning Qualifications (if required): Public Representative	Governor	6/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Workforce Investment Board		
Ms. Billie Lee, Ronan Qualifications (if required): Private Sector	Governor	7/1/2017
Ms. Nanette LeFebvre, Helena Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Paul Gatzemeier, Billings Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Michael J. McGinley, Dillon Qualifications (if required): Local Government	Governor	7/1/2017
Mr. Bill Hunt Jr., Shelby Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. John Cech, Billings Qualifications (if required): Higher Education	Governor	7/1/2017
Mr. Dave Crum, Great Falls Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Kirk Hammerquist, Kalispell Qualifications (if required): Private Sector	Governor	7/1/2017
Ms. Jacquie Helt, Missoula Qualifications (if required): Organized Labor	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Workforce Investment Board Cont.		
Ms. Maureen Kenneally, Butte Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Rodney Miller, Wolf Point Qualifications (if required): Section 166 Tribal Representative	Governor	7/1/2017
Mr. Keith Heavyrunner, Browning Qualifications (if required): Military Veterans Representative	Governor	7/1/2017
Mr. Robert W. Minto Jr., Missoula Qualifications (if required): Private Sector	Governor	7/1/2017
Superintendent Denise Juneau, Helena Qualifications (if required): Superintendent of Public Instruction	Governor	7/1/2017
Ms. Tina Bundtrock, Great Falls Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Alan Ekblad, Great Falls Qualifications (if required): Organized Labor	Governor	7/1/2017
Ms. Jane Weber, Great Falls Qualifications (if required): Local Government	Governor	7/1/2017
Mr. Dan Bernhardt, Helena Qualifications (if required): Military Veterans Representative	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Workforce Investment Board Cont.		
Mr. John Danielson, Kalispell Qualifications (if required): Experience with youth activities	Governor	7/1/2017
Mr. Larry Hall, Ronan Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Jasyn Harrington, Helena Qualifications (if required): Workforce Investment Organization	Governor	7/1/2017
Mr. Niles Hushka, Bozeman Qualifications (if required): Private Sector	Governor	7/1/2017
Mrs. Kim Ormsby, Bozeman Qualifications (if required): Private Sector	Governor	7/1/2017
Ms. Tammy Pilcher, Helena Qualifications (if required): Organized Labor	Governor	7/1/2017
Ms. Loren Rose, Seeley Lake Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. John McKee, Butte Qualifications (if required): Private Sector	Governor	7/1/2017
Ms. Sarah Calhoun, White Sulphur Springs Qualifications (if required): Private Sector	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Workforce Investment Board Cont.		
Mr. Fred Kellogg, Polson Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Dean Bentley, Butte Qualifications (if required): Private Sector	Governor	7/1/2017
Ms. Casey Blumenthal, Helena Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Scott Trent, Missoula Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Eric Smith, Helena Qualifications (if required): Private Sector	Governor	7/1/2017
State-Tribal Economic Development Commission		
Mr. Richard Sangrey, Box Elder Qualifications (if required): Chippewa Cree Tribe Representative	Governor	6/30/2017
Mr. Terry Pitts, Pablo Qualifications (if required): Confederated Salish and Kootenai Tribes Representative	Governor	6/30/2017
Mr. Leonard Gray, Pablo Qualifications (if required): Confederated Salish and Kootenai Tribes Alternate	Governor	6/30/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State-Tribal Economic Development Commission Cont.		
Chairman Len Twoteeth, Pablo Qualifications (if required): Confederated Salish and Kootenai Tribe Alternate	Governor	6/30/2017
Mr. Joe Fox Jr., Lame Deer Qualifications (if required): Northern Cheyenne Tribe Representative	Governor	7/1/2017
Mr. Tracy Robinson, Lame Deer Qualifications (if required): Northern Cheyenne Tribal Representative	Governor	7/1/2017
Councilman Merlin Sioux, Lame Deer Qualifications (if required): Northern Cheyenne Tribal Representative	Governor	7/1/2017
Teachers' Retirement Board		
Ms. Kari Peiffer, Kalispell Qualifications (if required): Teacher/Member	Governor	7/1/2017
Telecommunications Access Services for Persons with Disabilities		
Ms. Pat Ingalls, Butte Qualifications (if required): Licensed Audiologist	Governor	7/1/2017
Mr. Drew Arnot, Missoula Qualifications (if required): Member for an Independent Service Provider	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- MAY 1, 2017 THROUGH JULY 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Tourism Advisory Council		
Mr. Dudley L. Tyler, Livingston Qualifications (if required): Yellowstone Country Region Representative	Governor	7/1/2017
Ms. Amber Wood-Jensen, Butte Qualifications (if required): Goldwest Country Region Representative	Governor	7/1/2017
Ms. Glenn Indreland, Bozeman Qualifications (if required): Yellowstone Country Region Representative	Governor	7/1/2017
Mr. Matt Ellis, Missoula Qualifications (if required): Glacier Country Region Representative	Governor	7/1/2017
Mr. Stephen Wahrlich, Billings Qualifications (if required): Southeast Montana Country Region Representative	Governor	7/1/2017
Water and Wastewater Operators' Advisory Council		
Mr. Logan McInnis, Missoula Qualifications (if required): Workforce Representative	Governor	7/1/2017