

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 8

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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 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 BOARD OF PLUMBERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.180.401 fee schedule) ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On May 21, 2007, at 9:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry (department) 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, contact the Board of Plumbers (board) no later than 5:00 p.m., on May 16, 2007, to advise us of the nature of the accommodation that you need. Please contact Dan Bernhardt, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2350; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdlu@mt.gov.

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

24.180.401 FEE SCHEDULE

(1) Application fee	\$ 30 <u>60</u>
(2) Examination fee	95 <u>175</u>
(3) Reexamination fee	95 <u>175</u>
(4) Administration of examination on alternate date	250 <u>400</u>
(5) Initial license fee prorated by quarter	
(a) Journeyman	75 <u>150</u>
(b) Master	125 <u>250</u>
(6) Renewal fee	
(a) Journeyman	75 <u>135</u>
(b) Master	125 <u>225</u>
(7) Medical gas endorsement application fee	30 <u>60</u>
(8) Medical gas endorsement renewal fee	40 <u>20</u>
(9) Out-of-state licensure fee	95 <u>250</u>
(10) Temporary practice permit fee	20 <u>100</u>

AUTH: 37-1-134, 37-69-202, 37-69-401, MCA

IMP: 37-1-134, 37-1-141, 37-1-304, 37-1-305, ~~37-69-202~~, 37-69-303, 37-69-306, 37-69-308, 37-69-401, MCA

REASON: The board has determined it is reasonably necessary to amend this rule and increase fees as proposed to avoid a projected budget shortfall of \$51,211 by June 2008. The board last raised licensure and renewal fees in early 1993.

Licensees renew annually on September 1, and renewal fees are the largest single source of board revenue. The board is statutorily obligated to maintain fees that are commensurate with associated costs. Although the number of licensees has increased slightly resulting in increased revenue, the small increase has not kept pace with rising expenses. The board will continue to be fiscally responsible and review the need for periodic small fee increases in order to avoid infrequent but large fee increases in the future. With the proposed fee increase, the board projects that it will be able to meet its foreseeable expenses until 2014. The proposed fee increases will affect approximately 1,596 licensees and applicants and result in an estimated annual revenue increase of \$118,020.

It is reasonably necessary to discontinue prorating initial license fees. Prorating the initial license fee cost the board \$4,594 in revenue last year and is no longer affordable. The board is amending the implementation cites to accurately reflect all statutes implemented through the rule.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Plumbers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdpplu@mt.gov, and must be received no later than 5:00 p.m., May 29, 2007.

5. An electronic copy of this Notice of Public Hearing is available through the department and board site on the World Wide Web at www.plumber.mt.gov. 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. In addition, although the department strives 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, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Plumbers maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Plumbers administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Plumbers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to dlibsdpplu@mt.gov, or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.
8. Lorraine Schneider, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PLUMBERS
TIM REGAN, CHAIRPERSON

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 16, 2007

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the adoption of a new) NOTICE OF ADOPTION
rule pertaining to the administration of)
the 2007-2008 Federal Community)
Development Block Grant (CDBG))
Program)

TO: All Concerned Persons

1. On December 21, 2006, the Department of Commerce published MAR Notice No. 8-94-54 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 2999 of the 2006 Montana Administrative Register, Issue Number 24.

2. The department has adopted New Rule I (8.94.3723) as proposed.

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

COMMENT #1: Three comments supporting transferring short-term residential facilities from the Housing and Neighborhood Revitalization category to the Public Facilities category were received. The comments pointed out that short-term residential facilities such as youth care shelters provide temporary shelter and highly structured social services to citizens, and as such, make these facilities a difficult fit for the CDBG housing category. One commenter also noted that similar projects, such as homeless shelters and group homes, have been included in the Public Facilities category in the past, and that making short-term residential facilities eligible in the Public Facilities category would allow local governments to be more responsive to the needs of many local residents.

RESPONSE: The department agrees, and has changed the application language to read, "Projects designed to provide temporary, short-term, or transitional housing facilities to be owned or operated by local governments or private, nonprofit corporations also fall under the category of public facilities. Examples of this type of housing are emergency shelters, shelters from domestic violence, youth shelters, and shelters for the mentally ill, among others."

COMMENT #2: Four comments requested permitting partially funded projects to compete in the next sequential cycle for the balance of the funds originally requested, while suspending the requirement to draw down 75% of the initial award before reapplying.

RESPONSE: The department agrees. In the face of serious need and rising project costs, communities face major difficulties obtaining funding for a complete project. A

partial CDBG award can compound this issue as fewer sources are available to make up funding shortfalls. The application language has been amended to read, "The following guidelines apply:

- (a) The total funds awarded cannot exceed the original full grant request.
- (b) If successful, funding for the project will then come from two successive CDBG fiscal years, and the applicant will not be required to draw any of the funds originally awarded for that project before the subsequent application.
- (c) If the applicant is unsuccessful, the partially funded grant recipient will have to meet the standard project start-up requirements and proceed with the project within six months of the date of the announcement of grant awards for the FFY 2008 CDBG public facilities grant competition."

COMMENT #3: A comment was made concerning the language in the CDBG Economic Development application guidelines stating "preference for funding will be given to those applications submitted by Certified Regional Development Corporations (CRDCs) that include a supporting resolution." There are areas that are not covered by CRDCs, and as such, they should be able to submit supporting documentation from economic development groups active in the area, and receive the same preference as those submitting CRDC resolutions.

RESPONSE: The Montana Department of Commerce created the CRDC program to encourage regional planning efforts, to avoid duplication of application efforts, and to improve communication between local development organizations, local governments, and private businesses. There are only two counties in the State of Montana that are not covered by CRDCs. All applications from local governments for CDBG Economic Development funding will be accepted and considered for award, yet in an instance where two complete applications of equal merit are considered at the same time, the one showing support for regional planning with a CRDC resolution, or its equivalent, may receive priority for funding. The guidelines go on to say that if an application does not include the resolution, an explanation why one is not included must be submitted. The department decided to leave the language as is in the application guidelines.

COMMENT #4: A comment was made concerning the same language requiring a CRDC resolution of support, regarding the necessity of having a resolution of support for public facility and housing applications. It was felt that infrastructure projects and housing proposals were only a concern to the local public entity, and a CRDC would not be part of that decision making process.

RESPONSE: The application guidelines for public facilities and housing projects only encourage, not require, a resolution of support from a CRDC. The intent of showing CRDC support for a proposal is to ensure that the local government and interested parties are communicating with their CRDC regarding local and regional planning efforts.

Final Distribution of FFY 2007 Funds

The following table summarizes the final approximate distribution of CDBG funds for the FFY 2007 program, based upon the funding level as recently announced by the U.S. Department of Housing and Urban Development (HUD).

Actual FFY 2007 State CDBG Allocation	\$6,935,714
Less 3% for state program administration and technical assistance (as provided by federal law)	<u>\$308,071</u>
<u>Amount Available for Award to Local Governments</u>	\$6,627,643
Less 1/3 Allocation for Economic Development Projects	<u>\$2,209,214</u>
Total Available for Housing and Neighborhood Renewal and Public Facility Projects	\$4,418,429
Less Planning Grants - Housing and Public Facilities	\$256,708
Subtotal	\$4,161,721
Allocation for Housing and Neighborhood Renewal Projects (34%)	\$1,414,985
Allocation for Public Facilities Projects (66%)	\$2,746,736

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

/s/ ANTHONY J. PREITE
Anthony J. Preite
Director
Department of Commerce

Certified to the Secretary of State April 16, 2007.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment)
of ARM 10.55.716, a rule relating to)
substitute teachers) NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On February 8, 2007, the Board of Public Education published MAR Notice No. 10-55-244 regarding the public hearing on the proposed amendment of the above-stated rule at page 173 of the 2007 Montana Administrative Register, Issue Number 3.

2. The Board of Public Education has amended ARM 10.55.716 exactly as proposed.

3. The following comment was received and appears with the Board of Public Education's response:

COMMENT 1: Eric Feaver, President of MEA-MFT, representing classroom teachers and specialists in Montana submitted a written comment supporting the proposed amendments to the rule.

RESPONSE 1: The Board of Public Education appreciates and accepts his comment.

/s/ Patty Myers
Patty Myers, Chair
Board of Public Education

/s/ Steve Meloy
Steve Meloy, Executive Secretary
Rule Reviewer
Board of Public Education

Certified to the Secretary of State April 16, 2007.

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

In the matter of the amendment of ARM) NOTICE OF AMENDMENT
24.101.413 renewal dates and)
requirements and 24.156.615 renewals)

TO: All Concerned Persons

1. On January 11, 2007, the Department of Labor and Industry (department) and the Board of Medical Examiners (board) published MAR Notice No. 24-156-66 regarding the amendment of the above-stated rules, at page 11 of the 2007 Montana Administrative Register, issue no. 1.

2. No comments or testimony were received.

3. The department has amended ARM 24.101.413 and the board has amended ARM 24.156.615 exactly as proposed.

BOARD OF MEDICAL EXAMINERS
ARTHUR FINK, D.O., PRESIDENT

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 16, 2007

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

In the matter of the repeal of ARM) NOTICE OF REPEAL
24.156.901 fees, 24.156.902 applications,)
24.156.903 approval of schools,)
24.156.904 reciprocity licenses, and)
24.156.905 renewals pertaining to)
osteopathic physicians)

TO: All Concerned Persons

1. On January 11, 2007, the Board of Medical Examiners (board) published MAR Notice No. 24-156-65 regarding the repeal of the above-stated rules, at page 8 of the 2007 Montana Administrative Register, issue no. 1.

2. No comments or testimony were received.

3. The board has repealed ARM 24.156.901, 24.156.902, 24.156.903, 24.156.904, and 24.156.905 exactly as proposed.

BOARD OF MEDICAL EXAMINERS
ARTHUR FINK, D.O., PRESIDENT

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 16, 2007

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

In the matter of the amendment of ARM) NOTICE OF AMENDMENT
24.156.2701 definitions and 24.156.2771)
scope of practice, pertaining to emergency)
medical technicians)

TO: All Concerned Persons

1. On February 8, 2007, the Board of Medical Examiners (board) published MAR Notice No. 24-156-67 regarding the amendment of the above-stated rules, at page 180 of the 2007 Montana Administrative Register, issue no. 3.
2. On March 2, 2007, a public hearing was held on the proposed amendment of the above-stated rules in Helena. No comments or testimony were received.
3. The board has amended ARM 24.156.2701 and 24.156.2771 exactly as proposed.

BOARD OF MEDICAL EXAMINERS
ARTHUR FINK, D.O., PRESIDENT

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 16, 2007

BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the amendment of ARM)
36.12.101, definitions) NOTICE OF AMENDMENT

To: All Concerned Persons

1. On March 26, 2007, the Department of Natural Resources and Conservation amended the above-stated rule per order of the Montana First Judicial District Court, Lewis and Clark County.

2. The purpose of the amendment is to comply with the Decision and Order, Lohmeier et al. v. State of Montana, Department of Natural Resources and Conservation, Cause No. ADV-2006-454, Montana First Judicial District Court, Lewis and Clark County (March 26, 2007), which reinstated the municipal definition rule that was repealed June 2, 2006.

3. The rule is amended as follows, reinstated matter underlined:

36.12.101 DEFINITIONS Unless the context requires otherwise, to aid in the implementation of the Montana Water Use Act and as used in these rules:

(1) through (38) remain the same.

(39) "Municipal use" means water appropriated by and provided for those in and around a municipality or an unincorporated town.

(39) through (77) remain the same, but are renumbered (40) through (78).

AUTH: 85-2-113, MCA

IMP: 85-2-113, 85-2-301 through 85-2-319, 85-2-321 through 85-2-323, 85-2-329 through 85-2-331, 85-2-335 through 85-2-338, 85-2-340 through 85-2-344, 85-2-350, 85-2-351, 85-2-401, 85-2-402, 85-2-407, 85-2-408, 85-2-410 through 85-2-413, 85-2-415 through 85-2-419, 85-2-436, 85-2-437, 85-2-439, 85-2-501 through 85-2-514, 85-2-518, 85-2-520, MCA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

/s/ Mary Sexton
MARY SEXTON
Director
Natural Resources and Conservation

/s/ Tim Hall
Rule Reviewer

Certified to the Secretary of State on April 16, 2007.

8-4/26/07

Montana Administrative Register

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of Rule I)	NOTICE OF ADOPTION,
(ARM 42.3.115), amendment of ARM)	AMENDMENT, AND REPEAL
42.3.101, 42.3.102, 42.3.103, 42.3.104,)	
42.3.105, 42.3.106, 42.3.107, 42.3.108,)	
42.3.109, 42.3.110, 42.3.111, 42.3.113,)	
and 42.3.120, and repeal of ARM)	
42.3.112 and 42.3.114 relating to rules)	
found in chapter 3 regarding waiver of)	
penalties and interest)	

TO: All Concerned Persons

1. On December 21, 2006, the department published MAR Notice No. 42-2-771 regarding the proposed adoption, amendment, and repeal of the above-stated rules at page 3051 of the 2006 Montana Administrative Register, issue no. 24.

2. A public hearing was held on January 17, 2007, to consider the proposed adoption, amendment, and repeal. Written comments were received and are summarized as follows along with the response of the department:

COMMENT NO. 1: Mary Ann Phipps, CHMS, P.C., Glendive, Montana and Jane Egan, Executive Director, Montana Society of Certified Public Accountants, suggested that the rules be rewritten so the taxpayer does not have to complete a separate form to request the waiver of penalty. The waiver should be automatic so the form is not necessary.

Ms. Phipps suggested a statement on the notice that states, "If tax and interest due are not paid within 30 days, the Department will assess penalties from the original due date." Or, a box could simply be added to the amended return to be marked by the taxpayer requesting the waiver be considered.

RESPONSE NO. 1: In order to ensure that each taxpayer is treated fairly, the department must require a waiver request from individuals seeking a waiver of the late payment because the process for handling these requests is a manual review process. If the taxpayer did not affirmatively seek the request it is possible that some of these would be missed. Due to this requirement the department cannot automatically waive the penalty.

The department does agree that the waiver process should be as taxpayer friendly and administrative feasible as possible. As suggested this may include a statement on the first statement of account (SOA) notifying the taxpayer of the availability of the waiver followed by a box that can be marked to request the waiver. The same potential holds true for amended returns.

The department does not anticipate using a separate form for the SOAs but may be required to do so for amended returns until the 2007 tax returns are completed and programming is in place.

COMMENT NO. 2: Ms. Phipps and Ms. Egan stated they believe the definition of "habitual" once in a 3-year period seems harsh.

RESPONSE NO. 2: The department has reviewed the habitual definition along with several other definitions in the rule notice. The department has determined that the definition of "habitually", "purposely failing to file a return or pay the tax by the due date", and "voluntary" are not used in chapter 3; therefore, these definitions will be removed from the chapter. These definitions may be required at a later date and will be incorporated if necessary at that time.

COMMENT NO. 3: Jane Egan suggested the rule address the extension of the 30 days when the taxpayer has a reasonable cause to object to all or part of the additional tax assessed. In some cases, the statement of account (SOA) may be reduced or eliminated after correspondence with the department which may take longer than the 30 days.

RESPONSE NO. 3: The department appreciates the comment and request to expand the waiver of the late payment penalty but cannot agree to change the rule to reflect an extension of the waiver period beyond the 30 days when the SOA is being resolved. This type of language could be expanded beyond the intent of the rule and applied to all appeals, including those before the Office of Dispute Resolution, State Tax Appeal Board, District Court, and Supreme Court. This would include frivolous appeals where the department has very little in the way of enforcement tools.

COMMENT NO. 4: Ms. Phipps and Ms. Egan suggested the department include a waiver of penalty on extensions as well as amended returns in these rules.

RESPONSE NO. 4: New rule I (42.3.115) only applies to the waiver of the late payment penalty. Since extensions are only allowed for the filing of returns not extension for payment there shouldn't be a need for the waiver of the late payment penalty.

3. Based on the comments received and further review by the department, ARM 42.3.101 is amended as follows:

42.3.101 DEFINITIONS The following definitions apply to terms used in this subchapter:

(1) through (4) remain as proposed.

~~(5) "Habitually" means more than once in a three-year period subsequent to notification by the department of a prior failure to file a return or to pay the tax due.~~

~~(6) "Purposely failing to file a return or pay the tax by the due date" includes, but is not limited to:~~

~~(a) habitually failing to file a return or to pay the tax due unless the taxpayer can establish that the failure was not done purposely or knowingly; or~~

~~(b) an attempt to evade or defeat the tax.~~

(7) remains as proposed but is renumbered (5).

~~(8) "Voluntary" means the taxpayer has filed a tax return without having been contacted by the department.~~

AUTH: 15-1-201, 15-30-305, 15-31-501, 15-35-122, 15-53-155, 15-60-104, 15-65-102, MCA

IMP: 15-1-206, 15-1-216, 15-30-321, 15-31-502, 15-35-105, 15-37-108, 15-38-107, 15-53-155, 15-59-106, 15-60-208, 15-61-205, 15-65-115, MCA

4. The department adopts New Rule I (42.3.115), amends ARM 42.3.101 as shown above, amends ARM 42.3.102, 42.3.103, 42.3.104, 42.3.105, 42.3.106, 42.3.107, 42.3.108, 42.3.109, 42.3.110, 42.3.111, 42.3.113, and 42.3.120, and repeals ARM 42.3.112 and 42.3.114 as proposed.

5. An electronic copy of this Adoption Notice is available through the department's site on the World Wide Web at www.mt.gov/revenue, under "for your reference"; "DOR administrative rules"; and "upcoming events and proposed rule changes." The department strives to make the electronic copy of this Adoption 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 department strives 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/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Dan R. Bucks
DAN R. BUCKS
Director of Revenue

Certified to Secretary of State April 16, 2007

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of Rule I) CORRECTED NOTICE OF
(ARM 42.13.210), II (ARM 42.13.802),) ADOPTION AND AMENDMENT
III (ARM 42.13.803), IV (ARM)
42.13.804), and V (ARM 42.13.805) and)
amendment of ARM 42.13.101,)
42.13.111, 42.13.221, and 42.13.222)
relating to regulations of liquor licensees)

TO: All Concerned Persons

1. On December 21, 2006, the department published MAR Notice No. 42-2-770 regarding a public hearing on the proposed adoption and amendment of the above-stated rules at page 3044 of the 2006 Montana Administrative Register, Issue No. 24. On April 2, 2007, the department published the notice of adoption and amendment at page 483 of the 2007 Montana Administrative Register, Issue No. 7.

2. It is necessary to file a corrected notice because (4) in ARM 42.13.111 was inadvertently missed when the amendments were proposed. The corrected rule amendment reads as follows:

42.13.111 DEFINITIONS The following apply to this subchapter:
(1) through (7) remain as proposed.
(4) remains the same but is renumbered (8).

AUTH: 16-1-303, 16-1-424, MCA

IMP: 16-1-424, 16-3-302, 16-3-311, 16-4-312, 16-4-404, 16-4-406, 16-6-104,
MCA

3. An electronic copy of this Corrected Notice is available through the department's site on the World Wide Web at www.mt.gov/revenue, under the Notice of Rulemaking section. The department strives to make the electronic copy of this Corrected 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 department strives 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/ Cleo Anderson
CLEO ANDERSON
Rule Reviewer

/s/ Dan R. Bucks
DAN R. BUCKS
Director of Revenue

Certified to Secretary of State April 16, 2007

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 PO Box 201706, Helena, MT 59620-1706.

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

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

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

Use of the Administrative Rules of Montana (ARM):

- | | |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Known
Subject | 1. Consult ARM topical index.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute | 2. Go to cross reference table at end of each Number and title which lists MCA section numbers and Department corresponding ARM rule numbers. |

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 2006. This table includes those rules adopted during the period January 1 through March 31, 2007, and any proposed rule action that was pending during the past six-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 2006, 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 2006 and 2007 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 March 2007 appear. Vacancies scheduled to appear from May 1, 2007, through July 31, 2007, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of April 1, 2007.

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 MARCH 2007

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Chiropractors (Labor and Industry)			
Dr. Thomas Fullerton Kalispell	Governor	reappointed	3/8/2007 1/1/2010
Qualifications (if required): practicing chiropractor with at least one year experience			
Board of Livestock (Livestock)			
Mr. Stan Boone Ingomar	Governor	Cornwell	3/1/2007 3/1/2013
Qualifications (if required): cattle producer			
Ms. Rebecca Weed Belgrade	Governor	Paugh	3/1/2007 3/1/2013
Qualifications (if required): sheep producer			
Board of Oil and Gas Conservation (Governor)			
Mr. Ronald Efta Wibaux	Governor	Mitchell	3/28/2007 1/1/2011
Qualifications (if required): public member			
Mr. Jack King Billings	Governor	reappointed	3/28/2007 1/1/2011
Qualifications (if required): representative of industry			
Mr. Bret Smelser Sidney	Governor	Young	3/28/2007 1/1/2011
Qualifications (if required): landowner without minerals			

BOARD AND COUNCIL APPOINTEES FROM MARCH 2007

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Outfitters (Governor)			
Mr. Lee Kinsey Livingston Qualifications (if required): fishing outfitter	Governor	Madsen	3/27/2007 10/1/2009
Mr. Shawn McNeely Bozeman Qualifications (if required): fishing and hunting outfitter	Governor	Smith	3/27/2007 10/1/2009
Board of Social Work Examiners and Professional Counselors (Labor and Industry)			
Mr. Peter Degel Helena Qualifications (if required): licensed counselor	Governor	Rosell	3/8/2007 1/1/2011
Ms. Sherry Meador Clancy Qualifications (if required): attorney	Governor	reappointed	3/8/2007 1/1/2011
Ms. Jill Thorngren Bozeman Qualifications (if required): licensed counselor	Governor	Livoti	3/8/2007 1/1/2011
Community Service Commission (Governor)			
Mr. James B. Corson Billings Qualifications (if required): public representative	Governor	Busch	3/22/2007 7/1/2008

BOARD AND COUNCIL APPOINTEES FROM MARCH 2007

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Community Service Commission (Governor) cont.			
Mr. Cedric Jacobson Missoula	Governor	Rehder	3/22/2007 7/1/2007
Qualifications (if required): youth representative			
Mr. Jim Murphy Helena	Governor	Ilgenfritz	3/22/2007 7/1/2009
Qualifications (if required): agency representative			
Mr. Gary Pfister Helena	Governor	Tinsley	3/22/2007 7/1/2009
Qualifications (if required): agency representative			
Economic Development Advisory Council (Commerce)			
Ms. Corlene Martin Choteau	Governor	Zempel	3/16/2007 7/23/2007
Qualifications (if required): public representative			
Interim Mental Health Ombudsman (Governor)			
Mr. Brian Garrity Helena	Governor	Adee	3/19/2007 6/30/2007
Qualifications (if required): none specified			
Montana Alfalfa Seed Committee (Agriculture)			
Mr. Tim Wetstein Joliet	Governor	reappointed	3/22/2007 12/21/2009
Qualifications (if required): alfalfa seed grower			

BOARD AND COUNCIL APPOINTEES FROM MARCH 2007

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Alfalfa Seed Committee (Agriculture) cont.			
Mr. John Wold	Governor	reappointed	3/22/2007
Laurel			12/21/2009
Qualifications (if required): alfalfa seed grower			
Montana Council on Developmental Disabilities (Commerce)			
Mr. Jason Billehus	Governor	reappointed	3/16/2007
Missoula			1/1/2011
Qualifications (if required): primary consumer representative			
Ms. Janet Carlson	Governor	reappointed	3/16/2007
Malta			1/1/2011
Qualifications (if required): primary consumer representative			
Ms. Kelly Karasco	Governor	Lundby	3/16/2007
Manhattan			1/1/2011
Qualifications (if required): secondary consumer representative			
Mr. Darwin Nelson	Governor	reappointed	3/16/2007
Helena			1/1/2011
Qualifications (if required): primary consumer representative			
Ms. Connie Wethern	Governor	reappointed	3/16/2007
Glasgow			1/1/2011
Qualifications (if required): secondary consumer representative			

BOARD AND COUNCIL APPOINTEES FROM MARCH 2007

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State-Tribal Economic Development Commission (Governor)			
Mr. Rodney Miller	Governor	Sansaver	3/22/2007
Wolf Point			6/30/2007
Qualifications (if required): representative of the Fort Peck Assiniboine and Sioux Tribes			

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Aging Advisory Council (Governor) Ms. Chuckie Cramer, Helena Qualifications (if required): public member	Governor	7/18/2007
Board of Funeral Service (Labor and Industry) Ms. Jean Ruppert, Butte Qualifications (if required): public member	Governor	7/1/2007
Mr. Niles Nelson, Libby Qualifications (if required): licensed mortician	Governor	7/1/2007
Mr. Jered Scherer, Billings Qualifications (if required): cemetarian	Governor	7/1/2007
Board of Hearing Aid Dispensers (Labor and Industry) Mr. Steve Wilson, Helena Qualifications (if required): hearing aid dispenser with no masters	Governor	7/1/2007
Dr. Paula Petersen, Belgrade Qualifications (if required): hearing aid dispenser with national certification in audiology and a master's degree	Governor	7/1/2007
Board of Nursing (Labor and Industry) Ms. Sharon L. Dschaak, Wolf Point Qualifications (if required): licensed practical nurse	Governor	7/1/2007
Ms. Anna Lythgoe, Clancy Qualifications (if required): registered nurse	Governor	7/1/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Nursing (Labor and Industry) cont. Ms. Roberta Threet, Clancy Qualifications (if required): licensed practical nurse	Governor	7/1/2007
Board of Nursing Home Administrators (Labor and Industry) Ms. Carla Neiman, Plains Qualifications (if required): representative of an institution concerned with the care of aged patients	Governor	5/28/2007
Board of Pharmacy (Labor and Industry) Ms. Ann H. Pasha, Highwood Qualifications (if required): public member	Governor	7/1/2007
Board of Plumbers (Labor and Industry) Mr. Marcus J. Golz, Helena Qualifications (if required): representative of the Department of Environmental Quality	Governor	5/4/2007
Ms. Debi Friede, Havre Qualifications (if required): public representative	Governor	5/4/2007
Mr. Steve Carey, Frenchtown Qualifications (if required): journeyman plumber	Governor	5/4/2007
Board of Professional Engineers and Professional Land Surveyors (Labor and Industry) Ms. Paulette Ferguson, Missoula Qualifications (if required): public member	Governor	7/1/2007
Mr. James Hahn, Billings Qualifications (if required): professional surveyor	Governor	7/1/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Professional Engineers and Professional Land Surveyors (Labor and Industry) cont.		
Mr. Vic Cundy, Bozeman	Governor	7/1/2007
Qualifications (if required): professional engineer involved in teaching engineering		
Mr. David Gates, Butte	Governor	7/1/2007
Qualifications (if required): professional engineer		
Board of Public Accountants (Labor and Industry)		
Mr. Gary Kasper, Fairfield	Governor	7/1/2007
Qualifications (if required): licensed public accountant		
Ms. Kathleen M. Burch, Lakeside	Governor	7/1/2007
Qualifications (if required): public member		
Board of Radiologic Technologists (Labor and Industry)		
Ms. Anne Delaney, Missoula	Governor	7/1/2007
Qualifications (if required): radiologic technologist		
Board of Realty Regulation (Labor and Industry)		
Ms. Teddye Beebe, Libby	Governor	5/9/2007
Qualifications (if required): public member		
Mr. Michael A. Basile, Bozeman	Governor	5/9/2007
Qualifications (if required): real estate broker		
Board of Regents (Higher Education)		
Ms. Heather O'Loughlin, Missoula	Governor	6/30/2007
Qualifications (if required): full-time student at a unit of higher education under jurisdiction of the Board of Regents		

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Veterinary Medicine (Labor and Industry) Dr. Jean Allbright, Billings Qualifications (if required): licensed veterinarian	Governor	7/31/2007
Committee on Telecommunications Access Services for Persons with Disabilities (Public Health and Human Services) Ms. Chris Huth, Helena Qualifications (if required): non-disabled businessperson	Governor	7/1/2007
Community Service Commission (Labor and Industry) Director Keith Kelly, Helena Qualifications (if required): representative of the Department of Labor	Governor	7/1/2007
Mr. Tracy King, Harlem Qualifications (if required): Tribal government member	Governor	7/1/2007
Dr. Johnel Barcus, Browning Qualifications (if required): representative of the private sector	Governor	7/1/2007
Ms. Lindsey Rehder, Missoula Qualifications (if required): youth representative	Governor	7/1/2007
Mr. Cedric Jacobson, Missoula Qualifications (if required): youth representative	Governor	7/1/2007
District Court Council (Supreme Court) Judge Thomas M. McKittrick, Great Falls Qualifications (if required): none specified	elected	6/30/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
District Court Council (Supreme Court) cont. Mr. Glen Welch (city not listed) Qualifications (if required): none specified	nominated	6/30/2007
Economic Development Advisory Council (Commerce) Mr. Jim Smitham, Butte Qualifications (if required): public representative	Governor	7/23/2007
Mr. Evan Barrett, Butte Qualifications (if required): public member	Governor	7/23/2007
Mr. Tony Rudbach, Missoula Qualifications (if required): public member	Governor	7/23/2007
Ms. Elaine Zempel, Conrad Qualifications (if required): public member	Governor	7/23/2007
Ms. Corlene Martin, Choteau Qualifications (if required): public representative	Governor	7/23/2007
Electronic Government Advisory Council (Administration) Ms. Vickie Zeier, Missoula Qualifications (if required): local government official	Governor	6/18/2007
Ms. Cheryl Patton, Great Falls Qualifications (if required): public representative	Governor	6/18/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Electronic Government Advisory Council (Administration) cont.		
Ms. Jeanne Murphy, Wolf Creek Qualifications (if required): agency representative	Governor	6/18/2007
Mr. Rick McIntyre, Billings Qualifications (if required): agency representative	Governor	6/18/2007
Mr. Shannon Hanson, Whitefish Qualifications (if required): public representative	Governor	6/18/2007
Family Education Savings Oversight Committee (Commissioner of Higher Education)		
Ms. Sarah Kelly, Helena Qualifications (if required): public member	Governor	7/1/2007
Flathead Basin Commission (Natural Resources and Conservation)		
Mr. Paul Smiley, Kalispell Qualifications (if required): public member	Governor	6/30/2007
Mr. Gary Wicks, Polson Qualifications (if required): public member	Governor	6/30/2007
Flathead Basin Commission		
Ms. Kate Hunt, Kalispell Qualifications (if required): public representative	Governor	6/30/2007
Mr. Clinton Whitney, Polson Qualifications (if required): public representative	Governor	6/30/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Grant Review Committee (Governor's Office) Ms. Ingrid Childress, Helena Qualifications (if required): representative of the Department of Labor and Industry	Governor	6/30/2007
Interim Mental Health Ombudsman (Governor) Mr. Brian Garrity, Helena Qualifications (if required): none specified	Governor	6/30/2007
Judicial Standards Commission (Justice) Judge Ed McLean, Missoula Qualifications (if required): none specified	elected	6/30/2007
Ms. Patty Jo Henthorn, Big Timber Qualifications (if required): public member	Governor	7/1/2007
Land Information Advisory Council (Administration) Director Dan R. Bucks, Helena Qualifications (if required): department representative	Governor	6/30/2007
Rep. Jon C. Sesso, Butte Qualifications (if required): local government representative	Governor	6/30/2007
Mr. Lance Clampitt, Manhattan Qualifications (if required): U.S. Interior Department representative	Governor	6/30/2007
Mr. Art Pembroke, Helena Qualifications (if required): local government representative	Governor	6/30/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Land Information Advisory Council (Administration) cont.		
Mr. Steve Shannon, Butte Qualifications (if required): private sector representative	Governor	6/30/2007
Director Jeff Hagener, Helena Qualifications (if required): department representative	Governor	6/30/2007
Director Mary Sexton, Helena Qualifications (if required): department representative	Governor	6/30/2007
Director Richard Oppen, Helena Qualifications (if required): department representative	Governor	6/30/2007
Mr. Michael T. Birtles, Billings Qualifications (if required): U.S. Interior Department representative	Governor	6/30/2007
Ms. Catherine Maynard, Helena Qualifications (if required): U.S. Interior Department representative	Governor	6/30/2007
Mr. Don Patterson, Missoula Qualifications (if required): U.S. Agriculture Department representative	Governor	6/30/2007
Ms. Lisa Kimmet, Terry Qualifications (if required): local government representative	Governor	6/30/2007
Mr. Lorin Peterson, Pablo Qualifications (if required): tribal government representative	Governor	6/30/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Land Information Advisory Council (Administration) cont.		
Mr. Rick Lawrence, Bozeman Qualifications (if required): university representative	Governor	6/30/2007
Mr. Ed Madej, Helena Qualifications (if required): private sector representative	Governor	6/30/2007
Mr. Ken Wall, Missoula Qualifications (if required): GIS professional	Governor	6/30/2007
Mr. Michael Sweet, Missoula Qualifications (if required): GIS professional	Governor	6/30/2007
Mr. Dave Davis, Helena Qualifications (if required): GIS professional	Governor	6/30/2007
Mental Disabilities Board of Visitors (Governor)		
Ms. Gay Moddrell, Kalispell Qualifications (if required): consumer of developmental disability services	Governor	7/1/2007
Ms. Suzanne Hopkins, Lewistown Qualifications (if required): consumer of mental health services	Governor	7/1/2007
Ms. Teresa Lewis, Harlem Qualifications (if required): consumer of mental health services	Governor	7/1/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Consensus Council (Administration) Mr. LeRoy Not Afraid, Crow Agency Qualifications (if required): public representative	Governor	7/1/2007
Mr. Van Wolverton, Alberton Qualifications (if required): public representative	Governor	7/1/2007
Ms. Eleanor Yellowrobe, Havre Qualifications (if required): public representative	Governor	7/1/2007
Mr. Nick Murnion, Jordan Qualifications (if required): public representative	Governor	7/1/2007
Montana Heritage Preservation and Development Commission (Commerce) Mr. John Lawton, Great Falls Qualifications (if required): person with community planning experience	Governor	5/23/2007
Ms. Rosana Skelton, Helena Qualifications (if required): businessperson	Governor	5/23/2007
Ms. Anne Cossitt, Park City Qualifications (if required): having experience in community planning	Governor	5/23/2007
Montana Historical Society Board of Trustees (Historical Society) Mr. Don Wetzel, Bozeman Qualifications (if required): public member	Governor	7/1/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Historical Society Board of Trustees (Historical Society) cont. Mr. Steve Browning, Helena Qualifications (if required): public member	Governor	7/1/2007
Ms. Mary Murphy, Bozeman Qualifications (if required): historian	Governor	7/1/2007
Mr. Steve Lozar, Polson Qualifications (if required): public member	Governor	7/1/2007
Ms. Katherine Lee, Glendive Qualifications (if required): public member	Governor	7/1/2007
Mr. Kent Kleinkopf, Missoula Qualifications (if required): public member	Governor	7/1/2007
Montana Noxious Weed Seed Free Forage Advisory Council (Agriculture) Mr. Terry Turner, Havre Qualifications (if required): representative of the Montana Weed Control Association	Director	6/30/2007
Ms. Josie Dahlberg, Brockton Qualifications (if required): representative of Agriculture Crop Production	Director	6/30/2007
Mr. Jerry Marks, Missoula Qualifications (if required): representative of Biological Research and Control	Director	6/30/2007
Mr. Jack Eddie, Dillon Qualifications (if required): representative of Western counties	Director	6/30/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Noxious Weed Seed Free Forage Advisory Council (Agriculture) cont. Mr. Dave Philipps, Lewistown Qualifications (if required): representative of Herbicide Dealers and Applicators	Director	6/30/2007
Ms. Pachy Burns, Big Timber Qualifications (if required): representative of Consumer Groups	Director	6/30/2007
Mr. Gary Olsen, Harlowton Qualifications (if required): representative of Eastern Counties	Director	6/30/2007
Montana Noxious Weed Summit Advisory Council (Agriculture) Mr. Kevin Chappell, Helena Qualifications (if required): State agency representative	Governor	7/26/2007
Mr. Jerry Marks, Missoula Qualifications (if required): MSU Extension Agency representative	Governor	7/26/2007
Director Nancy K. Peterson, Helena Qualifications (if required): Governor representative	Governor	7/26/2007
Mr. Scott Bockness, Billings Qualifications (if required): Montana Weed Control Representative	Governor	7/26/2007
Mr. Jim Ghekiere, Chester Qualifications (if required): County Weed District representative	Governor	7/26/2007
Mr. Dave Burch, Helena Qualifications (if required): Montana Department of Agriculture representative	Governor	7/26/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Noxious Weed Summit Advisory Council (Agriculture) cont.		
Mr. Jim Olivarez, Missoula Qualifications (if required): Federal agency representative	Governor	7/26/2007
Mr. Dave Schulz, Virginia City Qualifications (if required): Montana Association of County Officials representative	Governor	7/26/2007
Mr. Jon Wraith, Bozeman Qualifications (if required): MSU Agricultural Experiment Station representative	Governor	7/26/2007
Mr. Darrel Briese, Havre Qualifications (if required): Irrigation District representative	Governor	7/26/2007
Mr. Bert Corcoran, Box Elder Qualifications (if required): Tribal representative	Governor	7/26/2007
Ms. Sandi Birch, Dutton Qualifications (if required): Crop Protection Product Industry representative	Governor	7/26/2007
Montana Quarter Commission (Governor)		
Mr. Brian Schweitzer, Whitefish Qualifications (if required): none specified	Governor	6/27/2007
Mr. Gary B. Marks, Whitefish Qualifications (if required): numismatist	Governor	6/27/2007
Mr. Keith E. Gumm, Terry Qualifications (if required): numismatist	Governor	6/27/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Quarter Commission (Governor) cont. Ms. Nancy Warneke-Gaynor, Whitefish Qualifications (if required): public representative	Governor	6/27/2007
Mr. Arnie Olsen, Helena Qualifications (if required): historical expert	Governor	6/27/2007
Ms. Sarah Elliott, Helena Qualifications (if required): commission staff	Governor	6/27/2007
Montana Special Education Advisory Panel (Office of Public Instruction) Mr. Terry Teichrow, Helena Qualifications (if required): Representative of Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act	Director	6/30/2007
Ms. Diana Colgrove, Eureka Qualifications (if required): Part C/IDEA Representative	Director	6/30/2007
Ms. Janet Jansen, Lavina Qualifications (if required): Regular Classroom Teacher	Director	6/30/2007
Mr. Dick Slonaker, Chinook Qualifications (if required): Special Education Program Administrator	Director	6/30/2007
Mr. Bob Peake, Helena Qualifications (if required): State Agency	Director	6/30/2007
Ms. Amy McCord, Ashland Qualifications (if required): Private School Representative	Director	6/30/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Special Education Advisory Panel (Office of Public Instruction) cont.		
Mr. Terry Galle, Deer Lodge Qualifications (if required): Vocational Community	Director	6/30/2007
Mr. George Jack Burns, Lame Deer Qualifications (if required): Parent of a Child with Disabilities	Director	6/30/2007
Ms. Sharon Hobbs, Billings Qualifications (if required): Higher Education that Prepares Special Education	Director	6/30/2007
Mr. Carroll Jim DeCoteau, Frazer Qualifications (if required): Teacher of Children with Disabilities	Director	6/30/2007
Mr. Dave Mahon, Worden Qualifications (if required): State/Local Administrator	Director	6/30/2007
Mr. Ron Fuller, Boulder Qualifications (if required): Representative from Juvenile and Adult Corrections	Director	6/30/2007
Ms. Barb Rolf, Great Falls Qualifications (if required): Representative of Other State Agencies	Director	6/30/2007
Ms. Coral Beck, Missoula Qualifications (if required): State Child Welfare Agency Responsible for Foster Care	Director	6/30/2007
Motorcycle Safety Advisory Committee (Board of Regents)		
Mr. Dal Smilie, Helena Qualifications (if required): representative of a motorcycle riding group	Governor	7/1/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Motorcycle Safety Advisory Committee (Board of Regents) cont. Mr. Ladd Paulson, Billings Qualifications (if required): peace officer	Governor	7/1/2007
Petroleum Tank Release Compensation Board (Environmental Quality) Mr. Greg Cross, Billings Qualifications (if required): representative of independent petroleum marketers	Governor	6/30/2007
Mr. Shaun Peterson, Helena Qualifications (if required): representative of the insurance industry	Governor	6/30/2007
Postsecondary Scholarship Advisory Council (Higher Education) Ms. Dolores Colburg, Billings Qualifications (if required): having experience in secondary education	Governor	6/20/2007
Private Lands/Public Wildlife Council (Fish, Wildlife, and Parks) Ms. Connie Eissinger, Brockway Qualifications (if required): landowner	Governor	6/30/2007
Mr. Mat Millenbach, Billings Qualifications (if required): hunter/angler	Governor	6/30/2007
Mr. Craig Roberts, Lewistown Qualifications (if required): hunter/angler	Governor	6/30/2007
Mr. Jamie Byrne, Ekalaka Qualifications (if required): outfitter	Governor	6/30/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Private Lands/Public Wildlife Council (Fish, Wildlife, and Parks) cont.		
Mr. Jack Rich, Seeley Lake Qualifications (if required): outfitter	Governor	6/30/2007
Ms. Donna McDonald, Alder Qualifications (if required): outfitter	Governor	6/30/2007
Rep. Bill Warden, Bozeman Qualifications (if required): legislator	Governor	6/30/2007
Sen. Lane L. Larson, Billings Qualifications (if required): legislator	Governor	6/30/2007
Mr. Shane Colton, Billings Qualifications (if required): Fish, Wildlife, and Parks commissioner	Governor	6/30/2007
Mr. Gordon Haugen, Bozeman Qualifications (if required): hunter/angler	Governor	6/30/2007
Mr. Max McDonald, Vaughn Qualifications (if required): landowner	Governor	6/30/2007
Mr. Doug Schott, Stevensville Qualifications (if required): outfitter	Governor	6/30/2007
Mr. Arlo Skari, Chester Qualifications (if required): landowner	Governor	6/30/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Private Lands/Public Wildlife Council (Fish, Wildlife, and Parks) cont.		
Mr. Land Tawney, Missoula Qualifications (if required): hunter/angler	Governor	6/30/2007
Mr. William Falls Down Sr., Hardin Qualifications (if required): landowner	Governor	6/30/2007
Professional Engineers and Professional Land Surveyors (Labor and Industry)		
Mr. Casey E. Johnston, Butte Qualifications (if required): licensed electrical engineer	Governor	7/1/2007
Public Defender Commission (Administration)		
Mr. Mike Sherwood, Missoula Qualifications (if required): attorney nominated by the Montana Supreme Court	Governor	7/1/2007
Ms. Betty Bichsel, Edgar Qualifications (if required): employee of an organization providing addictive behavior counseling	Governor	7/1/2007
Ms. Wendy Holton, Helena Qualifications (if required): attorney nominated by the Montana State Bar	Governor	7/1/2007
Ms. Tara Veazey, Helena Qualifications (if required): member of an organization advocating on behalf of indigent persons	Governor	7/1/2007
Rail Service Competition Council (Governor)		
Mayor Larry J. Bonderud, Shelby Qualifications (if required): knowledge of the trucking industry	Governor	7/1/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Rail Service Competition Council (Governor) cont.		
Mr. William Fogarty, Anaconda Qualifications (if required): having knowledge of class I railroads	Governor	7/1/2007
Ms. Carla Allen, Denton Qualifications (if required): having knowledge of class II railroads	Governor	7/1/2007
Mr. Michael O'Hara, Fort Benton Qualifications (if required): farm commodity producer knowledgeable about transportation of farm commodities	Governor	7/1/2007
Mr. Doug Miller, Troy Qualifications (if required): knowledge of transportation for the mineral industry	Governor	7/1/2007
Mr. Russell Hobbs, Columbia Falls Qualifications (if required): knowledge of transportation for the wood products industry	Governor	7/1/2007
Research and Commercialization Board (Commerce)		
Mr. Jim Davison, Anaconda Qualifications (if required): public representative	Governor	7/1/2007
Reserved Water Rights Compact Commission (Natural Resources and Conservation)		
Mr. Gene Etchart, Glasgow Qualifications (if required): public member	Governor	6/1/2007
Sen. Lorents Grosfield, Big Timber Qualifications (if required): public member	Governor	6/1/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Reserved Water Rights Compact Commission (Natural Resources and Conservation) cont. Mr. Chris D. Tweeten, Helena Qualifications (if required): none specified	Attorney General	5/31/2007
Ms. Tara DePuy, Livingston Qualifications (if required): public member	Governor	6/1/2007
Mr. Steve Hughes, Polson Qualifications (if required): public member	Governor	6/1/2007
State Electrical Board (Labor and Industry) Rep. Linda L. Holden, Valier Qualifications (if required): public member	Governor	7/1/2007
State Poet Laureate (Montana Arts Council) Ms. Sandra Alcosser, Florence Qualifications (if required): Montana poet	Governor	7/13/2007
State Workforce Investment Board (Labor and Industry) Mr. Mike McGinley, Dillon Qualifications (if required): county commissioner	Governor	7/1/2007
State-Tribal Economic Development Commission (Governor) Ms. Emorie Davis Bird, East Glacier Park Qualifications (if required): representative of the Blackfeet Tribe	Governor	6/30/2007

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State-Tribal Economic Development Commission (Governor) cont.		
Mr. Rodney Miller, Wolf Point	Governor	6/30/2007
Qualifications (if required): representative of the Fort Peck Assiniboine and Sioux Tribes		
Mr. Roger "Sassy" Running Crane, Browning	Governor	6/30/2007
Qualifications (if required): representative of the Blackfeet Tribe		
Teachers' Retirement Board (Administration)		
Ms. Kari Peiffer, Kalispell	Governor	7/1/2007
Qualifications (if required): active teacher		
Telecommunications Advisory Council Services for Persons with Disabilities (Public Health and Human Services)		
Ms. Amber Lang, Kalispell	Governor	7/1/2007
Qualifications (if required): having a hearing disability		
Tourism Advisory Council (Commerce)		
Ms. Vicki Huckle, Helena	Governor	7/1/2007
Qualifications (if required): having experience in the private sector travel industry		
Ms. Rhonda Fitzgerald, Whitefish	Governor	7/1/2007
Qualifications (if required): public member from Glacier Country		
Mr. Stan Ozark, Glasgow	Governor	7/1/2007
Qualifications (if required): public member from Missouri River Country		

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2007 through JULY 31, 2007

Board/current position holder

Appointed by

Term end

Workforce Investment Board (Labor and Industry)

Mr. John Prinkki, Red Lodge

Qualifications (if required): county commissioner

Governor

7/1/2007