

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 22

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.40.830 pertaining to) PROPOSED AMENDMENT
updating hospice reimbursement fee)
schedules to reflect new federal rates)

TO: All Concerned Persons

1. On December 10, 2014, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, at 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 December 3, 2014, 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:

37.40.830 HOSPICE, REIMBURSEMENT (1) remains the same.

(2) The department adopts and incorporates by reference 42 CFR 418.302, effective August 6, 2009, and 42 CFR 418.306, effective ~~August 8, 2008~~ August 22, 2014, which sets forth the Medicare payment procedures. Copies of 42 CFR 418.302 and 42 CFR 418.306 are available at the federal web site: <http://cms.hhs.gov/Medicare/Medicare-Fee-for-Service-Payment/Hospice/index.html>.

(3) through (10) remain the same.

(11) The hospice fee schedules are effective ~~October 1, 2013~~ October 1, 2014. Copies of the department's current fee schedules are posted at <http://medicaidprovider.hhs.mt.gov> and may be obtained from the Department of Public Health and Human Services, Health Resources Division, 1401 East Lockey, P.O. Box 202951, Helena, MT 59602-2951.

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

4. STATEMENT OF REASONABLE NECESSITY

The department proposes to amend ARM 37.40.830 to update its Medicaid hospice reimbursement fee schedule to reflect increases in federal hospice reimbursement rates set by the Centers for Medicare and Medicaid Services (CMS), effective October 1, 2014; and incorporate by reference the most recently amended 42 CFR 418.306, which was amended to authorize a reduction in the hospice reimbursement rate index for any hospice provider that does not comply with reporting requirements.

In (2) the department proposes to adopt and incorporate by reference 42 CFR 418.306, which was amended effective August 22, 2014, to provide that beginning October 1, 2014 and for each subsequent fiscal year, any Medicare-certified hospice provider that does not submit hospice quality data as specified by the Secretary of Health and Human Services will receive payment rates equal to the rates for the previous fiscal year, increased by the applicable market basket index reimbursement increase, minus two percentage points.

In (11) the department proposes to amend the fee schedule referenced in the rule, effective October 1, 2014, which will incorporate an approximate 3.6 percent market basket index reimbursement increase, as computed and published by CMS. The market basket index is CMS's projection of the annual percentage increase in hospital inpatient operating costs. The funds impacted are federal Medicaid-funded (03585) and general fund (01100) sources.

The proposed rule amendments are necessary to pay Medicaid providers according to the current Medicare fee schedule, effective October 1, 2014, and to adopt by reference the current applicable federal regulations related to determination of payment rates. Failure to amend the rule as proposed will result in a deficient state hospice reimbursement rate from the current federal rate, which would result in underpayment to hospice providers, and introduces an inability for the state to comply with federal requirements pertaining to reductions in reimbursement rates for noncompliant hospice data quality submissions.

A majority of the department's hospice program's \$4 million Medicaid budget funds reimbursement for hospice services delivered in nursing facilities in the form of room and board for inpatient nursing facility hospice. In fiscal year (FY) 2014, approximately 360 Medicaid members received hospice benefits under Medicaid. Hospice rates are affected by the market basket index which is applied by county. The result of adoption of the proposed amendments is that all counties in Montana will see an increase from the 2014 funding levels of approximately 3.6 percent. One hospice provider will receive a reduced reimbursement rate from failure to comply with quality data reporting requirements.

Fee schedules will be posted on the medicaidprovider.hhs.mt.gov site and will be mailed to each participating hospice provider prior to the rule hearing.

5. The department intends to apply this rule adoption retroactively to October 1, 2014. The implementation date is consistent with the federal approval of the

hospice reimbursement rate fee increases and the effective dates of the stated promulgated regulations. If any provider would experience a decrease in hospice rates, the decrease will not be applied retroactively. It will begin on the final adoption of this proposed rule. Therefore, there will be no retroactive negative impact to any hospice program.

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., December 18, 2014.

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.

/s/ Cary B. Lund
Cary B. Lund, Attorney
Rule Reviewer

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

Certified to the Secretary of State November 10, 2014.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

| | | |
|-------------------------------------|---|-----------------------------|
| In the matter of the amendment of |) | NOTICE OF PUBLIC HEARING ON |
| ARM 42.17.101, 42.17.111, |) | PROPOSED AMENDMENT AND |
| 42.17.131, 42.17.134, 42.17.222, |) | REPEAL |
| 42.17.602, 42.17.603, and 42.17.605 |) | |
| and the repeal of ARM 42.17.219 |) | |
| pertaining to withholding and |) | |
| estimated tax payments - general |) | |
| withholding and mineral royalty |) | |
| withholding |) | |

TO: All Concerned Persons

1. On December 11, 2014, at 3 p.m., the Department of Revenue will hold a public hearing in the Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules. The conference room is most readily accessed by entering through the east doors of the building.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on December 1, 2014. Please contact Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov.

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

42.17.101 DEFINITIONS The following terms pertain to this chapter.

(1) and (2) remain the same.

~~(3) "First purchaser" means the first person to pay for production after it is extracted from deposits in this state. Generally the first purchaser is an arms-length entity that pays a market price.~~

(4) through (10) remain the same, but are renumbered (3) through (9).

~~(11)(10) "Remitter"~~ "Remitter" means the individual, entity, or trust obligated under a mineral lease to pay royalties to the royalty owner or his assignee, to deliver minerals to a purchaser to the credit of such royalty owner or his assignee, or to pay a portion of the proceeds of the sale of such minerals to the royalty owner or his assignee.

~~(12)(11)~~ "Reporting forms" includes, but is not limited to:

(a) ~~form M-1~~ is Form M-1, the Montana Withholding Tax Payment ~~Form~~ form;

(b) ~~form MW-3~~ is Form MW-3, the Montana Annual Wage Withholding Tax

Reconciliation form; and

- (c) ~~federal form W-2~~ is Form W-2, the federal wage and tax statement form;
- (d) Form RW-1, the Mineral Royalty Withholding Tax Payment Voucher form;

and

(e) Form RW-3, the Montana Annual Mineral Royalty Withholding Tax Reconciliation form.

(13) remains the same, but is renumbered (12).

~~(14)~~(13) "Take in kind" means ~~someone other than the well~~ an operator or non-operator takes their share of the who elects to receive production and does not sell it with the party(s) contracted with the operator. The operator might want to sell gas to one purchaser, but another company wants to sell or use their portion of the gas for another purpose. Thus, they "take in kind" in lieu of proceeds from the sale of production.

AUTH: 15-30-2547, 15-30-2620, MCA

IMP: 15-30-2501, 15-30-2538, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.17.101 to strike the definition of a term not currently used in chapter 17 and to renumber the following sections in the rule accordingly. The department also proposes correcting the spelling of the term "remitter" and amending the definition for "reporting forms" to add consistency to the format and to include the names and descriptions of two additional withholding reporting forms. The department further proposes amending the definition of "take in kind" for better clarity.

42.17.111 WHO MUST WITHHOLD MONTANA INCOME TAX AND WHO IS SUBJECT TO WITHHOLDING (1) Every employer residing in Montana and every nonresident employer transacting business in Montana is required to withhold Montana state income tax from wages paid to an employee for services rendered within Montana ~~and for services rendered outside Montana by an employee who is a resident of Montana.~~

(2) through (6) remain the same.

(7) Wages paid to a resident of North Dakota for personal services rendered within Montana are not subject to withholding provided the employee has filed a ~~Form NR-2, Certification of North Dakota Residence~~ Form MT-R, Reciprocity Exemption from Withholding, in accordance with ARM 42.17.134.

(8) remains the same.

AUTH: 15-30-2620, MCA

IMP: 15-30-2502, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.17.111 to delete a provision in (1) not supported by statute. The department further proposes amending (7) to update a form name to keep the rule current.

42.17.131 EMPLOYEE'S WITHHOLDING ALLOWANCES (1) For purposes of determining the employee's withholding allowances, the amount claimed for

Montana may be different than the amount claimed on the federal ~~form~~ Form W-4, Withholding Allowance Certificate, reported on the line stating "total number of allowances you are claiming", furnished by the employee to the employer for federal withholding tax purposes. The department may determine whether the amount claimed on the federal ~~form~~ Form W-4 should be adjusted. The department does not provide forms for this purpose. The department has determined that the federal child tax credit that allows extra allowances for federal withholding is not allowed for Montana purposes when determining the number of allowances for Montana withholding.

(2) remains the same.

(3) If an employee fails or refuses to provide the number of allowances on federal ~~form~~ Form W-4 reported on the line stating "total number of allowances you are claiming", the employer shall withhold, for Montana purposes, on the basis of zero withholding allowances.

(4) Any change to the "total number of allowances you are claiming", on federal ~~form~~ Form W-4 for federal purposes, including federal re-determinations of allowances, automatically changes the number of allowances for Montana purposes unless the allowances have been set at a fixed number by the department under (5). If a re-determination allows extra allowances for the federal child tax credit for federal purposes, these extra allowances will not be allowed for state purposes.

(5) An employer is required to provide a copy of any federal ~~form~~ Form W-4 on which an employee has claimed more than ten withholding allowances to:

Department of Revenue
P.O. Box 5835
Helena, Montana 59604-5835.

~~(a) Each such certificate is to be provided at the same time and in the same manner as such certificate is required to be provided to the IRS under 26 CFR 37.3402-1.~~

(b) and (c) remain the same, but are renumbered (a) and (b).

(6) When adjusting claimed withholding allowances for an employee under (5), the department shall consider:

(a) through (e) remain the same.

(f) annuity plan contributions; ~~and~~

(g) residency; and

(h) federal Form W-4, personal allowances worksheet.

(7) remains the same.

AUTH: 15-30-2620, MCA

IMP: 15-30-2502, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.17.131 to strike an outdated section from (5), because the federal government no longer requires filing of Form W-4 except upon request. The department further proposes adding Form W-4, the personal allowances worksheet, to (6) as an item to be considered in making a determination of the correct number of exemptions for

Montana withholding purposes. The department also proposes correcting punctuation and capitalization errors in the rule.

42.17.134 RECIPROCAL AGREEMENT - NORTH DAKOTA (1) remains the same.

(2) A North Dakota resident performing services in Montana for compensation must annually provide ~~Form NR-2, Certificate of North Dakota Residence~~ Form MT-R, Reciprocity Exemption from Withholding, to their employer before the employer may discontinue withholding on compensation earned in Montana. The certificate must be filed with the employer within 30 days of the start of employment. The certificate is valid only from the date filed to December 31 of the year in which filed. A new certificate to renew the exemption from withholding must be filed with the employer by the last day in February of each year. The certificate is rendered invalid if the employee changes his or her residence to any state other than North Dakota.

(3) remains the same.

(4) A copy of the employee's ~~Form NR-2~~ Form MT-R must be submitted by the employer to the department within 30 days of when it is provided to the employer in the case of new employment, or by March 31 if the form is renewing an exemption.

(5) remains the same.

AUTH: 15-30-2620, MCA

IMP: 15-30-2502, 15-30-2509, 15-30-2621, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.17.134 to update a form name in (2) and (4) to keep the rule current.

42.17.222 DEMAND OF PAYMENT OR REPORTS FILINGS AND PAYMENTS DUE IF EMPLOYER TRANSFERS OR DISCONTINUES BUSINESS

(1) ~~The department may demand that an~~ An employer must file a form Form MW-3 with applicable federal form Form W-2s and submit payment within 30 days after ceasing to be an employer, as defined in 15-30-2501, MCA, or ceasing activity.

Ceasing activity includes, but is not limited to:

(a) through (2) remain the same.

AUTH: 15-30-2620, MCA

IMP: 15-1-216, 15-30-2501, 15-30-2504, 15-30-2505, 15-30-2506, 15-30-2507, 15-30-2509, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.17.222 to add relevant language from ARM 42.17.219, which is proposed to be repealed. The intent is to eliminate redundancy and locate similar content together in a single rule. The department further proposes making capitalization corrections and updating the rule title and implementing citations to reflect the combined content of the rule as amended.

42.17.602 CLAIMING THE CREDIT FOR TAX WITHHELD (1) Claiming credit for the tax withheld shall be accomplished as follows:

(a) Credit may be claimed for the tax withheld on a Montana individual income tax return or a Montana ~~corporation license~~ corporate income tax return, with a copy of Form 1099-MISC attached, to substantiate the amount claimed.

(b) remains the same.

(c) An estate or trust is entitled to credit for the tax withheld in proportion to ~~its share of federal distributable net income~~ the amount of royalty income that the estate or trust includes in Montana taxable income. ~~The remaining credit must be passed through to the beneficiaries in proportion to their respective shares of federal distributable net income of the estate or trust. To claim the credit, the beneficiaries must maintain a copy of federal Schedule K-1 and claim credit for the amount shown by the fiduciary as their percentage share of the tax withheld from Montana mineral production payments~~ A beneficiary is entitled to a credit for the tax withheld in proportion to the amount of royalty income the beneficiary must report on their Montana individual income tax return.

(d) and (e) remain the same.

AUTH: 15-30-2547, MCA

IMP: 15-30-2539, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.17.602(1)(a) to change the name "corporation license tax" to "corporate income tax," to match the term now used in statute.

The department further proposes amending (1)(a) to require a copy of Form 1099-MISC to support the amount of credit being claimed. Now that the department has the ability to receive Form 1099-MISC electronically, this will assist in the verification of the amount claimed for mineral royalty withholding.

The department also proposes amending (1)(c) to clarify that mineral royalty withholding amounts can be claimed in proportion to mineral royalty income reported by an estate or trust, and that mineral royalty withholding can be claimed by beneficiaries in proportion to the mineral royalty income reported on their individual returns.

42.17.603 APPLICABLE THRESHOLDS - CHANGE OF OWNERSHIP - PUBLICLY TRADED PARTNERSHIPS - NONPROFIT ORGANIZATIONS - EXEMPT ROYALTY OWNERS (1) There is not a requirement to withhold from payments to royalty interest owners if the producing entity's production does not exceed 100,000 barrels of oil and 500 million cubic feet of gas, based on the previous three calendar years' average production reported to the Montana Board of Oil and Gas Conservation. For example, the department will calculate whether payments for an entity's production are subject to withholding from their royalty interest owners for ~~2013~~ 2015 by averaging the production numbers for calendar years ~~2009, 2010, and 2011,~~ 2012, and 2013 and comparing this average to the production exemption limits.

(2) and (3) remain the same.

(4) If a person who is required to withhold on behalf of their royalty interest owners ~~sells~~ sold their mineral interests during the year and ceases to be the remitter, the person ~~that~~ who acquired the mineral interests becomes the remitter and must continue to withhold 6 percent of the net royalty payments from the royalty interest owners subject to the withholding requirements of 15-30-2538, MCA.

(5) through (7) remain the same.

(8) The person described in (7) may not be required to withhold net royalty payments from their royalty interest owners if the person can provide information that satisfies the department that the net royalty payments are immaterial.

(a) The department has defined an entity that has immaterial net royalty payments as an entity that has production amounts for minerals, other than oil and gas, with a value less than \$5 million. The only filing requirement for this type of entity is the filing of the Form RW-3 by February 28 of the following year along with a listing of all royalty recipients. The \$5 million value will be based on a three-year average of production value reported to the department's Business Tax and Valuation Bureau. For example, the department will calculate whether an entity is required to withhold from ~~their~~ its royalty interest owners for ~~2013~~ 2015 by averaging the valuation reported for ~~2009, 2010, and 2011,~~ 2012, and 2013.

(9) through (13) remain the same.

AUTH: 15-30-2547, MCA

IMP: 15-30-2538, 15-30-2539, 15-30-2541, 15-30-2542, 15-30-2543, 15-30-2544, 15-30-2545, 15-30-2546, 15-30-2547, 15-30-3540, 15-31-102, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.17.603 to update the years used in the examples so they are more relevant and understandable and to make a grammatical correction in (4).

42.17.605 FILING REQUIREMENTS (1) through (1)(c) remain the same.

(d) On or before January 31 of each year, Form 1099-MISC, Miscellaneous Income, or Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding, shall be furnished by the remitter to each person who ~~is entitled to a credit for taxes withheld~~ has received royalties in each calendar year before January 31 of each year;

(e) through (3) remain the same.

AUTH: 15-30-2547, MCA

IMP: 15-30-2538, 15-30-2539, 15-30-2541, 15-30-2543, 15-30-2544, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.17.605(1) to make the language consistent with other sections which refer to royalties received instead of credit for taxes withheld. As proposed, the amendment should help ensure that a recipient of royalties receives a Form 1099-MISC, even if amounts are not withheld. The department further proposes revising the sentence structure of (d) for better clarity regarding the timeline.

4. The department proposes to repeal the following rule:

42.17.219 FILINGS AND PAYMENTS DUE AFTER TERMINATION OF WAGE PAYMENTS

AUTH: 15-30-2620, MCA

IMP: 15-30-2501, 15-30-2504, 15-30-2505, 15-30-2606, 15-30-2507, 15-30-2509, MCA

REASONABLE NECESSITY: The department proposes repealing ARM 42.17.219 to remove a redundancy and locate similar content together in a single rule. As proposed to be amended, ARM 42.17.222 will cover the subject matter for both rules.

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: Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov and must be received no later than December 22, 2014.

6. Laurie Logan, Department of Revenue, Director's Office, has been designated to preside over and conduct this hearing.

7. The Department of Revenue 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 and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding a particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in 5 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

8. An electronic copy of this notice is available on the department's web site at revenue.mt.gov. Select the Administrative Rules link under the Other Resources section located in the body of the homepage, and open the Proposal Notices section within. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable 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/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State November 10, 2014.

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

| | | |
|-----------------------------------|---|--------------------|
| In the matter of the amendment of |) | NOTICE OF PROPOSED |
| ARM 44.12.204 pertaining to the |) | AMENDMENT |
| payment threshold--inflation |) | |
| adjustment for lobbyists |) | NO PUBLIC HEARING |
| |) | CONTEMPLATED |

TO: All Concerned Persons

1. On December 22, 2014, the Commissioner of Political Practices proposes to amend the above-stated rule.

2. The Commissioner of Political Practices 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 Commissioner of Political Practices no later than 5:00 p.m. on December 18, 2014, to advise us of the nature of the accommodation that you need. Please contact Jaime MacNaughton, Commissioner of Political Practices, P.O. Box 202401, 1205 Eighth Avenue, Helena, Montana, 59620-2401; telephone (406) 444-2942; fax (406) 444-1643; or e-mail jmacnaughton@mt.gov.

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

44.12.204 PAYMENT THRESHOLD--INFLATION ADJUSTMENT

(1) Pursuant to the operation specified in 5-7-112, MCA, the adjusted payment threshold for calendar years ~~2013 and 2014~~ is ~~\$2,450~~ 2015 and 2016 is \$2,500.

AUTH: 5-7-111, MCA

IMP: 5-7-112, MCA

Reasonable Necessity: Section 5-7-112, MCA, requires the Commissioner of Political Practices, following the general election, to adjust the payment threshold amount for reporting of lobbying-related expenses based on application of an inflation factor specified in that statute. There is reasonable necessity for the amendment of the rule because 5-7-112, MCA, requires the Commissioner of Political Practices to publish the revised threshold as a rule.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Jaime MacNaughton, Commissioner of Political Practices, P.O. Box 202401, 1205 Eighth Avenue, Helena, Montana, 59620-2401; telephone (406) 444-2942; fax (406) 444-1643; or e-mail

jmacnaughton@mt.gov, and must be received no later than 5:00 p.m., December 18, 2014.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Jaime MacNaughton at the above address no later than 5:00 p.m., December 18, 2014.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 50 persons based on the 500 lobbyists who registered to lobby in 2009-2010.

7. The commissioner maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

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

/s/ Jaime MacNaughton
Jaime MacNaughton
Rule Reviewer
COPP General Counsel

/s/ Jonathan R. Motl
Jonathan R. Motl
Commissioner

Certified to the Secretary of State November 6, 2014.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF ADOPTION AND
RULE I pertaining to the annual report) REPEAL
by deferred deposit loan licensees and)
the repeal of ARM 2.59.1502)

TO: All Concerned Persons

1. On September 18, 2014, the Department of Administration published MAR Notice No. 2-59-519 pertaining to the proposed adoption and repeal of the above-stated rules at page 2058 of the 2014 Montana Administrative Register, Issue Number 18.
2. No comments were received.
3. The department has adopted New Rule I (ARM 2.59.1522) exactly as proposed.
4. The department has repealed ARM 2.59.1502 exactly as proposed.

By: /s/ Sheila Hogan
Sheila Hogan, Director
Department of Administration

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

Certified to the Secretary of State November 10, 2014.

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF ADOPTION
RULE I pertaining to the annual report)
by consumer loan licensees)

TO: All Concerned Persons

1. On September 18, 2014, the Department of Administration published MAR Notice No. 2-59-520 pertaining to the proposed adoption of the above-stated rule at page 2061 of the 2014 Montana Administrative Register, Issue Number 18.

2. No comments were received.

3. The department has adopted New Rule I (ARM 2.59.318) exactly as proposed.

By: /s/ Sheila Hogan
Sheila Hogan, Director
Department of Administration

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

Certified to the Secretary of State November 10, 2014.

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF MONTANA

| | | |
|---------------------------------------|---|-----------------------|
| In the matter of the adoption of New |) | NOTICE OF ADOPTION, |
| Rules I and II, amendment of ARM |) | AMENDMENT, AND REPEAL |
| 18.7.102, 18.7.104, 18.7.105, and |) | |
| repeal of ARM 18.7.101, 18.7.103, |) | |
| 18.7.105A, 18.7.106, 18.7.107, and |) | |
| 18.7.108 pertaining to Highway Right- |) | |
| of-Way Encroachment Permits |) | |

TO: All Concerned Persons

1. On October 9, 2014, the Department of Transportation published MAR Notice No. 18-151 pertaining to the proposed adoption, amendment, and repeal of the above-stated rules at page 2329 of the 2014 Montana Administrative Register, Issue Number 19.

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

3. The department has adopted the above-stated rules as proposed: New Rule I (18.7.109), II (18.7.110).

4. No comments or testimony were received.

/s/ Carol Grell Morris
Carol Grell Morris
Rule Reviewer

/s/ Pat Wise
Pat Wise
Deputy Director
Department of Transportation

Certified to the Secretary of State November 10, 2014.

BEFORE THE WORKERS' COMPENSATION COURT
OF THE STATE OF MONTANA

| | | |
|--|---|----------------------|
| In the matter of the amendment of |) | NOTICE OF AMENDMENT, |
| ARM 24.5.301, 24.5.302, 24.5.303, |) | ADOPTION, AND REPEAL |
| 24.5.306, 24.5.307, 24.5.308, |) | |
| 24.5.309, 24.5.310, 24.5.311, |) | |
| 24.5.314, 24.5.316, 24.5.317, |) | |
| 24.5.318, 24.5.322, 24.5.323, |) | |
| 24.5.324, 24.5.325, 24.5.326, |) | |
| 24.5.327, 24.5.329, 24.5.330, |) | |
| 24.5.331, 24.5.332, 24.5.334, |) | |
| 24.5.335, 24.5.336, 24.5.337, |) | |
| 24.5.340, 24.5.342, 24.5.343, |) | |
| 24.5.344, 24.5.345, 24.5.346, |) | |
| 24.5.348, 24.5.349, 24.5.350, |) | |
| 24.5.351, and 24.5.352; the adoption |) | |
| of NEW RULE I, regarding amended |) | |
| petition, and NEW RULE II, |) | |
| computation of time; and the repeal of |) | |
| ARM 24.5.307A, regarding joinder |) | |
| and service of alleged uninsured |) | |
| employers, and ARM 24.5.313 |) | |
| recusal |) | |

TO: All Concerned Persons

1. On May 22, 2014, the Workers' Compensation Court published MAR Notice No. 24-5-247 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules at page 1021 of the 2014 Montana Administrative Register, Issue Number 10.

2. On July 14, 2014, the court held a public hearing to consider the proposed amendment, adoption, and repeal. Although no one appeared at the hearing to testify, the court received written comments by the July 14, 2014, deadline.

3. The Workers' Compensation Court has thoroughly considered the comments received on the proposed amended rules. A summary of the comments received and the court's responses are as follows:

COMMENT #1: With respect to ARM 24.5.301(5), which, as proposed, states, in pertinent part, "The court returns documents which fail to comply with (1) and (4) of this rule to the petitioner," one commenter suggested changing the word "returns" to "may return" to conform to the court's current practice.

RESPONSE #1: The court agrees with the comment and incorporated this suggestion.

COMMENT #2: With respect to ARM 24.5.303(5) and ARM 24.5.306(3), which, as proposed, request different contact information from parties based upon whether or not they are represented by counsel, one commenter suggested requesting the same contact information from all parties, but adding "if available" for unrepresented parties.

RESPONSE #2: The court agrees with the comment and incorporated this suggestion.

COMMENT #3: With respect to ARM 24.5.310(4), which, as proposed, states in pertinent part that the court's scheduling orders set "trial at a time that allows 75 days' advanced notice," one commenter suggested removing the word "advanced" as it is superfluous.

RESPONSE #3: The court agrees with the comment and incorporated this suggestion.

4. The Workers' Compensation Court has amended the following rules as proposed: ARM 24.5.302, 24.5.307, 24.5.308, 24.5.309, 24.5.311, 24.5.314, 24.5.316, 24.5.317, 24.5.318, 24.5.322, 24.5.323, 24.5.324, 24.5.325, 24.5.326, 24.5.327, 24.5.329, 24.5.330, 24.5.331, 24.5.332, 24.5.334, 24.5.335, 24.5.336, 24.5.337, 24.5.340, 24.5.342, 24.5.343, 24.5.344, 24.5.345, 24.5.346, 24.5.348, 24.5.349, 24.5.350, 24.5.351, and 24.5.352.

5. The Workers' Compensation Court has amended the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

24.5.301 PETITION FOR TRIAL (1) through (4) remain as proposed.

(5) There is no filing fee. Petitions and all other materials must be filed with the Clerk of Court at 1625 11th Avenue, P.O. Box 537, Helena, MT 59624-0537. The party shall file an original and two copies of the petition. The petitioner shall provide the names and addresses of all adverse parties to be served. The court may returns documents which fail to comply with (1) and (4) of this rule to the petitioner.

AUTH: 2-4-201, MCA

IMP: 2-4-201, 39-71-2901, MCA

24.5.303 SERVICE (1) through (4) remain as proposed.

(5) Every pleading, motion, or other paper of a party represented by an attorney must be signed by at least one attorney of record in the attorney's individual name, and must state the attorney's address, phone number, fax number, and e-mail address. A party who is not represented by an attorney shall sign the pleading, motion, or other paper and state the party's address, phone number, fax number,

and e-mail address, if available. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney or party constitutes a certification that the party has read the pleading, motion, or other paper; that to the best of the party's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other paper is not signed, the court strikes it unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, imposes upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney fee.

AUTH: 2-4-201, 39-71-2901, 39-71-2903, 39-71-2905, MCA
IMP: 2-4-201, 39-71-2901, MCA

24.5.306 BREVITY IN PLEADINGS AND FORM OF PAPER PRESENTED FOR FILING (1) and (2) remain as proposed.

(3) The name of the attorney, if any, representing a petitioner or a respondent, or the name of the party appearing without an attorney, together with an telephone number, complete mailing address, phone number, fax number, and e-mail address, if available, must appear in the upper left-hand corner of the first page of any pleading filed with the court.

(4) through (8) remain as proposed.

AUTH: 2-4-201, MCA
IMP: 2-4-201, 39-71-2901, MCA

24.5.310 TIME AND PLACE OF TRIAL GENERALLY (1) through (3) remain as proposed.

(4) Upon receipt of a petition regarding a dispute meeting the requirements of these rules, the court issues a scheduling order fixing deadlines for discovery, the filing of pretrial motions, preparation of a pretrial order and other pretrial matters; setting the date of the final pretrial conference; and setting a trial at a time that allows 75 days' ~~advanced~~ notice. The court may, for good cause, hold a trial over to the next regular trial date or specially set the trial for a different time and/or place.

AUTH: 2-4-201, MCA
IMP: 2-4-201, 39-71-2901, MCA

6. The Workers' Compensation Court has adopted the following rules as proposed: NEW RULE I (ARM 24.5.319) and NEW RULE II (ARM 24.5.320).

7. The Workers' Compensation Court has repealed the following rules as proposed: ARM 24.5.307A and ARM 24.5.313.

8. The aforementioned amendments, adoptions, and repeals are effective March 1, 2015.

9. An electronic copy of this notice is available through the court's web site at <http://wcc.dli.mt.gov/proposedrules.asp>. The court 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 if a discrepancy exists between the official printed text of the notice and the electronic version of the notice, the court considers only the official printed text. In addition, although the court 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.

/s/ JEANINE BLANER
Jeanine Blaner
Rule Reviewer

/s/ DAVID M. SANDLER
David M. Sandler
Judge
Workers' Compensation Court

Certified to the Secretary of State October 28, 2014.

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

| | | |
|--------------------------------------|---|-------------------------|
| In the matter of the amendment of |) | NOTICE OF AMENDMENT AND |
| ARM 24.156.508 approved residency, |) | ADOPTION |
| 24.156.606 examination, 24.156.607 |) | |
| graduate training requirements, |) | |
| 24.156.611 occasional case |) | |
| exemption, 24.156.625, 24.156.1005, |) | |
| 24.156.1307, 24.156.1412, |) | |
| 24.156.1625, and 24.156.2705 |) | |
| unprofessional conduct, 24.156.1301 |) | |
| definitions, 24.156.1304 initial |) | |
| license, 24.156.1306 professional |) | |
| conduct and standards, 24.156.1620 |) | |
| physician assistant license renewal, |) | |
| and the adoption of NEW RULE I |) | |
| podiatry postgraduate training |) | |

TO: All Concerned Persons

1. On July 10, 2014, the Board of Medical Examiners (board) published MAR Notice No. 24-156-81 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 1474 of the 2014 Montana Administrative Register, Issue No. 13.

2. On August 1, 2014, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Two comments were received by the August 8, 2014, deadline.

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

COMMENT 1: One commenter stated that language in ARM 24.156.625(1)(u) and (ac) is similar and asked the board to either clarify the differences or consider incorporating the similar language of both into (1)(ac).

RESPONSE 1: The board appreciates all comments made during the rulemaking process. The board agrees with this comment and is not proceeding with the amendment to (1)(u), and amending (1)(ac) as suggested.

COMMENT 2: One commenter opposed the amendment to ARM 24.156.1620 to no longer require that PAs affirm current NCCPA certification at renewal. The commenter asserted this change would place Montana at risk of being a state where individuals who choose not to maintain and expand their current knowledge base will choose to work. The commenter further stated that, over time, Montana will become

a haven for PAs who are unable to pass their recertification examination and those who elect to not maintain certification, which places the public at risk. The commenter noted that ARM 24.156.1616 would need to be amended to be consistent and claimed that many constituent members have voiced these concerns.

RESPONSE 2: The board appreciates all comments made during the rulemaking process, but decided to amend ARM 24.156.1620 exactly as proposed. The board will consider changes to ARM 24.156.1616 in a later rules package.

4. The board has amended ARM 24.156.508, 24.156.606, 24.156.607, 24.156.611, 24.156.1005, 24.156.1301, 24.156.1304, 24.156.1306, 24.156.1307, 24.156.1412, 24.156.1620, 24.156.1625, and 24.156.2705 exactly as proposed.

5. The board has adopted NEW RULE I (24.156.1008) exactly as proposed.

6. The board has amended ARM 24.156.625 with the following changes, stricken matter interlined, new matter underlined:

24.156.625 UNPROFESSIONAL CONDUCT (1) through (1)(t) remain as proposed.

(u) failing to transfer pertinent and necessary medical records to another licensed health care provider, the patient, or the patient's representative when requested to do so by the patient or the patient's legally designated representative; ~~or failing to make appropriate arrangements to transfer or secure patient medical records when closing or selling a practice;~~

(v) through (ab) remain as proposed.

(ac) failing to make appropriate arrangements to transfer and place patient medical records in a secure location preceding, during, or following a change in a practice location; sale of a practice; or termination of a patient relationship or a medical practice; or knowingly breaching the confidentiality of patient medical records with an individual unauthorized to receive medical records; or

(ad) remains as proposed.

BOARD OF MEDICAL EXAMINERS
MARY ANNE GUGGENHEIM, PHYS,
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 November 10, 2014

BEFORE THE BOARD OF PHYSICAL THERAPY EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 24.177.2105 continuing)
education)

TO: All Concerned Persons

1. On May 22, 2014, the Board of Physical Therapy Examiners (board) published MAR Notice No. 24-177-31 regarding the public hearing on the proposed amendment of the above-stated rule, at page 1057 of the 2014 Montana Administrative Register, Issue No. 10.

2. On June 12, 2014, a public hearing was held on the proposed amendment of the above-stated rule in Helena. Several comments were received by the June 20, 2014, deadline.

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

COMMENT 1: One commenter generally supported the amendments, and particularly the increase in continuing education (CE) from 20 to 30 hours. The commenter proclaimed it is more critical than ever to ensure physical therapists consistently obtain high quality continuing education, as patients and the practice suffer from professionals who fail to actively enhance professional skills through education. It is counterproductive to require more hours, if the hours do not actually enhance a physical therapist's (PT) clinical knowledge.

The commenter requested the board clarify the actual beginning date for the 30-hour requirement and whether the board audits will begin in 2015 or 2017.

The commenter also asked the board to link the CE rules to similar Montana statutes and standards set by the American Physical Therapy Association (APTA) and Federation of State Boards of Physical Therapy (FSBPT).

RESPONSE 1: To protect public safety, Montana licensing boards may require CE under 37-1-131(4)(d), MCA, as a condition of license renewal, as long as it is flexible, cost-efficient, effective, and geographically accessible, per 37-1-306, MCA. The board initiated this rule proposal to clarify CE requirements in response to multiple licensees expressing confusion.

After balancing the costs of compliance against the benefits of public safety, the board decided to update this rule to eliminate confusion and more closely follow national CE trends. The amended rule will more closely align Montana physical therapist licenses with others around the nation, thereby standardizing PT education and making PT licenses more portable. Additionally, to effectively communicate the updates and clarify requirements, the board will create a question and answer

section on its web site to further explain the changes. The board will continue working with licensees to clarify its intent and expectations.

After considering the comments, the board is amending (2)(b) to clarify the new requirements and timelines.

COMMENT 2: Several commenters opposed the proposed amendments, particularly the increase in required CE hours, stating they do not believe sheer volume protects public safety. The commenters asserted that, without ensuring quality, ten more hours of continuing education will not necessarily provide better care. Commenters suggested the board require applicable, relevant, quality CE over simply quantity.

The commenters were concerned about the additional requirement resulting in more costs and a greater burden on small, rural Montana businesses. Montana lacks CE options for the various specialties within the practice, forcing Montana PTs to travel to fulfill their CE requirements. And even if employers do reimburse for actual CE courses, very few employers reimburse for the associated costs of airfare, lodging, meals, and other conference expenses.

Commenters asserted that Montana PTs are generally small, independent businesses or work on-contract, and small communities often do not generate enough business to justify training budgets. Additional CE will require providers to lose treatment days and their clients will lose access to needed treatment. The amendment will require full-time, part-time, and presently unemployed but licensed Montana PTs to divert already-limited time and money away from their patients, businesses, and families to "cram" an additional ten hours that may only marginally improve their practice or public safety. Lastly, commenters questioned if the board is "impeding a free market."

RESPONSE 2: The board notes that a variety of local and national organizations offer courses to meet licensees' CE needs. As provided in (2)(f), licensees may obtain all CE by correspondence, video conference, internet, or via satellite, enabling them to obtain all CE for several hundred dollars per year from several national providers anywhere with an internet connection.

COMMENT 3: One commenter opposed the proposed increase to the number of CE hours required, stating the additional burden will be particularly hard on those working part-time due to prolonged illness. The commenter further stated that the field of PT does not change quickly enough to warrant this new, expensive requirement for those who have been practicing for decades.

RESPONSE 3: Noting that earning a professional degree is the beginning, not the end of professional education, the board believes that rapid advancements in medical technology require ongoing learning. A variety of local and national organizations offer courses to meet licensees' CE needs. As provided in (2)(f), licensees may obtain all CE by correspondence, video conference, internet, or via satellite, enabling them to obtain all CE for several hundred dollars per year from several national providers anywhere with an internet connection.

COMMENT 4: One commenter opposed the increase in CE hours, stating that PT salaries in Montana are already lower than average. The commenter opined that raising the CE requirement without a corresponding increase in pay will disproportionately impact Montanans, making healthcare less accessible and more expensive.

RESPONSE 4: The board notes that rapid advancements in medical technology require ongoing learning. A variety of local and national organizations offer courses to meet licensees' CE needs. As provided in (2)(f), licensees may obtain all CE by correspondence, video conference, internet, or via satellite, enabling them to obtain all CE for several hundred dollars per year from several national providers anywhere with an internet connection.

COMMENT 5: One commenter opposed the increase in required CE, because there is no evidence Montana PTs need more. The commenter asserted that just because other states are doing it does not mean their PTs are more skilled or knowledgeable. The commenter stated the board should instead focus on bringing good quality CE to Montana on a more frequent basis.

RESPONSE 5: See Response 3.

COMMENT 6: Two commenters opposed the increase in required CE, because employers are reducing reimbursements to PTs for CE, because of uncertainty surrounding the Affordable Care Act.

RESPONSE 6: See Response 3.

COMMENT 7: Two commenters opposed the increase in required CE, because of the amount of debt new graduates face, particularly now with the new doctorate program adding three years of debt.

RESPONSE 7: See Response 3.

COMMENT 8: One commenter opposed the increase in required CE, stating that the board cannot legitimately claim the amendments will make obtaining CE more affordable, when the primary cost of good quality CE is necessary travel costs.

RESPONSE 8: See Response 3.

COMMENT 9: One commenter opposed the increase in required CE, because good quality CE is not available locally. Simply requiring more of the same CE only benefits the national vendors and does not actually alleviate the problem. The commenter suggested the board instead address the cumbersome endorsement process, where the time it takes to gain approval and the cost make it extremely difficult to use local experts in rural venues for local, small audience coursework.

RESPONSE 9: See Response 2.

COMMENT 10: Two commenters opposed the increase in required CE, stating that according to many metrics, Montana is doing better than the rest of the country in terms of government, economy, etc. The commenter suggested the rest of the country should look at our policies, and asked the board to resist the national trend of progressive government.

RESPONSE 10: See Response 1.

COMMENT 11: One commenter opposed the increase in required CE, asserting that the board did not supply any research results that demonstrate a need for the increase.

RESPONSE 11: See Response 3. To effectively communicate the updates and clarify requirements, the board will create a question and answer section on its web site to further explain the changes. The board will continue working with licensees to clarify its intent and expectations.

COMMENT 12: One commenter opposed the increase in required CE, and stated that each additional requirement makes PTs less motivated to attend. The commenter asserted that previously, PTs looked forward to obtaining CE, but now it feels forced down their throats.

RESPONSE 12: See Response 3. Although the board has nothing to gain financially, the rules (both current and proposed) enable licensees to obtain all CE for several hundred dollars per year from several national providers anywhere with an internet connection.

COMMENT 13: One commenter opposed the increase in required CE, because the costs associated with fulfilling the requirement are out of line with the low salary of part-time PTs. The commenter suggested allowing PTs to earn all 15 hours of part B CE online.

RESPONSE 13: See Response 12.

COMMENT 14: One commenter opposed the increase in required CE, because it is disingenuous for the board to say the amendments are necessary to align Montana with a "national, competency-based system." Neither the APTA nor the FSBPT suggests or recommends 30, 20, or any number of required CE hours. These entities simply require PTs to self-regulate, self-assess, and use a personal lesson plan to obtain the necessary knowledge, skills, and abilities.

RESPONSE 14: See Response 1.

4. The board has amended ARM 24.177.2105 with the following changes, stricken matter interlined, new matter underlined:

24.177.2105 CONTINUING EDUCATION (1) through (2)(a) remain as proposed.

(b) ~~Licensees with shall obtain a minimum of 30~~ All licensees, regardless of license number, shall now obtain 30 hours/units of continuing education hours/credits earned within the 24 months in each 24-month period prior to the renewal date set by the department beginning in odd-numbered years. The first reporting period will be from April 1, 2015 to March 31, 2017;

(c) through (6) remain as proposed.

BOARD OF PHYSICAL THERAPY
EXAMINERS
BRIAN MILLER, PRESIDING OFFICER

/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 November 10, 2014

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
AND THE BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS
STATE OF MONTANA

| | | |
|---|---|----------------------|
| In the matter of the amendment of |) | NOTICE OF AMENDMENT, |
| ARM 24.101.413 renewal dates and |) | ADOPTION, AND REPEAL |
| requirements, 24.183.301 definition of |) | |
| responsible charge, 24.183.402 |) | |
| board meetings, 24.183.404 fee |) | |
| schedule, 24.183.501 approval of |) | |
| schools, 24.183.503 application |) | |
| references, 24.183.509 examination |) | |
| procedures, 24.183.510 grant and |) | |
| issue licenses, 24.183.701 and |) | |
| 24.183.801 comity, 24.183.702 and |) | |
| 24.183.802 classification of |) | |
| experience, 24.183.1001 form of |) | |
| corner records, 24.183.1101 uniform |) | |
| standards for monumentation, |) | |
| 24.183.1107 uniform standards for |) | |
| final subdivision plats, the adoption of |) | |
| NEW RULE I remonumentation and |) | |
| rehabilitation, II architectural services |) | |
| incidental to engineering, III exhibits |) | |
| of land surveying projects, IV |) | |
| unprofessional conduct, and the |) | |
| repeal of 24.183.2201 introduction, |) | |
| 24.183.2203 performance of services, |) | |
| 24.183.2204 conflicts of interest, |) | |
| 24.183.2205 avoidance of improper |) | |
| solicitation, and 24.183.2206 |) | |
| issuance of public statements |) | |

TO: All Concerned Persons

1. On June 26, 2014, the Department of Labor and Industry (department) and the Board of Professional Engineers and Professional Land Surveyors (board) published MAR Notice No. 24-183-41 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 1339 of the 2014 Montana Administrative Register, Issue No. 12.

2. On July 17, 2014, 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 July 25, 2014, deadline.

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

COMMENT 1: One commenter stated that the rules notice was too large and sweeping and that the timing of the notice, at the height of the surveying and engineering season, was inappropriate. The commenter asked the board to re-notice the changes in the winter in several phases.

RESPONSE 1: The board notes that because publication of each rule notice costs the board, it is expensive and wasteful to break a large notice into smaller notices. The board has no control of the timing of rules notices as they are published by the Secretary of State according to their set schedule.

COMMENT 2: One commenter approved all the proposed rule changes.

RESPONSE 2: The board appreciates all comments made during rulemaking.

COMMENT 3: Two commenters questioned the notification of the public in this rulemaking project and suggested the board provide an actual link to the MAR notice in the e-mail.

RESPONSE 3: The board complied with all the public notice requirements in the Montana Administrative Procedure Act when filing and publishing MAR Notice No. 24-183-41.

COMMENT 4: Four commenters opposed the new renewal process for engineer interns (EIs). One commenter opposed the \$25 renewal fee in ARM 24.101.413, because the fee and the required biennial renewal paperwork would be a burden on EIs. Another commenter stated that the certificate should not expire and renewal should be the EI's choice. Two commenters stated that the EI certificates have moved from being indefinite to six years, and now to biennial, and wanted grandfathering of those EIs. Commenters asserted that the required renewal workload was onerous on both staff and EIs, and renewal dates seemed arbitrary.

RESPONSE 4: The board concluded that \$25 (\$12.50 per annum) is not unreasonable for the privilege of being certified as an EI. EIs are beginning their professional careers and should be aware of the requirements for licensing and renewal, and should observe the obligations of professional practice early in their careers. The board is also aware that some EIs may need to renew for longer than the previous six-year time period allowed. The changes will maintain the professional certification for EIs and allow them the flexibility to work at an individual pace towards a full professional engineer (PE) license, while maintaining ties with the licensing board.

COMMENT 5: One commenter strongly agreed with the new definition of "responsible charge" as added to ARM 24.183.301.

RESPONSE 5: The board appreciates all comments made during rulemaking.

COMMENT 6: One commenter suggested the board insert "professional" in each place in ARM 24.183.301 where the word "engineer" or "land surveyor" stands alone, asserting it would add consistency.

RESPONSE 6: The board agrees with the comment and is amending ARM 24.183.301(1) and (2) as suggested.

Comments 7-9 relate to ARM 24.183.404

COMMENT 7: Two commenters complained there needed to be more information about the renewal process and that e-mails should be sent to EIs explaining the renewal. Both wanted the renewal process to be as easy as possible.

RESPONSE 7: The department strives to make renewal easy and efficient. Online renewals now comprise the majority of renewals department-wide and notice is always sent prior to renewals.

COMMENT 8: One commenter noted that "\$" is being removed from (3)(g)(i), but not from (3)(a), and that it should be removed for consistency.

RESPONSE 8: The board appreciates this comment and will make the suggested change in a future rule notice as the requested change appears in a subsection that was not noticed for public comment.

COMMENT 9: One commenter noted that a professional engineer license by comity remains at \$150, but a professional land surveyor license by comity is \$200, with an additional \$100 for the Montana-specific examination, for a total of \$300. The commenter stated that it is discriminatory because it costs twice as much to become a licensed professional land surveyor by comity and asked the board to reduce the license by comity fee to \$150.

RESPONSE 9: The new fees are commensurate with cost. A land surveyor application by comity requires verification and review of other state licenses, including possible discipline, and thus, requires more staff time to process.

COMMENT 10: Two commenters noted that the land surveying curriculum should require the historical six credits of English, not seven, so that the sum equals the 60 credits required. One of the commenters also asked that the current approved curriculum remain as adopted (with the change of one credit in English) so that the Associate of Applied Science (AAS) benchmarks remain in place.

RESPONSE 10: The board agrees with the comment and is amending ARM 24.183.501 as suggested.

COMMENT 11: One commenter noted the teaching of land surveying courses is the practice of land surveying, and suggested that, logically, the instructors of such courses should be licensed professional land surveyors, and the work that is supervised should be under the supervision of a licensed professional land surveyor.

RESPONSE 11: The board agrees that surveying courses should be taught by, and/or supervised by, a licensed professional land surveyor. The board is amending ARM 24.183.501(2) accordingly.

COMMENT 12: Two commenters argued that 37-1-141, MCA, does not include certificates, only licenses, and stated that clear descriptions of the terms "lapse, expiration, and termination" should be added to the rules. The commenters supported renewals, but not a two-year certificate change in ARM 24.183.510.

RESPONSE 12: The board points out that 37-1-130(8), MCA, specifically provides that "license" includes the term "certificate," and that the statute also includes definitions of lapse, expiration, and termination.

COMMENT 13: One commenter asked that both ARM 24.183.701 and 24.183.801 have the same wording and grammar so that engineer and land surveyor rules match syntactically and grammatically in ARM 24.183.701(1) and 24.183.801(1), 24.183.701(2) and 24.183.801(2), 24.183.701(3)(a) and 24.183.801(1)(a), and 24.183.701(3)(c) and 24.183.801(1)(c). This comment notes the sections did match until the rule changes two years ago.

RESPONSE 13: The board appreciates the detailed analysis of the structural grammar and wording of these subsections, and agrees to amend ARM 24.183.701 and 24.183.801 as suggested.

Comments 14-16 relate to ARM 24.183.702 and 24.183.802

COMMENT 14: One commenter asked that the board amend the titles of ARM 24.183.702 and 24.183.802 for consistency.

RESPONSE 14: The board agrees and is amending the title of ARM 24.183.802.

COMMENT 15: One commenter objected to the word "programs" in (1)(b)(viii), stating that it should be "curriculum."

RESPONSE 15: The board uses the word "programs" because ABET approves engineering programs, not curricula, and the board's approved programs are ABET-approved.

COMMENT 16: One commenter asked the board to amend ARM 24.183.802(2) and 24.183.802(4) to parallel the language of ARM 24.183.702(3) regarding experience gained under supervision of a licensed professional.

RESPONSE 16: The board agrees and is amending the sections as suggested.

COMMENT 17: Three commenters objected to the board striking (2) from ARM 24.183.1001, stating the section provides land surveyors with the detailed information necessary for filing a corner record. One commenter argued that online forms are just instructions and if the rule is amended, an improperly drafted corner record will only be a failure to follow instructions for which a land surveyor could not be disciplined. A commenter noted that the corner record form is missing the information currently contained in (2)(b)(iii), (c)(i), and (e)(i), and asked the board to either retain (2) or revise the instructions attached to the corner record forms by adding "refer to the instructions attached to the forms for the information to be included" to ensure that corner records are properly recorded.

RESPONSE 17: The board agrees with the comment and is amending the rule to retain (2).

COMMENT 18: Two commenters supported the addition of (1)(g) to ARM 24.183.1101, but requested the board strike "that is on, is a part of," arguing that a monument is not a part of a property line.

RESPONSE 18: The board notes that this language reflects exactly the statutory language of 70-22-103(6), MCA, and is amending this rule exactly as proposed.

COMMENT 19: One commenter said that the requirement in (1)(c)(i) of NEW RULE I for references to conform to the current BLM manual, is impractical and should be stricken. The commenter further asked that multiple reference monuments be encouraged and monuments in roadways discouraged.

RESPONSE 19: The board agrees and is amending (1)(c)(i) accordingly.

COMMENT 20: One commenter suggested the board make grammatical corrections in (1)(b) of NEW RULE IV, specifically striking the comma after "deception," replacing the semicolon after "licensure" with a period, and changing the "a" in the next clause to an upper case "A" so it becomes a sentence.

RESPONSE 20: The board agrees and is replacing the semicolon with a comma and the comma after "licensure" with a period. However, formatting rules of the Secretary of State require the separation of all word strings by commas, even before an "and."

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

5. The board has amended ARM 24.183.402, 24.183.404, 24.183.503, 24.183.509, 24.183.510, 24.183.702, 24.183.1101, and 24.183.1107 exactly as proposed.

6. The board has adopted NEW RULES II (24.183.410) and III (24.183.505) exactly as proposed.

7. The board has repealed ARM 24.183.2201, 24.183.2203, 24.183.2204, 24.183.2205, and 24.183.2206 exactly as proposed.

8. The board has amended ARM 24.183.301, 24.183.501, 24.183.701, 24.183.801, 24.183.802, and 24.183.1001 with the following changes, stricken matter interlined, new matter underlined:

24.183.301 STANDARDS OF RESPONSIBLE CHARGE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

(1) The term "responsible charge" directly relates to the degree of control ~~an~~ a professional engineer is required to maintain while exercising independent control and direction of engineering work, and to the decisions which can be made only under the direct supervision of a professional engineer.

(a) through (b)(i) remain as proposed.

(2) The term "responsible charge" means that a professional land surveyor is required to maintain independent control over all facets of land surveying work.

(a) through (c) remain as proposed.

24.183.501 BOARD-APPROVED CURRICULA (1) remains as proposed.

(2) The board-approved curriculum for land surveying applicants shall contain a minimum of 60 semester credits and must include ~~seven~~ six credits in English, seven credits in math, six credits in drafting, nine credits in basic science, five credits in humanities and social sciences or approved Associate of Applied Science benchmarks, 11 credits in surveying techniques, and 16 credits in principles and practice of land surveying courses taught by a licensed professional land surveyor. One academic quarter's credit shall be credited at two-thirds semester credit.

(3) remains as proposed.

24.183.701 COMITY CONSIDERATION FOR PROFESSIONAL ENGINEERS

(1) The board may, upon receipt of an application and payment of proper fee, issue a license as a professional engineer to any person who submits verification of licensure from any state or territory or possession of the United States. Applicants shall submit to the department, either electronically or by mail, the department-approved application form with the appropriate fee, and a completed engineer laws and rules questionnaire.

(2) and (3) remain as proposed.

24.183.801 COMITY CONSIDERATION FOR PROFESSIONAL LAND SURVEYORS

(1) The board may, upon receipt of an application and payment of proper fee, issue a license as a professional land surveyor to any person who submits verification of licensure from any state or territory or possession of the United States. ~~All applicants~~ Applicants shall ~~complete and~~ submit, either electronically or by mail, to the department, a department-approved application form

with the appropriate fee, and a completed land surveyors laws and rules questionnaire, and the following:

- (a) ~~college or university~~ educational transcripts, when applicable;
 - (b) remains as proposed.
 - (c) verification of licensure from ~~the state of original licensure, including all states and~~ verification of passing both the Fundamentals of Land Surveying examination and the Principles and the Practices of Land Surveying examination.
- (2) Applicants ~~who have~~ with a current National Council of Examiners for Engineering and Surveying (NCEES) record may arrange for NCEES to deliver their most current record directly to the board office.
- (3) remains as proposed.

24.183.802 CLASSIFICATION OF EXPERIENCE FOR LAND SURVEYING APPLICANTS EXPERIENCE (1) remains as proposed.

- (2) Non-progressive experience is experience that must be gained under the supervision of a licensed professional land surveyor and may include:
- (a) through (3) remain as proposed.
 - (4) Progressive experience is experience that must be gained under the supervision of a licensed professional land surveyor and may include one or more of the following:
 - (a) through (6) remain as proposed.

24.183.1001 FORM OF CORNER RECORDS - INFORMATION TO BE INCLUDED (1) remains as proposed.

- (2) The information to be included in a corner record is as follows:
- (a) A description or quotation of those portions of the original or subsequent record which were used in evaluating the corner position.
 - (i) The original record for corners of government surveys will usually be the general land office field notes.
 - (ii) The original record for nongovernment surveys will usually be subdivision plats, certificates of survey, or other surveys of record.
 - (iii) Subsequent record can come from sources such as previously filed corner records, maps and plats, private and public records, etc. Some of the subsequent record, even though not in the public record, but known to have validity by the surveyor, may be quoted and appropriately noted. The record data help support the reestablished corner position because they clearly show on what history the surveyor based the corner position. In some cases, however, the record may be unknown or not pertinent. A statement to that effect, if applicable, must appear on the corner record.
 - (b) A description of the original or subsequent record evidence found that locates the corner position.
 - (i) If portions of the found evidence cannot be reconciled with the record, then the disregarded record must be noted, and if possible, an opinion as to its cause narrated.
 - (ii) If no physical evidence of the original or subsequent monuments and accessories can be found, then the method used to reestablish the lost or obliterated

corner (single proportion, fence intersection, parol evidence, terrain calls, centerline of road, etc.) shall be indicated.

(iii) Measurements used to establish proportioned positions must be shown on the corner recordation form or on a filed certificate of survey or subdivision plat referenced on the recordation form.

(c) A listing of all details about the corner and its location which will help exclusively identify the corner position, including size and type of monument and accessory, how marked if not shown in sketch, and distinguishing topographic calls which help locate the corner. In many cases, instructions on how to find the corner should be included.

(i) For public land survey system corners requiring recordation, sufficient information must be shown on the form to enable subsequent surveyors to verify the corner position identified on the form, and to reestablish the corner position if the monument is obliterated. Ideally, the references will be to at least two identifiable accessories or surveyed dimensions to two survey monuments.

(ii) References or ties to other corners are optional and may be drawn on the face or back of the corner record form, or references to certificate of survey may be made. Separate drawings may be attached to the corner form. If state plane coordinate values for the corner position are shown, then the control upon which they are based should be indicated.

(d) A sketch of the corner to show how a found or set corner is marked or show topography or accessory monuments found or set and their relation to the corner. There is no stipulated format; the sketch could be transcribed field note entries. For corners which were first shown on subdivision plats or on recorded or filed surveys, enough information must be shown so that the corner can be identified.

(e) The surveyor who performed or directed the field work which is depicted on the corner record shall sign and affix the licensee's seal in the certification.

(i) The affixing of the licensee's seal constitutes a certification by the surveyor that the corner record has been prepared in conformance with the Corner Recordation Act of Montana and the rules implementing the Act.

(ii) The employer blank is optional but useful in tracking down original field note data or adjacent record if, in the future, questions arise about the corner. The name and signature of the ground party chief is also optional information on the record form.

(f) For public land survey system corners, the cross index at the bottom of the page must be completed by the surveyor. Only the single township and range index where the corner is filed is to be completed.

(i) For corner records to be filed under the survey of record index, the index information must be filled in as completely as possible by the surveyor and made clear the name and number(s) of the recorded survey and the lot or parcel designation. The corner location diagram must have the pertinent section number filled in and a closed circle indicating the appropriate corner position in the section. This is intended to be an aid in searching the record once it has been filed.

9. The board has adopted NEW RULES I (24.183.1002) and IV (24.183.2207) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE I REMONUMENTATION AND REHABILITATION OF PUBLIC LAND SURVEY CORNERS AND MONUMENTS (1) through (1)(c) remain as proposed.

(i) unless prohibitive, placement of a reference or accessory conforming to material described in the most current edition of the U.S. Bureau of Land Management Manual of Surveying Instructions;

(ii) through (d) remain as proposed.

NEW RULE IV UNPROFESSIONAL CONDUCT (1) and (1)(a) remain as proposed.

(b) fraud, misrepresentation, deception, or concealment of a material fact in applying for or securing a license or license renewal; ~~or in taking an examination required for licensure, as~~ As used herein, "material" means any false or misleading statement or information;

(c) through (t) remain as proposed.

BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS
DAVID ELIAS, ENGINEER SURVEYOR,
PRESIDING OFFICER

/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 November 10, 2014

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
AND THE BOARD OF PUBLIC ACCOUNTANTS
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT,
ARM 24.101.413 renewal dates and) ADOPTION, AND REPEAL
requirements, 24.201.202 public)
participation, 24.201.301 definitions,)
24.201.401 board meetings,)
24.201.410 fee schedule, 24.201.415)
use of CPA/LPA designation,)
24.201.501, 24.201.502, 24.201.510,)
24.201.516, 24.201.517, 24.201.524,)
24.201.528, 24.201.529, 24.201.531,)
24.201.535, and 24.201.537 licensing)
and examinations, 24.201.704,)
24.201.705, 24.201.707 acts,)
24.201.708, 24.201.718, and)
24.201.720 professional conduct)
rules, 24.201.1103 peer review)
enrollment, 24.201.1108 alternatives)
and exemptions, 24.201.2101,)
24.201.2106, 24.201.2114,)
24.201.2120, 24.201.2124,)
24.201.2136, 24.201.2137,)
24.201.2138, 24.201.2145,)
24.201.2148, and 24.201.2154)
renewal and continuing education,)
24.201.2401 anonymous complaints,)
24.201.2402 exercise of practice)
privilege, 24.201.2410 enforcement)
against licensees, the adoption of)
NEW RULE I applicant by exam, and)
the repeal of 24.201.518 examination)
credits, 24.201.536 requirements for)
previously held certificates,)
24.201.2108 who must comply,)
24.201.2113 nonresident holders,)
24.201.2121 standards for CPE)
program development, and)
24.201.2411 enforcement procedures)

TO: All Concerned Persons

1. On August 7, 2014, the Department of Labor and Industry (department) and the Board of Public Accountants (board) published MAR Notice No. 24-201-47 regarding the public hearing on the proposed amendment, adoption, and repeal of

the above-stated rules, at page 1734 of the 2014 Montana Administrative Register, Issue No. 15.

2. On August 28, 2014, 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 September 5, 2014, deadline.

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

COMMENT 1: One commenter opposed the amendment to ARM 24.201.202, stating that public participation should be allowed when the board considers granting or denying licenses for which a hearing is required.

RESPONSE 1: The board is required to follow the rules of civil procedure when considering any contested case matter, including licensing decisions, and is amending the rule exactly as proposed.

COMMENT 2: One commenter expressed concern that definitions are being eliminated from ARM 24.201.301, because the definitions are also in statute. The commenter asserted that it is reasonable to include those definitions in the rules too, as the terms are used throughout board rules.

RESPONSE 2: The Montana Administrative Procedure Act governs administrative rulemaking by executive branch agencies and prohibits the unnecessary repetition of statutory language in rule. The board is eliminating duplicated definitions from rule as proposed.

COMMENT 3: One commenter indicated that in ARM 24.201.301(32), "System review report with a rating of 'Failed'" is an incorrect reference. The correct definition should be "System review report with a rating of 'Fail.'"

RESPONSE 3: The board agrees with the commenter and is amending the rule to reflect the proper reference.

COMMENT 4: One commenter stated the phrase "who is not otherwise in the practice of public accounting" in ARM 24.201.415(1) unnecessarily complicates the rule and should be eliminated.

RESPONSE 4: The board concluded that deleting the language broadens the rule and could unintentionally include those offering financial services outside the practice of accounting.

COMMENT 5: One commenter opposed the amendment to ARM 24.201.501(1)(a)(iii), stating that it changes the education requirements to double current education requirements for a license applicant with a baccalaureate degree

with a concentration other than accounting and exam scores for an exam administered prior to May 1996.

RESPONSE 5: The board agrees with the commenter and is amending the rule to reflect the new format, but not increase the hours.

COMMENT 6: One commenter asked if an applicant can apply for a license based on education requirements in place at the time of passing the exam, or if the rule is meant to be historical only. If ARM 24.201.501(1) and (2) are intended to be historical, they should be eliminated.

RESPONSE 6: The board notes this section is not intended as merely historical. A license applicant can apply for a license with exam scores obtained during the various education requirement periods.

COMMENT 7: One commenter questioned that moving the four-year institution reference to ARM 24.201.501(3)(a) would require all qualifying education (24 semester hours above introductory level in accounting and 24 semester hours of business courses) to be taken from a four-year institution. The commenter stated that this would significantly change the current requirement that only accounting courses must be completed from a four-year institution.

RESPONSE 7: The board states that this is the intention of the rule amendment and is adopting the rule change as proposed.

COMMENT 8: One commenter asserted that the current reference in ARM 24.201.501(5) is incorrect as the accreditation agency has changed its name recently.

RESPONSE 8: The board notes that this comment is outside the scope of this rule notice. The board will consider this comment in a future rulemaking project.

COMMENT 9: One commenter opposed the amendment to ARM 24.201.502(2) which would eliminate a military experience determination of the board when based on information from the license applicant's commanding officer, and asserted the provision should be retained.

RESPONSE 9: The board concluded that this amendment resulted from multiple rule notices being processed at the same time and is amending the rule to retain the relevant language in (2)(a).

COMMENT 10: One commenter noted that the American Institute of Certified Public Accountants (AICPA) Board of Examiners Practice Analysis Oversight group is currently reviewing the format and structure of the Uniform CPA exam and suggested the board amend ARM 24.201.516 to eliminate reference to specific exam section numbers and names, and the order in which sections must be taken.

RESPONSE 10: The board agrees with the suggestions and is amending (2) accordingly.

COMMENT 11: One commenter stated that 37-50-311, MCA, allows for issuance of a license to a licensee of another jurisdiction whose license is "in full force and effect" at the time of application to Montana. The amendment to ARM 24.201.528(1) requires the original license to be "in good standing" at the time of application. The commenter suggested that "in full force and effect" may be defined differently than "in good standing," and that the amendment does not reflect the intention of statute.

RESPONSE 11: The board agrees and is amending the rule to eliminate any potentially conflicting language.

COMMENT 12: One commenter suggested the board eliminate references to specific jurisdictions in ARM 24.201.531(2) so the board will not have to continually update the rule when the National Association of State Boards of Accountancy (NASBA) changes its list. The commenter suggested the board amend the rule to generally refer to all jurisdictions deemed substantially equivalent by NASBA, as allowed by 37-50-325, MCA.

RESPONSE 12: The board concluded it is unnecessary to reference any specific equivalent jurisdictions and is amending the rule accordingly.

COMMENT 13: One commenter suggested the board amend ARM 24.201.718 to eliminate the specific version date of the standards licensees must comply with and instead require compliance with standards in existence when services are provided. The commenter asserted this would eliminate the need to continually update rules when applicable standards are updated, and remove the risk of outdated standards in rule.

RESPONSE 13: The Montana Administrative Procedure Act requires the adoption by reference of initial and subsequent versions of specific standards through the administrative rulemaking process, to ensure public notice and participation regarding each change. However, the board is amending this rule now to update the applicable standards to the more current 2014 version.

COMMENT 14: A commenter stated that ARM 24.201.1103 should require that firms performing any engagement, in accordance with standards of the PCAOB, be required to enroll in peer review. This would cover those firms not required to register and be inspected by the Public Company Accounting Oversight Board (PCAOB) that perform audits of non-issuers under the PCAOB standards.

RESPONSE 14: See Response 8.

COMMENT 15: One commenter stated the board should adopt rules to address approved sponsoring organizations of peer review programs and allow organizations that administer the American Institute of CPAs Peer Review Program to be approved

without the need for application or board review. The commenter asserted these rules would provide for approval of the PCAOB inspection process and require firms registered and inspected by the PCAOB to be enrolled in the peer review program if they have engagements that are not part of the PCAOB inspection process.

RESPONSE 15: See Response 8.

COMMENT 16: One commenter stated the board should not adopt proposed amendments to ARM 24.201.2124(1)(g), as they could be interpreted to mean that all self-study must be NASBA Registry or NASBA Quality Assurance Service courses, which is not the case. The commenter stated that other self-study courses are allowed, but are just not given the same credit hours as NASBA Registry or NASBA QAS courses, per ARM 24.201.2137(1)(a).

RESPONSE 16: The board agrees with the commenter and is further amending ARM 24.201.2124(1)(g) to clarify when NASBA ID is required and that the ID requirement for self-study is required only when applicable.

COMMENT 17: A commenter questioned whether, after striking ARM 24.201.2138(2), the board would continue to accept CPE credit on a case-by-case basis for report reviewers under a board-approved peer review program.

RESPONSE 17: The board agrees the elimination of (2) may cause some confusion and is amending the rule to allow credit for report review, but eliminate references to profession monitoring programs.

COMMENT 18: One commenter opposed the amendment to ARM 24.201.2401, stating the board should retain the mandatory requirement for board review of all anonymous complaints.

RESPONSE 18: The board concluded they must determine if they will proceed with anonymous complaints. The board intended for the amendment to clarify that the board will accept all anonymous complaints to determine appropriate further action. The board is therefore amending this rule to clarify this intent.

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

5. The board has amended ARM 24.201.202, 24.201.401, 24.201.410, 24.201.415, 24.201.510, 24.201.517, 24.201.524, 24.201.529, 24.201.535, 24.201.537, 24.201.704, 24.201.705, 24.201.707, 24.201.708, 24.201.720, 24.201.1103, 24.201.1108, 24.201.2101, 24.201.2106, 24.201.2114, 24.201.2120, 24.201.2136, 24.201.2137, 24.201.2145, 24.201.2148, 24.201.2154, 24.201.2402, and 24.201.2410 exactly as proposed.

6. The board has adopted NEW RULE I (24.201.503) exactly as proposed.

7. The board has repealed ARM 24.201.518, 24.201.536, 24.201.2108, 24.201.2113, 24.201.2121, and 24.201.2411 exactly as proposed.

8. The board has amended ARM 24.201.301, 24.201.501, 24.201.502, 24.201.516, 24.201.528, 24.201.531, 24.201.718, 24.201.2124, 24.201.2138, and 24.201.2401 with the following changes, stricken matter interlined, new matter underlined:

24.201.301 DEFINITIONS (1) through (31) remain as proposed.

(32) "System review report with a rating of 'Failed Fail'" means that due to the significant deficiencies identified in the report, the system of quality control for the accounting and auditing practice of the reviewed firm, in effect for the year most recently ended, has not been suitably designed or complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects.

(33) and (34) remain as proposed.

24.201.501 EDUCATION REQUIREMENTS (1) through (1)(a)(ii) remain as proposed.

(iii) a baccalaureate degree, with a concentration other than accounting and related courses in other areas of business administration which the board considers to be equivalent education, including 24 12 semester hours (~~36 18~~ quarter hours) of accounting, auditing, and tax courses, and 18 nine semester hours (~~27 14~~ quarter hours) in other areas of business such as business law, management, marketing, economics, and finance. The nine semester hours (14 quarter hours) shall include no more than three semester hours (five quarter hours) in one area.

(2) through (7) remain as proposed.

24.201.502 ACCOUNTING AND AUDITING EXPERIENCE REQUIREMENTS (1) and (2) remain as proposed.

(a) is attested to by a holder of a permit to practice that was current at the time of attestation or for military experience evaluated by the board based on information provided by the applicant's commanding officer; and

(b) and (c) remain as proposed.

24.201.516 GRANTING OF EXAMINATION CREDIT (1) remains as proposed.

(2) All ~~four~~ test sections must be passed within an 18-month period, which begins on the date the first test section that was passed was taken, and ends on the last day of the last month of that 18-month period. An examination candidate may take any section of the examination up to four times during a one-year period but cannot retake any failed test section in any one three-month testing period. In the event all ~~four~~ test sections are not passed in an 18-month period, credit for any test section passed outside the 18-month period will expire and that test section must be retaken.

(3) remains as proposed.

24.201.528 OUT-OF-STATE APPLICANTS SEEKING A MONTANA CERTIFICATE, LICENSE, OR PERMIT (1) The board may issue a certificate, license, or permit to practice to a certificate holder, license holder, or permit holder ~~in good standing of a current and unencumbered license, certificate, or permit to practice~~ from another jurisdiction who meets the requirements established in 37-50-302 or 37-50-303, and 37-50-314, MCA.

(2) and (3) remain as proposed.

24.201.531 PRACTICE PRIVILEGE (1) remains as proposed.

(2) The board has determined that all jurisdictions approved by NASBA are deemed to be "substantially equivalent." ~~As of July 1, 2013, the following jurisdictions are "substantially equivalent":~~

~~(a) the District of Columbia;~~

~~(b) Guam;~~

~~(c) Commonwealth of the Northern Mariana Island; and~~

~~(d) all of the states in the United States of America.~~

24.201.718 APPLICABLE STANDARDS (1) remains as proposed.

(2) The board incorporates by reference the following standards, as they exist as of July 1, ~~2013~~ 2014:

(a) through (3) remain as proposed.

24.201.2124 STANDARDS FOR CPE REPORTING (1) through (1)(f) remain as proposed.

(g) NASBA Registry ID or NASBA QAS Sponsor ID (if applicable, applies to self-study).

(2) through (4) remain as proposed.

24.201.2138 CREDIT FOR SERVICE AS LECTURER, INSTRUCTOR, SPEAKER, OR REPORT REVIEWER (1) remains as proposed.

(2) Continuing education credit may be claimed for serving as a report reviewer under structured report review programs to be approved on a case-by-case basis by the board. Once approved, one hour of credit shall be granted for every hour spent reviewing reports. The maximum credit for such reviews shall be no more than 16 hours in any given calendar year.

24.201.2401 ANONYMOUS COMPLAINTS (1) The board may accept anonymous complaints ~~to determine whether appropriate investigative or disciplinary action may be pursued, or whether the matter must be dismissed for lack of sufficient information.~~

BOARD OF PUBLIC ACCOUNTANTS
LINDA HARRIS, CPA,
PRESIDING OFFICER

/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 November 10, 2014

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.88.205, 37.88.305, and)
37.88.605 pertaining to updating the)
date of the current procedural)
terminology (CPT) codes)

TO: All Concerned Persons

1. On August 21, 2014, the Department of Public Health and Human Services published MAR Notice No. 37-688 pertaining to the proposed amendment of the above-stated rules at page 1906 of the 2014 Montana Administrative Register, Issue Number 16.
2. The department has amended the above-stated rules as proposed.
3. No comments or testimony were received.

/s/ Valerie A. Bashor
Valerie A. Bashor, Attorney
Rule Reviewer

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

Certified to the Secretary of State November 10, 2014.

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

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 37.87.807 and the repeal of) REPEAL
ARM 37.87.701 pertaining to the)
revision of fee schedules for Medicaid)
provider rates)

TO: All Concerned Persons

1. On August 21, 2014, the Department of Public Health and Human Services published MAR Notice No. 37-689 pertaining to the proposed amendment and repeal of the above-stated rules at page 1911 of the 2014 Montana Administrative Register, Issue Number 16.

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

3. No comments or testimony were received.

/s/ Cary B. Lund
Cary B. Lund, Attorney
Rule Reviewer

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

Certified to the Secretary of State November 10, 2014.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

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

Economic Affairs Interim Committee:

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

Education and Local Government Interim Committee:

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

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

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

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

Environmental Quality Council:

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

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

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

- | | |
|---------------|---|
| Known Subject | 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 June 30, 2014. This table includes those rules adopted during the period July 1, 2014, through September 30, 2014, 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 June 30, 2014, this table, and the table of contents of this issue of the MAR.

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

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

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BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in October 2014 appear. Vacancies scheduled to appear from December 1, 2014 through February 28, 2015, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of November 1, 2014.

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.

BOARD AND COUNCIL APPOINTEES FROM OCTOBER 2014

| <u>Appointee</u> | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|---|---------------------|-----------------|-----------------------------|
| Alternative Health Care Board (Labor and Industry) | | | |
| Ms. Mary Ann Brown Bozeman Qualifications (if required): Midwife | Governor | reappointed | 10/31/2014 9/1/2018 |
| Board of Athletic Trainers (Labor and Industry) | | | |
| Dr. John David Michelotti Helena Qualifications (if required): Physician | Governor | Johnson | 10/31/2014 10/1/2015 |
| Board of Outfitters (Labor and Industry) | | | |
| Mr. Grover "Tim" Aldrich Missoula Qualifications (if required): sportsperson | Governor | Gibson | 10/31/2014 10/1/2017 |
| Mr. Hugo Tureck Coffee Creek Qualifications (if required): sportsperson | Governor | reappointed | 10/31/2014 10/1/2017 |
| Mr. Timm Twardoski Helena Qualifications (if required): member of the general public | Governor | Redman | 10/31/2014 10/1/2017 |
| Mr. John Way Ennis Qualifications (if required): outfitter engaged in the fishing and hunting outfitting business | Governor | not listed | 10/31/2014 10/1/2017 |

BOARD AND COUNCIL APPOINTEES FROM OCTOBER 2014

| <u>Appointee</u> | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|--|---------------------|-----------------|-----------------------------|
| Board of Veterans' Affairs (Military Affairs) | | | |
| Mr. Richard A. Juvik Helena | Governor | Tropila | 10/31/2014 8/1/2015 |
| Qualifications (if required): Veterans At-Large | | | |
| Building Codes Council (Labor and Industry) | | | |
| Mr. Ronald E. Brothers Hamilton | Governor | reappointed | 10/17/2014 10/1/2017 |
| Qualifications (if required): member of the general public who does not hold public office | | | |
| Mr. Rick Hutchinson Black Eagle | Governor | Qualls | 10/17/2014 10/1/2017 |
| Qualifications (if required): licensed electrician selected by the state electrical board | | | |
| Mr. Allen Lorenz Helena | Governor | reappointed | 10/17/2014 10/1/2017 |
| Qualifications (if required): state fire marshal | | | |
| Mr. Robert Risk Bozeman | Governor | reappointed | 10/17/2014 10/1/2017 |
| Qualifications (if required): county, city, or town inspector | | | |
| Mr. Sean Smith Anaconda | Governor | Stimac | 10/17/2014 10/1/2017 |
| Qualifications (if required): licensed plumber selected by the Board of Plumbers | | | |

BOARD AND COUNCIL APPOINTEES FROM OCTOBER 2014

| <u>Appointee</u> | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|--|---------------------|-----------------|-----------------------------|
| Burial Preservation Board (Administration) | | | |
| Mr. Terry Bullis Hardin | Governor | reappointed | 10/31/2014 9/1/2016 |
| Qualifications (if required): representative of the Montana Coroner's Association | | | |
| Dr. Ruthann Knudson Great Falls | Governor | reappointed | 10/31/2014 9/1/2016 |
| Qualifications (if required): representative of the Montana Archaeological Association | | | |
| Mr. Videl Stump, Sr. Box Elder | Governor | reappointed | 10/31/2014 9/1/2016 |
| Qualifications (if required): representative of the Chippewa Cree Tribe | | | |
| Corn Crop Advisory Committee (Agriculture) | | | |
| Mr. Jason Brewer Forsyth | Director | Not Listed | 10/23/2014 10/23/2016 |
| Qualifications (if required): Corn Crop Producer | | | |
| Mr. Jack Dion Terry | Director | Not Listed | 10/23/2014 10/23/2016 |
| Qualifications (if required): Corn Crop Producer | | | |
| Mr. Donald Fast Glasgow | Director | Not Listed | 10/23/2014 10/23/2016 |
| Qualifications (if required): Corn Crop Producer | | | |

BOARD AND COUNCIL APPOINTEES FROM OCTOBER 2014

| <u>Appointee</u> | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|---|---------------------|-----------------|-----------------------------|
| Corn Crop Advisory Committee (Agriculture) cont. | | | |
| Mr. Kim Nile Forsyth | Director | Not Listed | 10/23/2014 10/23/2016 |
| Qualifications (if required): Corn Crop Producer | | | |
| Mr. Glenn Rohde Glasgow | Director | Not Listed | 10/23/2014 10/23/2016 |
| Qualifications (if required): Corn Crop Producer | | | |
| Sen. Donald J. Steinbeisser Sidney | Director | Not Listed | 10/23/2014 10/23/2016 |
| Qualifications (if required): Corn Crop Producer | | | |
| Family Support Services Advisory Council (Public Health and Human Services) | | | |
| Ms. Laura Copp Bozeman | Governor | reappointed | 10/31/2014 4/9/2016 |
| Qualifications (if required): Representative of the Montana School for the Deaf and Blind | | | |
| Mr. Ronald Herman Helena | Governor | reappointed | 10/31/2014 4/9/2016 |
| Qualifications (if required): State Agency Representative, Commissioner of Securities and Insurance | | | |
| Ms. Laura McGee Billings | Governor | reappointed | 10/31/2014 4/9/2016 |
| Qualifications (if required): Parent Representative | | | |

BOARD AND COUNCIL APPOINTEES FROM OCTOBER 2014

| <u>Appointee</u> | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|---|---------------------|-----------------|-----------------------------|
| Family Support Services Advisory Council (Public Health and Human Services) cont. | | | |
| Ms. Wendy Sturn Helena | Governor | Koenig | 10/31/2014 4/9/2016 |
| Qualifications (if required): State Agency Representative, Public Health and Human Services | | | |
| Ms. Angela R. Thompson Billings | Governor | Volinkaty | 10/31/2014 4/9/2016 |
| Qualifications (if required): Provider of Part C Services | | | |
| Future Fisheries Review Panel (Fish, Wildlife and Parks) | | | |
| Mr. Alan Johnstone Wilsall | Governor | reappointed | 10/31/2014 7/1/2016 |
| Qualifications (if required): expertise in commercial agriculture | | | |
| Mr. Jim Stone Ovando | Governor | not listed | 10/31/2014 7/1/2016 |
| Qualifications (if required): expertise in irrigated agriculture | | | |
| Ms. Nancy Winslow Missoula | Governor | Miller | 10/31/2014 7/1/2016 |
| Qualifications (if required): expertise in mining reclamation techniques | | | |
| State Historic Preservation Review Board (Education) | | | |
| Dr. C. Riley Auge Missoula | Governor | not listed | 10/17/2014 10/1/2018 |
| Qualifications (if required): history professional, historian | | | |

BOARD AND COUNCIL APPOINTEES FROM OCTOBER 2014

| <u>Appointee</u> | <u>Appointed by</u> | <u>Succeeds</u> | <u>Appointment/End Date</u> |
|--|---------------------|-----------------|-----------------------------|
| State Historic Preservation Review Board (Education) cont. | | | |
| Mr. Zane Fulbright Lewistown | Governor | reappointed | 10/17/2014 10/1/2018 |
| Qualifications (if required): history professional, historical researcher | | | |
| State-Tribal Economic Development Commission (Commerce) | | | |
| Mr. Harry Barnes Browning | Governor | Running Crane | 10/31/2014 6/30/2016 |
| Qualifications (if required): Blackfeet Nation Representative | | | |
| Mr. William Old Chief Browning | Governor | Reevis | 10/31/2014 6/30/2016 |
| Qualifications (if required): Blackfeet Nation Alternate Representative | | | |
| Statewide Interoperability Governing Board (Administration) | | | |
| Mr. Kevin Box Whitehall | Governor | Rogers | 10/17/2014 10/1/2015 |
| Qualifications (if required): Representative of the Montana Emergency Medical Services Association | | | |
| Telecommunications Access Services for Persons with Disabilities (Public Health and Human Services) | | | |
| Mr. Drew Arnot Missoula | Governor | reappointed | 10/31/2014 7/1/2017 |
| Qualifications (if required): member for an independent service provider | | | |
| Ms. Pat Ingalls Butte | Governor | reappointed | 10/31/2014 7/1/2017 |
| Qualifications (if required): licensed audiologist | | | |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| Board of Aeronautics (Transportation) Mr. Fred Lark, Lewistown Qualifications (if required): public representative | Governor | 1/1/2015 |
| Mr. Charles Manning, Lakeside Qualifications (if required): aviation education representative | Governor | 1/1/2015 |
| Mr. Alexander C. Edwards, Billings Qualifications (if required): official of a fixed base operator | Governor | 1/1/2015 |
| Mr. Robert Buckles, Bozeman Qualifications (if required): commercial airlines representative | Governor | 1/1/2015 |
| Board of Chiropractors (Labor and Industry) Ms. Alice Whiteman, Missoula Qualifications (if required): public representative | Governor | 1/1/2015 |
| Dr. Lee Hudson, Great Falls Qualifications (if required): practicing chiropractor with at least one year experience | Governor | 1/1/2015 |
| Board of Crime Control (Justice) Mr. Mike Batista, Helena Qualifications (if required): Law Enforcement Representative | Governor | 1/1/2015 |
| Rep. Angela Russell, Lodge Grass Qualifications (if required): public representative | Governor | 1/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| Board of Crime Control (Justice) cont. Ms. Randi Hood, Helena Qualifications (if required): representative of a criminal justice agency | Governor | 1/1/2015 |
| Director Mike Ferriter, Helena Qualifications (if required): state law enforcement representative | Governor | 1/1/2015 |
| Mr. Richard Kirn, Poplar Qualifications (if required): tribal government representative | Governor | 1/1/2015 |
| Ms. Beth McLaughlin, Helena Qualifications (if required): Judge/Judiciary Representative | Governor | 1/1/2015 |
| Mr. Godfrey Saunders, Bozeman Qualifications (if required): educator | Governor | 1/1/2015 |
| Ms. Tara Jensen, Helena Qualifications (if required): public representative | Governor | 1/1/2015 |
| Ms. Sherry Matteucci, Billings Qualifications (if required): public representative | Governor | 1/1/2015 |
| Ms. Brenda C. Desmond, Missoula Qualifications (if required): representative of the judiciary | Governor | 1/1/2015 |
| Mr. William Hooks, Helena Qualifications (if required): Criminal Justice Agency Representative | Governor | 1/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| Board of Environmental Review (Environmental Quality) Mr. Joseph Russell, Kalispell Qualifications (if required): county health officer | Governor | 1/1/2015 |
| Ms. Heidi Kaiser, Park City Qualifications (if required): public member | Governor | 1/1/2015 |
| Mr. Larry Mires, Glasgow Qualifications (if required): public member | Governor | 1/1/2015 |
| Board of Horse Racing (Commerce) Mr. Allen Fisher, Ashland Qualifications (if required): resident of District 1 | Governor | 1/20/2015 |
| Mr. John Hayes, Great Falls Qualifications (if required): resident of District 3 | Governor | 1/20/2015 |
| Board of Housing (Commerce) Rep. Sheila Rice, Great Falls Qualifications (if required): public representative | Governor | 1/1/2015 |
| Rep. Jeanette S McKee, Hamilton Qualifications (if required): public representative | Governor | 1/1/2015 |
| Mr. Robert Gauthier, Ronan Qualifications (if required): public representative | Governor | 1/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| Board of Investments (Commerce) Mr. Gary Buchanan, Billings Qualifications (if required): financial representative | Governor | 1/1/2015 |
| Mr. Karl Englund, Missoula Qualifications (if required): attorney | Governor | 1/1/2015 |
| Mr. Jon Satre, Helena Qualifications (if required): business person | Governor | 1/1/2015 |
| Mr. Quinton Nyman, Helena Qualifications (if required): labor representative | Governor | 1/1/2015 |
| Board of Labor Appeals (Labor and Industry) Rep. Jerry L. Driscoll, Billings Qualifications (if required): Public Representative | Governor | 1/1/2015 |
| Rep. Jennifer "JP" Pomnichowski, Bozeman Qualifications (if required): public representative | Governor | 1/1/2015 |
| Board of Occupational Therapy Practice (Labor and Industry) Ms. Cindy Stergar, Butte Qualifications (if required): public representative | Governor | 12/31/2014 |
| Mr. Nate Naprstek, Bozeman Qualifications (if required): occupational therapist | Governor | 12/31/2014 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| <p>Board of Occupational Therapy Practice (Labor and Industry) cont. Ms. Caryn Kallay, Ronan Qualifications (if required): Public Representative</p> | Governor | 12/31/2014 |
| <p>Board of Oil and Gas Conservation (Natural Resources and Conservation) Mr. Jack King, Billings Qualifications (if required): industry representative</p> | Governor | 1/1/2015 |
| <p>Mr. Ronald Efta, Wibaux Qualifications (if required): public member/attorney</p> | Governor | 1/1/2015 |
| <p>Mr. Bret Smelser, Sidney Qualifications (if required): landowner without minerals</p> | Governor | 1/1/2015 |
| <p>Board of Pardons and Parole (Corrections) Mr. Michael E McKee, Hamilton Qualifications (if required): education or experience in criminology, psychiatry, psychology, law, social work</p> | Governor | 1/1/2015 |
| <p>Mr. John Rex, Miles City Qualifications (if required): education or experience in criminology, psychiatry, psychology, law, social work</p> | Governor | 1/1/2015 |
| <p>Board of Personnel Appeals (Labor and Industry) Mr. Jim Soumas, Joliet Qualifications (if required): Labor Unions, Substitute Member</p> | Governor | 1/1/2015 |
| <p>Mr. Steve Johnson, Missoula Qualifications (if required): management representative with collective bargaining experience</p> | Governor | 1/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| Board of Personnel Appeals (Labor and Industry) cont. | | |
| Mr. Jerry Rukavina, Great Falls Qualifications (if required): officer of a labor union or an association recognized by the board (substitute member) | Governor | 1/1/2015 |
| Commissioner Dave Gallik, Helena Qualifications (if required): an attorney with labor-management experience | Governor | 1/1/2015 |
| Ms. Amy Verlanic, Anaconda Qualifications (if required): management representative with collective bargaining experience | Governor | 1/1/2015 |
| Mr. Richard Parish, Helena Qualifications (if required): individual with general labor-management experience | Governor | 1/1/2015 |
| Mr. Max Hallfrisch, Great Falls Qualifications (if required): officer of a labor union or an association recognized by the board | Governor | 1/1/2015 |
| Board of Public Assistance (Public Health and Human Services) | | |
| Ms. Helen Barta Schmitt, Sidney Qualifications (if required): public representative | Governor | 1/1/2015 |
| Board of Public Education (Education) | | |
| Rep. Bernard Olson, Lakeside Qualifications (if required): resident of District 1 and identifies himself as a Republican | Governor | 2/1/2015 |
| Board of Regents (Higher Education) | | |
| Mr. Clayton Christian, Missoula Qualifications (if required): resident of district 1 and identifies himself as an Independent | Governor | 2/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| <p>Board of Regents (Higher Education) cont. Mr. Jeffrey K. Krauss, Bozeman Qualifications (if required): resident of District 1 (Republican)</p> | Governor | 2/1/2015 |
| <p>Board of Respiratory Care Practitioners (Labor and Industry) Mr. William Carmichael, Great Falls Qualifications (if required): Respiratory Care Practitioner</p> | Governor | 1/1/2015 |
| <p>Board of Social Work Examiners and Professional Counselors (Labor and Industry) Ms. Rosemary Hertel, Deer Lodge Qualifications (if required): licensed counselor</p> | Governor | 1/1/2015 |
| <p>Ms. Carol Stratemeyer, Hamilton Qualifications (if required): licensed counselor</p> | Governor | 1/1/2015 |
| <p>Mr. Peter Degel, Helena Qualifications (if required): licensed counselor</p> | Governor | 1/1/2015 |
| <p>Ms. Beverley McCurry, Columbus Qualifications (if required): public representative</p> | Governor | 1/1/2015 |
| <p>Mr. B.A. "Doc" Tweedy, Helena Qualifications (if required): Public Representative</p> | Governor | 1/1/2015 |
| <p>Board of Speech-Language Pathologists and Audiologists (Labor and Industry) Ms. Lynn Harris, Missoula Qualifications (if required): audiologist</p> | Governor | 12/31/2014 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| <p>Board of Speech-Language Pathologists and Audiologists (Labor and Industry) cont. Ms. Tina Hoagland, Billings Qualifications (if required): audiologist</p> | Governor | 12/31/2014 |
| <p>Children's Trust Fund (Public Health and Human Services) Ms. Roberta Kipp, Browning Qualifications (if required): public representative</p> | Governor | 1/1/2015 |
| <p>Ms. Lisa Stroh, Chinook Qualifications (if required): public representative</p> | Governor | 1/1/2015 |
| <p>Coal Board (Commerce) Representative Ralph L. Lenhart, Glendive Qualifications (if required): expertise in education and a resident of District 2</p> | Governor | 1/1/2015 |
| <p>Ms. Marcia Brown, Butte Qualifications (if required): representative from business and a resident of District 1</p> | Governor | 1/1/2015 |
| <p>Mr. Loren W. Acton, Bozeman Qualifications (if required): expertise in education and a resident of District 1</p> | Governor | 1/1/2015 |
| <p>Electronic Government Advisory Council (Administration) Rep. Dan Villa, Anaconda Qualifications (if required): Agency Representative</p> | Governor | 1/1/2015 |
| <p>Ms. Karen Harrison, Lolo Qualifications (if required): Public Representative</p> | Governor | 1/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| <p>Electronic Government Advisory Council (Administration) cont. Director Pam Bucy, Helena Qualifications (if required): Agency Representative</p> | Governor | 1/1/2015 |
| <p>Ms. Sherri Davidoff, Missoula Qualifications (if required): Public Representative</p> | Governor | 1/1/2015 |
| <p>Ms. Jane Weber, Great Falls Qualifications (if required): Local Government</p> | Governor | 1/1/2015 |
| <p>Facility Finance Authority (Commerce) Rep. Joe Quilici, Butte Qualifications (if required): public member</p> | Governor | 1/1/2015 |
| <p>Mr. Matthew B. Thiel, Missoula Qualifications (if required): an attorney</p> | Governor | 1/1/2015 |
| <p>Ms. Kimberly Rickard, Helena Qualifications (if required): public member</p> | Governor | 1/1/2015 |
| <p>Fish and Wildlife Commission (Fish, Wildlife and Parks) Mr. Dan Vermillion, Livingston Qualifications (if required): District 2</p> | Governor | 1/1/2015 |
| <p>Mr. A.T. Stafne, Wolf Point Qualifications (if required): District 4 and experience with domestic livestock</p> | Governor | 1/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| <p>Fish and Wildlife Commission (Fish, Wildlife and Parks) cont. Mr Lawrence Wetsit, Wolf Point Qualifications (if required): District 4 Representative</p> | Governor | 1/1/2015 |
| <p>Hard Rock Mining Impact Board (Commerce) Commissioner Marianne Roose, Eureka Qualifications (if required): elected county commissioner and resident of district 1/impact area</p> | Governor | 1/1/2015 |
| <p>Ms. Donna von Nieda, Nye Qualifications (if required): elected school trustee and resident of district 1/impact area</p> | Governor | 1/1/2015 |
| <p>Human Rights Commission (Labor and Industry) Ms. Cynthia Wolken, Missoula Qualifications (if required): public representative</p> | Governor | 1/1/2015 |
| <p>Ms. Lucy Simpson, Helena Qualifications (if required): public representative</p> | Governor | 1/1/2015 |
| <p>Intersate Oil and Gas Compact Commission (Natural Resources and Conservation) Mr. Thomas P. Richmond, Billings Qualifications (if required): Associate Official Representative</p> | Governor | 1/1/2015 |
| <p>Mr. Ronald Efta, Wibaux Qualifications (if required): Official Representative</p> | Governor | 1/1/2015 |
| <p>Judicial Nomination Commission (Judiciary) Ms. Shirley Ball, Nashua Qualifications (if required): public representative</p> | Governor | 1/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| <p>Livestock Loss Reduction and Mitigation Board (Livestock) Ms. Elaine Allestad, Big Timber Qualifications (if required): Livestock Industry</p> | Governor | 1/1/2015 |
| <p>Mr. Larry Trexler, Hamilton Qualifications (if required): Livestock Industry</p> | Governor | 1/1/2015 |
| <p>Lottery Commission (Administration) Mr. Leo Prigge, Butte Qualifications (if required): public accountant</p> | Governor | 1/1/2015 |
| <p>Mental Disabilities Board of Visitors (Governor) Mr. Jonathan Angel, Billings Qualifications (if required): Consumer or Family of Consumer of Mental Health Services</p> | Governor | 1/1/2015 |
| <p>Milk Control Board (Livestock) Mr. Jerrold A Weissman, Great Falls Qualifications (if required): public representative that identifies himself as a Republican</p> | Governor | 1/1/2015 |
| <p>Mr. W. Scott Mitchell, Billings Qualifications (if required): attorney that identifies himself as a Democrat</p> | Governor | 1/1/2015 |
| <p>Montana Alfalfa Seed Committee (Agriculture) Mr. Ernest Johnson, Chinook Qualifications (if required): alfalfa seed grower</p> | Governor | 12/21/2014 |
| <p>Mr. John Mehling, Hardin Qualifications (if required): alfalfa seed grower</p> | Governor | 12/21/2014 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| <p>Montana Alfalfa Seed Committee (Agriculture) cont. Mr. Marvin Frank, Joliet Qualifications (if required): alfalfa seed grower</p> | Governor | 12/21/2014 |
| <p>Montana Arts Council (Education) Mr. Rob Quist, Kalispell Qualifications (if required): public representative</p> | Governor | 2/1/2015 |
| <p>Mr. Wilbur Wood, Roundup Qualifications (if required): public representative</p> | Governor | 2/1/2015 |
| <p>Ms. Youpa Stein, Arlee Qualifications (if required): public representative</p> | Governor | 2/1/2015 |
| <p>Mr. Mark Kuipers, Missoula Qualifications (if required): public representative</p> | Governor | 2/1/2015 |
| <p>Ms. Jean Steele, Hamilton Qualifications (if required): public representative</p> | Governor | 2/1/2015 |
| <p>Montana Children's Trust Fund Board (Public Health and Human Services) Mrs. Clementine Lindley, Billings Qualifications (if required): General Public Representative</p> | Governor | 1/1/2015 |
| <p>Ms. Leslie Caye, Pablo Qualifications (if required): Public Representative</p> | Governor | 1/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| <p>Montana Council on Developmental Disabilities (Commerce) Mr. Jason Billehus, Missoula Qualifications (if required): primary consumer representative</p> | Governor | 1/1/2015 |
| <p>Mr. Darwin Nelson, Helena Qualifications (if required): primary consumer representative</p> | Governor | 1/1/2015 |
| <p>Ms. Connie Wethern, Glasgow Qualifications (if required): secondary consumer representative</p> | Governor | 1/1/2015 |
| <p>Ms. Janet Carlson, Malta Qualifications (if required): primary consumer representative</p> | Governor | 1/1/2015 |
| <p>Ms. Tarra Thomas, Billings Qualifications (if required): secondary consumer representative</p> | Governor | 1/1/2015 |
| <p>Montana Grass Conservation Commission (Natural Resources and Conservation) Mr. Alvin Windy Boy, Sr., Box Elder Qualifications (if required): public representative</p> | Governor | 1/1/2015 |
| <p>Mr. William F. Kennedy, Ekalaka Qualifications (if required): grazing district director</p> | Governor | 1/1/2015 |
| <p>Public Safety Officer Standards and Training Council (Justice) Rep. Hal Harper, Helena Qualifications (if required): public representative</p> | Governor | 1/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| Public Safety Officer Standards and Training Council (Justice) cont. Ms. Winnie Ore, Helena Qualifications (if required): public representative | Governor | 1/1/2015 |
| Commissioner Mike Anderson, Havre Qualifications (if required): Board of Crime Control representative | Governor | 1/1/2015 |
| Ms. Georgette Hogan Boggio, Hardin Qualifications (if required): county attorney | Governor | 1/1/2015 |
| Mr. John Schaffer, Great Falls Qualifications (if required): local law enforcement officer (nonadministrative) | Governor | 1/1/2015 |
| Mr. Lewis Matthews, Wolf Point Qualifications (if required): certified tribal law enforcement representative | Governor | 1/1/2015 |
| Mr. James Smith, Libby Qualifications (if required): chief of police | Governor | 1/1/2015 |
| Mr. Jesse Slaughter, Great Falls Qualifications (if required): Local Law Enforcement | Governor | 1/1/2015 |
| Ms. Tia Robbin, Kalispell Qualifications (if required): Public Representative | Governor | 1/1/2015 |
| Ms. Gina Dahl, Havre Qualifications (if required): County Attorney | Governor | 1/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| <p>Public Safety Officer Standards and Training Council (Justice) Chief William Dial, Whitefish Qualifications (if required): Board of Crime Control Representative</p> | Governor | 1/1/2015 |
| <p>Pulse Crop Advisory Committee (Agriculture) Mr. Grant Zerbe, Frazer Qualifications (if required): actively involved in the pulse crop industry</p> | Governor | 2/13/2015 |
| <p>Ms. Leta Campbell, Harlem Qualifications (if required): actively involved in the pulse crop industry</p> | Governor | 2/13/2015 |
| <p>Ms. Kim Murray, Froid Qualifications (if required): actively involved in the pulse crop industry</p> | Governor | 2/13/2015 |
| <p>Mr. Michael Ehlers, Oilmont Qualifications (if required): actively involved in the pulse crop industry</p> | Governor | 2/13/2015 |
| <p>Mr. Jon Stoner, Havre Qualifications (if required): actively involved in the pulse crop industry</p> | Governor | 2/13/2015 |
| <p>Mr. Brian Kae, Dagmar Qualifications (if required): actively involved in the pulse crop industry</p> | Governor | 2/13/2015 |
| <p>Mr. Dustin Kreger, Great Falls Qualifications (if required): Producer</p> | Governor | 2/13/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| Rail Service Competition Council (Transportation) | | |
| Ms. Carla Allen, Denton Qualifications (if required): having knowledge of class II railroads | Governor | 1/1/2015 |
| Mr. Russell Hobbs, Columbia Falls Qualifications (if required): having knowledge of transportation for the wood products industry | Governor | 1/1/2015 |
| Mr. Walt Ainsworth, Helena Qualifications (if required): having knowledge of the trucking industry | Governor | 1/1/2015 |
| Respiratory Care Practitioners (Labor and Industry) | | |
| Mr. Thomas Fallang, Butte Qualifications (if required): respiratory care practitioner | Governor | 1/1/2015 |
| Small Business Health Insurance Pool Board (State Auditor) | | |
| Mr. John Thomas, Helena Qualifications (if required): management-level individual with knowledge of state employee health benefits plans | Governor | 1/1/2015 |
| State Employee Charitable Giving Campaign Advisory Council (Administration) | | |
| Mr. Jack Lynch, Butte Qualifications (if required): representing state employees | Governor | 2/13/2015 |
| Mr. Matthew Dale, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |
| Ms. Mary Wright, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| State Employee Charitable Giving Campaign Advisory Council (Administration) cont. Ms. Marcia Armstrong, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |
| Ms. Kathy Miller, Helena Qualifications (if required): federal representative | Governor | 2/13/2015 |
| Mr. Gary Owen, Great Falls Qualifications (if required): federal representative | Governor | 2/13/2015 |
| Mr. Rob Mayer, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |
| Ms. Marie Matthews, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |
| Mr. Dave Paton, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |
| Ms. Kristen Wrzensinski, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |
| Ms. Gloria Soja, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |
| Mr. Bill Crane, Helena Qualifications (if required): federal representative | Governor | 2/13/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| State Employee Charitable Giving Campaign Advisory Council (Administration) cont. | | |
| Ms. Shelly Clinch, Helena Qualifications (if required): Employee Representative | Governor | 2/18/2015 |
| Ms. Donna Hanson, Helena Qualifications (if required): Employee Representative | Governor | 2/18/2015 |
| Ms. Diane Larson, Helena Qualifications (if required): Employee Representative | Governor | 2/18/2015 |
| Mr. Mike Manion, Helena Qualifications (if required): Employee Representative | Governor | 2/18/2015 |
| Ms Pamela Carlson, Helena Qualifications (if required): Federation Representative | Governor | 2/18/2015 |
| State Employee Group Benefits (Administration) | | |
| Ms. Mary Dalton, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |
| Mr. Russ Hill, Helena Qualifications (if required): ex-officio member | Governor | 2/13/2015 |
| Mr. John McEwen, Helena Qualifications (if required): representing retired state employees | Governor | 2/13/2015 |
| Mr. Richard Cooley, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| State Employee Group Benefits (Administration) cont. Senator Jim Keane, Butte Qualifications (if required): representing the legislature | Governor | 2/13/2015 |
| Ms. Amy Sassano, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |
| Ms. Beth McLaughlin, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |
| Ms. Kelly DaSilva, Helena Qualifications (if required): representing legislative branch agencies | Governor | 2/13/2015 |
| Mr. Quinton Nyman, Helena Qualifications (if required): representing state employee and labor organizations | Governor | 2/13/2015 |
| Mr. Brian Ehli, Missoula Qualifications (if required): representing state employee and labor organizations | Governor | 2/13/2015 |
| Ms. Erin Ricci, Helena Qualifications (if required): representing state employee and labor organizations | Governor | 2/13/2015 |
| Mr. Christopher Abbott, Helena Qualifications (if required): representing state employees | Governor | 2/13/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|--|---------------------|-----------------|
| <p>State Parks and Recreation Commission (Fish, Wildlife and Parks) Sen. Thomas E. "Tom" Towe, Billings Qualifications (if required): District 5</p> | Governor | 1/1/2015 |
| <p>Director Mary Sexton, Helena Qualifications (if required): District 3</p> | Governor | 1/1/2015 |
| <p>State Tax Appeal Board (Governor) Ms. Karen Powell, Helena Qualifications (if required): public representative</p> | Governor | 1/2/2015 |
| <p>Statewide Independent Living Council (Public Health and Human Services) Ms. Monica Garrahan, Havre Qualifications (if required): public representative</p> | Governor | 12/1/2014 |
| <p>Transportation Commission (Transportation) Rep. Carol Lambert, Broadus Qualifications (if required): resident of District 4 (Republican)</p> | Governor | 1/1/2015 |
| <p>Mr. S. Kevin Howlett, Arlee Qualifications (if required): resident of District 1 (Democrat)</p> | Governor | 1/1/2015 |
| <p>Traumatic Brain Injury Advisory Council (Public Health and Human Services) Ms. Julia Hammerquist, Kalispell Qualifications (if required): a survivor</p> | Governor | 1/1/2015 |
| <p>Mr. Darcy Merchant, Billings Qualifications (if required): Injury Control or Prevention</p> | Governor | 1/1/2015 |

VACANCIES ON BOARDS AND COUNCILS -- DECEMBER 1, 2014 THROUGH FEBRUARY 28, 2015

| <u>Board/current position holder</u> | <u>Appointed by</u> | <u>Term end</u> |
|---|---------------------|-----------------|
| Traumatic Brain Injury Advisory Council (Public Health and Human Services) cont. Mrs. Teresa McKeon, Malta Qualifications (if required): Survivor or Family Member of a Survivor of Traumatic Brain Injury | Governor | 1/1/2015 |