

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 6

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

Page Number

TABLE OF CONTENTS

PROPOSAL NOTICE SECTION

ADMINISTRATION, Department of, Title 2

2-59-543 Notice of Proposed Amendment - Semiannual Assessment for Banks. No Public Hearing Contemplated. 479-481

FISH, WILDLIFE AND PARKS, Department of, Title 12

12-462 (State Parks and Recreation Board) Notice of Public Hearing on Proposed Adoption - State Parks Public Use. 482-496

LABOR AND INDUSTRY, Department of, Title 24

24-159-82 (Board of Nursing) Notice of Public Hearing on Proposed Amendment and Repeal - Definitions - Purpose - Criteria for Delegation of Nursing Tasks - General Nursing Functions - Parliamentary Authority - Preparation of Licenses - Duplicate or Lost Licenses - Nursing Delegation. 497-504

LIVESTOCK, Department of, Title 32

32-16-273 Notice of Proposed Amendment - Special Requirements for Alternative Livestock as Defined in 87-4-406, MCA - Intrastate Movement of Cattle: Identification - Elk-Red Deer Hybridization Tests - Importation of Alternative Livestock. No Public Hearing Contemplated. 505-509

REVENUE, Department of, Title 42

42-2-950 Notice of Extension of Comment Period on Proposed Amendment - Uniform Dispute Review Process - Department's Office of Dispute Resolution. 510

RULE ADOPTION SECTION

COMMERCE, Department of, Title 8

8-94-141 Notice of Amendment - Governing the Submission and Review of Applications for Funding Under the Treasure State Endowment Program (TSEP). 511

ENVIRONMENTAL QUALITY, Department of, Title 17

17-375 (Board of Environmental Review) (Air Quality) Notice of Repeal - Emission Standards for Existing Aluminum Plants--Startup and Shutdown - Maintenance of Air Pollution Control Equipment for Existing Aluminum Plants - Mercury Allowance Allocations Under Cap and Trade Budget. 512

17-376 (Board of Environmental Review) (Reclamation) Notice of Amendment and Repeal - Rules and Regulations Governing the Opencut Mining Act. 513-516

17-378 (Board of Environmental Review) (Procedural Rules) (Water Quality) (Public Water Supply and Sewage System Requirements) Notice of Repeal - Water Pollution Rules - Radiological Criteria - State and EPA Coordination - Pretreatment - Definitions - Enforcement Actions for Administrative Penalties - Purpose - Enforcement Procedures - Suspended Penalties. 517

LABOR AND INDUSTRY, Department of, Title 24

24-129-16 (Board of Clinical Laboratory Science Practitioners) Notice of Amendment and Repeal - Licensing. 518

SECRETARY OF STATE, Office of, Title 44

44-2-214 Notice of Amendment - Miscellaneous Fees Charged by
the Business Services Division. 519

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 520-521

How to Use ARM and MAR. 522

Accumulative Table. 523-534

Boards and Councils Appointees. 535-538

Vacancies on Boards and Councils. 539-547

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PROPOSED
2.59.104 pertaining to semiannual) AMENDMENT
assessment for banks)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On May 9, 2016, the Department of Administration proposes to amend the above-stated rule.

2. The Department of Administration 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 Administration no later than 5:00 p.m. on April 18, 2016, to advise us of the nature of the accommodation that you need. Please contact Wayne Johnston, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2918; TDD (406) 841-2974; facsimile (406) 841-2930; or e-mail to banking@mt.gov.

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

2.59.104 SEMIANNUAL ASSESSMENT (1) through (3) remain the same.
(4) No fee will be charged for the June 30, 201~~5~~6, semiannual assessment.
This section sunsets August 31, 201~~5~~6.

AUTH: 32-1-213, 32-1-218, MCA
IMP: 32-1-213, 32-1-218, MCA

STATEMENT OF REASONABLE NECESSITY: The division has lost several staff members and bank examiners recently who have either moved on to other positions or retired.

While the division tries to keep its bank assessments in proportion to the costs it spends on supervising Montana banks, it is unable to predict when staff members will chose to leave the division. Reorganization of the division prevented the division from immediately filling certain vacant positions, and the division is also not filling certain others. In addition, new hires generally are not compensated as highly as more experienced staff members.

As a result of these staffing changes, the division's special fund balance continues to grow despite numerous efforts to reduce it. The division estimates that on a semiannual basis, based on current costs and estimates of assessments, not collecting an assessment for one-half year will bring the amount of revenue it collects closer to the cost of supervision.

The intent of this amendment is to reduce the assessments that the division will receive in the first half of 2016 from approximately \$1,328,000 to zero. Because this rule revision is intended to be temporary, the division has chosen to have it sunset on August 31, 2016, which will make the amendment effective only for the first half of 2016 assessment, not for the second half of 2016 assessment or any assessment thereafter.

The division will propose a permanent downward revision in the bank assessments after it becomes reasonably certain what the future staffing levels at the division will need to be; however, at this time, the division remains in flux.

4. Concerned persons may present their data, views, or arguments concerning the proposed action to Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; or e-mailed to banking@mt.gov; and must be received no later than 5:00 p.m., April 25, 2016.

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 the person listed in 4 above no later than 5:00 p.m., April 25, 2016.

6. If the Division of Banking and Financial Institutions 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 five persons based on the 50 existing state-chartered banks.

7. An electronic copy of this proposal notice is available through the department's web site at <http://doa.mt.gov/administrativerules>. The department 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, only the official printed text will be considered. In addition, although the department works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless

a mailing preference is noted in the request. Such written requests may be mailed or delivered to Wayne Johnston, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to banking@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

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

10. The department has determined that under 2-4-111, MCA, the proposed rule amendment will not significantly and directly affect small businesses.

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 March 7, 2016.

BEFORE THE STATE PARKS AND RECREATION BOARD
OF THE STATE OF MONTANA

In the matter of the adoption of New Rules I through XXIV pertaining to state parks public use) NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION)

TO: All Concerned Persons

1. On April 11, 2016, at 6:00 p.m., the State Parks and Recreation Board (board) will hold a public hearing at the Fish, Wildlife and Parks Headquarters, 1420 East 6th Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The board 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 Fish, Wildlife and Parks (department) no later than April 1, 2016, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

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

NEW RULE I DEFINITIONS (1) "Board" means the Montana State Parks and Recreation Board.

(2) "Department" means the Montana Department of Fish, Wildlife and Parks.

(3) "Director" means the director of the Montana Department of Fish, Wildlife and Parks.

(4) "Division Administrator" means the administrator of the State Parks Division of the Montana Department of Fish, Wildlife and Parks.

(5) "State park" means any land under the administration of the State Parks Division of the Montana Department of Fish, Wildlife and Parks.

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE II PROPERTY DISTURBANCE (1) The following are prohibited in state parks:

(a) possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state:

(i) trees, shrubs, plants, or grasses, not including flowers, fruits, nuts, berries, cones, or fallen wood gathered by hand for personal use;

(ii) topsoil, subsoil, or permitting the disturbance or removal of topsoil or subsoil;

(iii) living or dead wildlife or fish, or the parts or products thereof, including antlers or nests, unless otherwise authorized;

- (iv) nonfossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof;
 - (v) a mineral resource, rock or cave formation, or the parts thereof;
 - (b) introducing wildlife, fish, or plants, including their reproductive bodies, into a state park ecosystem;
 - (c) gathering or cutting firewood for off-site use, except where otherwise authorized;
 - (d) tossing, throwing, or rolling rocks or other items inside caves or caverns, into valleys, canyons, or caverns, down hillsides or mountainsides;
 - (e) designing, constructing, placing, or using any structure, including but not limited to roads, trails, signs, or landscape features, except where otherwise authorized. Unauthorized structures are subject to removal or impoundment;
 - (f) possessing, destroying, injuring, defacing, removing, digging, or disturbing infrastructure, including but not limited to buildings, signs, or gates; and
 - (g) using a mineral or metal detector, magnetometer, or other metal detecting device, except where otherwise authorized.
- (2) In addition to any other penalty provided, individuals violating this rule may be expelled immediately from the state park, as provided in [NEW RULE XXIII].

AUTH: 23-1-106, 23-1-111, MCA
IMP: 23-1-106, 23-1-111, MCA

NEW RULE III CAMPING AND LODGING (1) For purposes of this rule, the following definitions apply:

- (a) "camping" means the use of a camping unit for temporary residence or sleeping purposes;
 - (b) "camping facility" means a lodging structure for overnight sleeping purposes such as cabins, tipis, or yurts;
 - (c) "camping party" means any individual, family group, or non-family group occupying a campsite;
 - (d) "camping unit" means one sleeping device or shelter, including but not limited to a tent, motor home, camping bus, truck-mounted camping shell, pull-type camper, or other device designed and commonly used for sleeping;
 - (e) "campsite" means an area within a state park specifically designated or marked for camping;
 - (f) "dispersed camping" means camping that occurs in areas that are not highly developed and/or individually signed or numbered;
 - (g) "occupancy" means the pre-determined maximum number of camping units and/or individuals that may occupy a campsite or camping facility based on size, location, and other site attributes;
 - (h) "occupy" means the use of a campsite or camping facility for the purposes of camping, by a person or party who has paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system; and
 - (i) "primary occupant" means the person that a campsite or camping facility is registered to and who must be an occupant.
- (2) The following are prohibited in state parks:

- (a) camping in any state park area, except those areas specifically designated or marked for that purpose;
- (b) utilizing a designated campsite, facility, or area for any purpose other than camping;
- (c) camping, leaving camping equipment, or otherwise attempting to occupy a campsite that has been reserved or occupied by another person or group;
- (d) leaving a camping unit or other vehicle, equipment, or personal items in a campsite overnight without a person present;
- (e) camping at one or more campsites in a state park for a period longer than 14 nights during any consecutive 30-day period, beginning with the first night occupied;
 - (i) before Memorial Day and after Labor Day, extension of the 14-night limit may be allowed if a campsite is available;
 - (ii) any extension must be approved by park staff prior to check out time;
 - (iii) extensions may not exceed 7 nights;
 - (f) exceeding established occupancy limits.
- (3) Park managers may allow individuals without a camping reservation to register for a campsite to be occupied that day and one additional campsite at the same time for another camping party, provided he or she has all the required information for registration.
- (4) Selected state park campsites or facilities may be reserved through the reservation system.
 - (a) When making a reservation, one person may register for one or more sites by paying the multiple campsite fee(s) and providing the required information regarding the occupants of the other sites.
 - (b) Reservations may only be made within the established reservation window.
 - (c) Reservations may be canceled by the department when necessary to protect campers or for resource protection.
 - (5) Campsites shall be vacated by 1:00 p.m. on the day of departure.
 - (6) Camping facilities shall be vacated by 12:00 p.m. on the day of departure.
 - (7) Proof of disability shall be required, upon arrival, for any party reserving or occupying a campsite specifically designated for ADA use. ADA campsites that remain vacant after 7:00 p.m. may be rented to a non-ADA visitor by park staff only for that night.
 - (8) Boat-in campsites shall be solely for the use of individuals traveling by watercraft as their primary mode of transportation to the site.
 - (9) Park managers may establish an overflow camping area, with occupancy limits and terms and conditions for use, to accommodate a demand for camping that exceeds designated campsite capacity.
 - (10) Park managers may allow emergency camping only when all designated campsites are full. Individuals using emergency areas must pay the applicable campsite fee and must vacate the site by 1:00 p.m.
 - (11) The maximum limits for a single occupancy campsite shall be eight people, one camping unit, and two additional tents, unless otherwise authorized.

(12) Individuals hiking, bicycling, or traveling by similar modes of nonmotorized transportation and utilizing a shared bike-in campsite(s) must each pay the applicable campsite fee.

AUTH: 23-1-106, 23-1-111, MCA
IMP: 23-1-106, 23-1-111, MCA

NEW RULE IV DAY USE, GROUP USE, AND SPECIAL USE PERMIT

(1) A special use permit is required for special events, noncommercial activities, or groups with more than 30 persons.

(2) A special use permit may be required for groups of 30 or fewer people based on management or resource protection objectives for a site, special rules or regulations, or other determining factors.

(3) Reservable facilities such as shelters, pavilions, amphitheaters, meeting rooms, or other park facilities or areas may be reserved, subject to availability and approval by staff.

(a) Reservations must be made within the established reservation window.

(b) Reservations may be denied or canceled by the park manager to address public safety or resource protection concerns.

(c) When using a reservable facility, the confirmed reservation will serve as the special use permit.

(d) If not reserved, facilities are available on a first-come, first-served basis.

(4) All participants of events and activities authorized by a reservation and/or special use permit must comply with the terms and conditions of the reservation or permit.

AUTH: 23-1-106, 23-1-111, MCA
IMP: 23-1-106, 23-1-111, MCA

NEW RULE V FIRES (1) The following are prohibited in state parks:

(a) lighting or maintaining a fire, except in fire rings or other designated areas;

(b) lighting or maintaining a fire in a manner that causes damage or threatens to cause damage to property or park resources, or otherwise creates a public safety hazard;

(c) leaving a fire unattended;

(d) throwing or discarding lighted or smoldering material in a manner that threatens or causes damage to park property or park resources, or otherwise creates a public safety hazard;

(e) departing a campsite without completely extinguishing a campfire; and

(f) possessing, lighting, or discharging any fireworks, rockets, or other type of explosives.

(2) During dry periods or periods of high fire danger, the park manager may close all or a portion of a state park to lighting or maintaining fires.

AUTH: 23-1-106, 23-1-111, MCA
IMP: 23-1-106, 23-1-111, MCA

NEW RULE VI FOOD STORAGE (1) In those state parks where it is required, food, food storage equipment, food preparation equipment, garbage, and other wildlife attractants must be secured in a hard-sided vehicle or camper, secured in a designated storage locker, or secured in an Interagency Grizzly Bear Committee (IGBC) approved bear resistant container, device, or system, at night or when attractants are not immediately attended.

(a) In a dispersed camping area where a designated storage locker or hanging device is not provided, items must be suspended at least ten feet vertically above the ground (from the bottom of the suspended item) and four feet horizontally from a tree trunk or other upright support, or secured in an IGBC approved bear resistant container, device, or system.

(b) In a dispersed camping area, stock feed, except baled or cubed hay without additives, must be properly secured as with any other food item, or within an IGBC approved portable electric fence.

(c) During the period of December 1 through March 15, these food storage regulations are not in effect, unless specifically posted based on known wildlife activity.

(2) The following is prohibited:

(a) disposal or burning of trash in fire rings;

(b) intentionally feeding or attracting wildlife; and

(c) creation or use of a hanging device in designated campgrounds.

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE VII SANITATION AND WASTE DISPOSAL (1) The following are prohibited:

(a) depositing garbage or other refuse, except in receptacles provided for this purpose;

(b) depositing household or commercial garbage or trash in a state park brought in from another property;

(c) disposing or dumping of sewage or waste water from trailers, campers, boats, or other portable toilets anywhere except in designated facilities;

(d) depositing refuse or fish remains, in a latrine or other bathroom facilities;

(e) disposing of human bodily waste in developed areas, except at a designated restroom, latrine, or other facility designated for such purpose;

(f) in undeveloped areas, disposal of human bodily waste within 100 feet of a water source, campsite, or trail unless otherwise posted; and

(g) using glass bottles or glass containers within a swimming area, beach, or areas otherwise posted to exclude them.

(2) The park manager may establish procedures for the disposal, containment, or carryout of human bodily waste.

(3) In addition to any other penalty provided, individuals violating this rule may be expelled immediately from the state park, as provided in [NEW RULE XXIII].

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE VIII CONTROL OF ANIMALS (1) Domestic animals are prohibited from running at large in state parks. Except where otherwise provided, domestic animals must be physically restrained or on a leash no greater than eight feet in length at all times. In state parks where hunting is allowed, dogs may be used for hunting in accordance with applicable laws and regulations and any conditions which may be established by the park manager.

(2) Domestic animals are prohibited from digging or otherwise disturbing or damaging the natural or cultural features of state parks.

(3) Domestic animals are prohibited in all areas posted to exclude them, as well as park buildings, swimming beaches, and designated ski trails during ski season, unless otherwise provided. This prohibition does not apply to service animals.

(4) Domestic animals are prohibited from biting, chasing, harassing, or creating a nuisance, annoyance, or danger to visitors, park wildlife, and other animals. In addition to any other penalty provided in this part, individuals in possession of such animals may be expelled from the state park.

(5) Individuals bringing domestic animals in state parks shall be responsible for proper removal and disposal of any waste produced by the animal.

(6) Ranging, grazing, watering, or allowing livestock in state parks is prohibited except where specifically permitted or when authorized by a lease, license, or other written agreement with the department.

(7) Unauthorized animals including livestock may be impounded and will not be returned to the owner until the costs of capture and holding the animal are reimbursed to the department. Appeal from an impoundment may be heard pursuant to [NEW RULE XXIV].

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE IX HORSES AND PACK ANIMALS (1) Riding or leading horses, llamas, or similar animals is prohibited:

- (a) on trails in any state park that are posted to exclude such activity;
- (b) off trail in any state park area, except where specifically authorized; and
- (c) in any campgrounds, except designated horse or pack-oriented camping areas.

(2) The park manager may open or close trails to such use. The decision to open or close a trail shall include an evaluation of factors including, but not limited to, conflict with other park users, public safety, and damage to park resources and/or facilities. Trails designated open for such use may be temporarily closed by the park manager due to emergency health, safety, or resource protection considerations.

(3) Any person bringing a horse, llama, or similar animal into a state park area shall clean up animal feces, feed, or bedding materials in parking lots, at trail heads, and other central locations used by park visitors.

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE X WEAPONS (1) Discharge of any weapon as defined in 45-2-101, MCA, including, but not limited to, firearms, explosives, air or gas weapons, paintball guns, arrows from a bow, spears, or spear guns on or over either land or water is prohibited in state parks, except where a designated area is otherwise provided. Areas may be opened to shooting when the regional park manager determines there is not undue hazard to human life or property.

(2) The possession, display, carrying, discharge, or use of a firearm in a state park must be in compliance with Title 45, chapter 8, part 3, MCA.

(3) In addition to any other penalty provided, individuals violating this rule may be expelled immediately from the state park, as provided in [NEW RULE XXIV].

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE XI HUNTING AND TRAPPING (1) Hunting and trapping are prohibited in state parks unless authorized by the board.

(2) Authorized hunting within a state park shall conform to all Montana hunting laws, rules, and regulations.

(3) Hunting is prohibited within 200 yards of visitor centers, administrative buildings, parking lots, maintenance buildings, picnic shelters, playgrounds, campgrounds, tipis, yurts, cabins, residential housing, or other similar facilities.

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE XII MOTOR VEHICLES (1) The rules in this subchapter apply to all vehicles and motor vehicles, as defined in 61-1-101, MCA, including, but not limited to, motorcycles, snowmobiles, off-highway vehicles, trailers, and motor homes, collectively referred to herein as "motor vehicles."

(2) The following are prohibited in state parks:

(a) operating a motor vehicle in violation of posted traffic rules, including but not limited to, speed limits, yield or stop signs, and directional signage;

(b) driving off authorized roadways, except onto designated parking areas;
and

(c) driving on any road, trail, or area which is specifically posted against such use.

(3) No person shall operate any off-highway vehicle in a state park on designated trails in violation of the registration and operating regulations in Title 23, chapter 2, part 8, MCA.

(4) Operating a snowmobile in a state park, except in designated areas, is prohibited.

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE XIII PARKING (1) Parking of any motor vehicle in a state park, except either in a designated parking area, or in another area with the permission of the park manager, is prohibited. If the operator is not with the vehicle at the time of the violation, the registered owner of the motor vehicle is personally responsible. A defense that the motor vehicle was driven into a state park by another person is not allowed unless it is shown that at the time, the motor vehicle was being used without the consent of the registered owner.

(2) The park manager may designate and sign individual parking spaces or groups of parking spaces for specific uses such as, but not limited to, boat trailer parking, day use parking, and registered camper parking. Use of such parking spaces for other than the specified use is prohibited.

(3) Upon finding a vehicle in violation of this rule, the authorized personnel shall take its license plate or vehicle identification number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to the vehicle a notice of the parking violation.

(4) The notice of parking violation shall contain the following:

(a) a statement that the notice represents a determination that a violation of this rule has been committed by the owner or user of the vehicle and that the determination shall be final unless contested as provided by this article;

(b) a statement of the monetary penalty established for the parking violation, including that the violation may subject the owner to additional administrative fees if not paid within ten working days of the date of issuance of the citation; and

(c) a statement of the options provided herein for responding to the notice including appeal and the procedures necessary to exercise these options.

(5) For any person found to be in violation of (1), the fines shall be as follows:

(a) for each improper parking violation, the penalty shall be \$25.00;
and

(b) for parking in a designated handicap parking space, the penalty shall be \$100.00.

(6) In addition to any fines imposed under (4), any vehicle found to be in violation of (1) may be towed at the owner's or operator's expense.

(7) The provisions of [NEW RULE XXIII] do not apply to this rule.

(8) Appeal of a parking violation may be heard pursuant to [NEW RULE XXIV].

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE XIV ABANDONED PROPERTY (1) Property left unattended for more than 48 hours may be impounded, except where otherwise posted. Vehicles found abandoned are subject to 61-12-401, MCA. Unattended property that interferes with visitor safety, orderly management of the park, or presents a threat to park resources may be impounded immediately.

(2) Unattended property impounded pursuant to this rule shall be deemed abandoned unless claimed by the owner or an authorized representative thereof within 60 days. The 60-day period shall begin when the rightful owner of the property has been notified, if the owner can be identified, or from the time the property was placed in the agency's custody, if the owner cannot be identified.

(3) Property left unclaimed pursuant to (2) will be turned over to the department's property division. The department will then turn the abandoned property over to the Department of Administration to be processed as surplus state property.

AUTH: 23-1-106, 23-1-111, MCA
IMP: 23-1-106, 23-1-111, MCA

NEW RULE XV USE OF NONMOTORIZED VEHICLES (1) Whenever used in this subchapter, nonmotorized vehicle shall mean any wheeled, operator-propelled equipment that transports the operator on land, including cycles, in-line skates and skateboards, or similar devices, but not wheelchairs or other medically prescribed devices utilized by individuals with disabilities.

(2) The following is prohibited:

(a) operation of nonmotorized vehicles on trails in any state park, that are posted to exclude such activity. The regional park manager may open or close trails to such use. This decision shall include an evaluation of factors including, but not limited to, the degree of conflict with other park users, public safety, and damage to park resources and/or facilities related to nonmotorized vehicles;

(b) operation of nonmotorized vehicles off trail or off road in any state park, except where authorized by the regional park manager and posted to specifically or conditionally permit such activity; and

(c) operation of nonmotorized vehicles upon docks, piers, curbs, steps, or other structures not specifically installed to accommodate such equipment.

(3) Individuals operating nonmotorized vehicles in state park areas shall:

(a) obey regulatory signs, including those permanently or temporarily erected, that govern the timing, location, speed, type and/or manner of operation, designed to promote visitor health and safety;

(b) restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety, and the safety of all other park visitors;

(c) yield the right of way to pedestrians and animals;

(d) slow down, make presence known well in advance, and use courtesy and caution when approaching or overtaking other people or animals;

(e) not disturb or harass wildlife, people, or animals; and

(f) display adequate lighting during hours of darkness.

AUTH: 23-1-106, 23-1-111, MCA
IMP: 23-1-106, 23-1-111, MCA

NEW RULE XVI UNMANNED AIRCRAFT SYSTEMS AND MODEL AIRCRAFT (1) Launching or operating an unmanned aircraft system, drone, or model aircraft from a state park is prohibited unless:

- (a) use is authorized by a commercial use or special use permit; or
- (b) use occurs within an area specifically designated for such use by the park manager.

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE XVII GEOCACHING (1) Placement of any geocache in a state park requires a permit approved by the park manager.

(a) The permit will be valid for no more than two consecutive years and may be reissued for an additional two consecutive years, after which the geocache must be removed.

(b) The park manager may limit the number of permits issued based upon natural resource protection and social conflict concerns or other determining factors.

(c) Geocaches involving commercial activities or special events are subject to additional review and permitting requirements and may require a fee.

(2) The park manager or designee may designate facilities and areas where geocaches will be allowed and/or prohibited.

(3) Geocaches may not contain the following items:

- (a) alcohol;
- (b) medications;
- (c) illegal drugs or drug paraphernalia;
- (d) weapons;
- (e) hazardous materials;
- (f) food items;
- (g) personal hygiene products;
- (h) money; and
- (i) socially inappropriate or offensive materials.

(4) Unauthorized geocaches will be removed and treated as abandoned property, pursuant to [NEW RULE XIV].

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE XVIII SOLICITING AND PUBLIC ASSEMBLY (1) Soliciting or demanding gifts, money, goods, or services is prohibited in state parks, except pursuant to the terms and conditions of a special use permit or commercial use permit, or other contract issued for such activity.

(2) Public assembly of one or more individuals, including demonstrations, picketing, speechmaking, marching, holding vigils or religious services, and similar forms of conduct that involve the communication or expression of views or grievances or are reasonably likely to attract a crowd or onlookers are allowed in state parks when a permit has been issued. An application for a permit may be

submitted on forms as may be provided by the department or in any written form so long as the permit application sets forth the following:

- (a) the name or organization name, address, and phone number of the applicant;
- (b) the date, time, duration, nature, and place of the proposed event, including a description or schedule of events and activities;
- (c) an estimate of the number of people expected to attend, including the basis for the estimate;
- (d) special equipment, including temporary structures such as speakers' stands, platforms, lecterns, chairs, benches or the like, and any sound amplification equipment to be used in connection with the event;
- (e) special facilities including emergency first aid, additional sanitation and refuse collection facilities, to be used in connection with the event;
- (f) crowd control to be provided by the event sponsor;
- (g) designation of a responsible individual with whom officials may coordinate event activities, plans, and preparations; and
- (h) whether there is any reason to believe that there will be an attempt to disrupt, protest, or prevent the event.

(3) Areas within state parks may be designated for permitted public assembly activities provided that activities would not:

- (a) cause injury or damage to park resources;
- (b) unreasonably impair the atmosphere of peace and tranquility maintained in natural, historic, or commemorative zones;
- (c) unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the department;
- (d) substantially impair the operation of public use facilities or services of concessioners, holders of commercial use authorizations, or contractors;
- (e) present a clear and present danger to the public health and safety; or
- (f) otherwise be incompatible with the nature and traditional use of the particular state park involved.

(4) The department must issue a permit or a written denial within ten days of receiving a complete and fully executed application. A permit will be issued unless:

(a) a prior permit application has been or will be granted for a permit for the same time and place, and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area;

(b) it reasonably appears that the event will present a clear and present danger to public health or safety;

(c) the event is of such nature or duration that it cannot reasonably be accommodated in that particular state park, considering such things as damage to park resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities or impairment of public use facilities;

(d) the location applied for has not been designated as available under (3); or

(e) the activity would constitute a violation of an applicable law or regulation.

(5) The permit may contain conditions reasonably consistent with the requirements of public health and safety, protection of park resources, and the use of the park area for the purposes for which it was established. It may also contain

reasonable limitations of the equipment used and the time and area within which the event is allowed.

(6) Violation of these regulations or the terms of the permit are prohibited and may lead to permit revocation in addition to other applicable penalties.

(7) Revocation of a permit or order to cease will be made in writing, with the reasons clearly set forth. In emergency situations, verbal revocation or order to cease may take place, followed by written confirmation within 72 hours.

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE XIX SMOKING (1) Smoking is prohibited:

(a) in areas where smoking has been posted as prohibited to protect park resources or reduce fire risk;

(b) during park-sponsored special events or programs within a state park such as guided hikes and outdoor interpretive programs; and

(c) in any other area so designated by the park manager.

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE XX RESTRICTED AREAS AND NIGHT CLOSURES

(1) Entering any restricted area of a state park is prohibited.

(2) State parks may post opening and closing hours.

(3) State parks where camping is not allowed are open from sunrise to sunset unless otherwise authorized.

(4) The division administrator may close portions of a state park to the possession or consumption of alcoholic beverages for purposes of public health or safety.

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

NEW RULE XXI DISTURBANCES (1) The following are prohibited in state parks:

(a) creating excessive noise, causing excessive noise to be created, or otherwise conducting oneself in a manner that disturbs others;

(b) operating sound-emitting electronic devices, including but not limited to speakers, radios, televisions, or other such equipment, at a volume which projects sound beyond the person's immediate vicinity in a manner that disturbs other visitors;

(c) operating generators during state park quiet hours between 10:00 p.m. and 7:00 a.m.;

(d) arguing with, threatening, harassing, or intimidating another visitor;

(e) creating a safety hazard to oneself or others; and

(f) blocking traffic or otherwise impeding access to or from a state park.

(2) In addition to any other penalty provided, individuals violating this rule may be expelled immediately from the state park, as provided in [NEW RULE XXIII].

AUTH: 23-1-106, 23-1-111, MCA
IMP: 23-1-106, 23-1-111, MCA

NEW RULE XXII INTERFERENCE WITH AGENCY FUNCTIONS (1) The following are prohibited in state parks:

(a) threatening, resisting, intimidating, arguing with, or intentionally interfering with any official, employee, or agent of the department engaged in the performance of his or her official duties or on account of the performance of his or her official duties;

(b) failing to comply with a lawful order issued by a department official, employee, or agent acting pursuant to these rules;

(c) knowingly giving a false report or false information to a department official, employee, or agent:

(i) on an application for a permit;

(ii) for the purpose of misleading a department official, employee, or agent in the conduct of official duties; or

(iii) that causes a response by the department to a fictitious event.

(2) In addition to any other penalty provided, individuals violating this rule may be expelled immediately from the state park, as provided in [NEW RULE XXIII].

AUTH: 23-1-106, 23-1-111, MCA
IMP: 23-1-106, 23-1-111, MCA

NEW RULE XXIII PENALTIES (1) Except where otherwise specified, a violation of these rules is a misdemeanor pursuant to 23-1-106, MCA.

(2) In addition to (1), where specified in this subchapter, individuals violating these rules may also be expelled immediately from the state park for up to 48 hours.

(3) For additional violations of the rules of this subchapter following the initial 48-hour expulsion provided in (2), the regional park manager may suspend the individual from all state parks for any violation of the rules in this subchapter accordingly:

(a) a second violation shall result in a 15-day suspension;

(b) a third violation shall result in a 30-day suspension;

(c) a fourth violation shall result in a six-month suspension;

(d) a fifth violation shall result in a one-year suspension.

(4) Failure to abide by any suspension is a misdemeanor pursuant to 23-1-106, MCA.

(5) Appeals from a suspension issued by the regional park manager provided in (3) may be heard pursuant to [NEW RULE XXIV].

AUTH: 23-1-106, 23-1-111, MCA
IMP: 23-1-106, 23-1-111, MCA

NEW RULE XXIV APPEALS (1) Appeal pursuant to this subchapter shall be filed within 30 days of receiving the notice of violation or of being expelled. Appeals shall be submitted to the director, in writing, along with the violation being appealed, and the basis for that appeal.

(2) Appeals to the director shall be addressed to: Montana Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701.

(3) Upon receipt of an appeal meeting the requirements of (1), the director shall respond to the appeal within 60 days. The director may deny the appeal, in whole or in part, or uphold the appeal, in whole or in part.

(4) Anyone wishing to appeal the decision of the director must notify the board within ten days of receiving the decision of the director.

(5) Appeals to the board shall be addressed to: Montana State Parks and Recreation Board, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701.

(6) Upon receipt of an appeal, the board shall respond to the appeal within 60 days. The board may deny the appeal, in whole or in part, or uphold the appeal, in whole or in part, or may return the decision to the director for further clarification or consideration.

AUTH: 23-1-106, 23-1-111, MCA

IMP: 23-1-106, 23-1-111, MCA

REASON: The existing public use rules have not been revised in many years and no longer effectively address many management concerns nor do they provide effective guidance for staff to implement in Montana state parks. The board is proposing new public use rules that will apply in state parks only. The existing public use rules will remain in place for all other designated recreation areas under the control, administration, and jurisdiction of the Department of Fish, Wildlife and Parks.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Department of Fish, Wildlife and Parks State Parks Division, Attn: Maren Murphy, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail fwpparksrules@mt.gov, and must be received no later than April 15, 2016.

5. Kaedy Gangstad or another hearing officer appointed by the department has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department, commission, or board. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

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

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

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

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

/s/ Tom Towe
Tom Towe
Chairman
State Parks and Recreation Board

Certified to the Secretary of State March 7, 2016.

BEFORE THE BOARD OF NURSING
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.159.301 definitions,	)	PROPOSED AMENDMENT AND
24.159.1601 purpose, 24.159.1611	)	REPEAL
criteria for delegation of nursing)	
tasks, 24.159.1625 general nursing)	
functions, and the repeal of)	
24.159.411 parliamentary authority,)	
24.159.1036 and 24.159.1236)	
preparation of licenses, 24.159.1040,)	
24.159.1240, and 24.159.1430)	
duplicate or lost licenses, and)	
24.159.1602, 24.159.1604,)	
24.159.1605, 24.159.1610,)	
24.159.1612, 24.159.1616,)	
24.159.1630, 24.159.1631,)	
24.159.1636, and 24.159.1640 all)	
relating to nursing delegation)	

TO: All Concerned Persons

1. On April 8, 2016, at 10:00 a.m., a public hearing will be held in the Basement Conference Room, 301 South Park Avenue, Basement, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

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 Nursing (board) no later than 5:00 p.m., on April 1, 2016, to advise us of the nature of the accommodation that you need. Please contact Cynthia Gustafson, Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2380; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or nurse@mt.gov (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: At its July 23, 2014, full board meeting, the board established a committee to review the delegation and assignment rules and provide suggested rule revisions to the board. This committee of three board members and 11 practicing nurses met seven times between September 2014 and June 2015, and provided final recommendations to the board on July 22, 2015.

The board determined it is reasonably necessary to amend and repeal the delegation and assignment rules in subchapter 16 to align with current changes in

nursing practice settings related to delegating to UAPs (unlicensed assistive persons) in public schools, prisons, emergency rooms, outpatient clinics, and dialysis settings. The amendments will eliminate outdated, redundant, confusing, and unnecessary provisions and provide simplicity, better organization, and ease of use for nurses in deciding how to safely delegate nursing functions to UAPs in any work setting. Subchapter 16 is a cumbersome and lengthy set of rules with lists and details for individual settings. Nurses have found them difficult to interpret and apply quickly when determining in practice when nursing tasks may be safely delegated. Nursing practice is evolving quickly to address the latest trends in healthcare, which has brought new types of UAPs to the work environment. The board intends for these amendments to generalize the delegation process and provide timely guidance to nurses in response to the new practice environments. When additional reasons exist for a particular change, they will immediately follow the specific rule.

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

24.159.301 DEFINITIONS (1) through (10) remain the same.

(11) "Delegation" means the act of authorizing and directing a UAP to perform a specific nursing task in a specific situation in accordance with these rules.

(11) through (24) remain the same, but are renumbered (12) through (25).

(26) "Nursing task" means an activity that requires the use of nursing knowledge, skills, and/or abilities.

(25) through (36) remain the same, but are renumbered (27) through (38).

(39) "Stable" means a situation in which the patient's clinical and behavioral status is determined to be non-fluctuating or in which the fluctuations are expected and the interventions planned.

(37) through (41) remain the same, but are renumbered (40) through (44).

(45) "Unlicensed assistive person" or "UAP" means any person, regardless of title, who is not a licensed nurse and who functions in an assistive role to the nurse and receives delegation of nursing tasks.

(42) remains the same, but is renumbered (46).

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-8-101, 37-8-102, 37-8-202, 37-8-422, MCA

REASON: The board determined it is reasonably necessary to amend and relocate the delegation definitions from ARM 24.159.1602 to this rule and achieve a single location for all definitions. The board is eliminating most of the delegation terms, and retaining only the necessary, relevant ones, to align with the comprehensive amendments proposed to the delegation rules.

24.159.1601 PURPOSE (1) The purpose of these rules relating to delegation ~~and assignment~~ is to:

(a) ~~serve as a standard for nurses who hire, supervise, and/or serve as a delegator~~ delegate to an unlicensed assistive personnel person (UAP); and

(b) remains the same.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-8-202, MCA

24.159.1611 CRITERIA FOR DELEGATION OF NURSING TASKS (1) A licensed nurse may only delegate nursing tasks to UAPs in accordance with these rules. Delegation of a nursing task to a UAP shall be based solely on the determination of the patient's nurse, who has personally assessed the patient's condition, that delegation can be performed without jeopardizing the patient's welfare. Delegation shall be task-specific, patient-specific, and UAP-delegatee specific. Delegation is a nursing act distinct from teaching, supervising, consulting, and advising.

(2) Delegation may only be performed in settings which have a designated chief nursing officer. Before delegating, the LPN or RN should consider the five rights of delegation: the right task, the right person to whom the delegation is made, the right circumstances, the right direction and communication by the LPN or RN, and the right supervision and evaluation.

(3) The delegating nurse must: Delegation of a nursing task to a UAP shall be based solely on the determination of the patient's nurse, who has personally assessed the patient's condition, so that delegation can be performed without jeopardizing the patient's welfare.

(a) personally make a nursing assessment of the patient's care needs before delegating;

(b) verify the UAP's competency to perform the specific task for the specific patient and provide instruction as necessary followed by reverification of competency before delegating;

(c) provide supervision in accordance with ARM 24.159.1612; and

(d) inform the patient of the decision to delegate.

(4) The nursing task to be delegated must be:

(a) within the area of responsibility, scope of practice, and competency of the nurse delegating the task;

(b) one which does not require complex observations, critical decision-making, exercise of nursing judgment, or repeated nursing assessments;

(c) one which is frequently performed and is generally considered technical in nature;

(d) one for which results are reasonably predictable and which has minimal potential for risks; and

(e) one which can be safely performed according to exact, unchanging directions.

(5) The LPN or RN shall delegate to another only those nursing tasks for which that person has the necessary skills and competence to accomplish safely. In maintaining accountability for the delegation, the LPN or RN shall ensure:

(a) that the UAP has the education and demonstrated competency to perform the delegated task;

(b) the task delegated is consistent with the UAP's job description;

(c) patient needs match the UAP's qualifications, available resources, and appropriate supervision;

- (d) results of the task are reasonably predictable;
- (e) the task does not require assessment or independent decision making during its performance or at completion;
- (f) patient needs and circumstances of the delegation are such that the delegation of the task poses minimal risk to the patient and can be safely performed according to clear and exact directions;
- (g) directions and guidelines are clearly communicated regarding the delegated task;
- (h) for delegation of a routine task on stable patients, there is verification that the UAP follows each written facility policy or procedure when performing the delegated task;
- (i) those to whom nursing tasks are delegated are properly supervised by monitoring performance, progress, and outcomes;
- (j) evaluation of the effectiveness of the delegation;
- (k) follow-up on problems and intervention and revision of the plan of care as needed;
- (l) the observation and communication of the outcomes of the delegated task;
- and
- (m) documentation of the task.
- (6) The delegating nurse retains professional accountability for the delegated nursing task.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-8-202, MCA

24.159.1625 GENERAL NURSING FUNCTIONS AND TASKS THAT MAY NOT BE DELEGATED (1) The following nursing ~~functions~~ tasks require nursing knowledge, judgment, and skill and may not be delegated:

- (a) through (e) remain the same.
- (2) ~~Nursing interventions, including but not limited to the following, require nursing knowledge, judgment, and skill and may not be delegated except as provided in ARM 24.159.1616, 24.159.1630, 24.159.1631, 24.159.1636, and 24.159.1640:~~

- ~~(a) calculation of any medication dose;~~
- ~~(b) administration of medications:~~
 - ~~(i) by mouth;~~
 - ~~(ii) sublingually;~~
 - ~~(iii) by subcutaneous injection;~~
 - ~~(iv) by intramuscular injection;~~
 - ~~(v) intravenous injection or drip;~~
 - ~~(vi) per tube;~~
 - ~~(vii) by aerosol/inhalation; or~~
 - ~~(viii) by suppository;~~
- ~~(c) administration of topical:~~
 - ~~(i) opiates;~~
 - ~~(ii) cardiovascular medications;~~
 - ~~(iii) anesthetic medications; or~~

- ~~(iv) systemic medications;~~
 - ~~(d) administration of blood products;~~
 - ~~(e) administration of chemotherapeutic agents; and~~
 - ~~(f) administration of total parenteral nutrition (TPN), hypertonic solutions, or IV additives;~~
 - ~~(g) insertion of peripheral IV catheters;~~
 - ~~(h) insertion of central IV catheters;~~
 - ~~(i) insertion of nasogastric or other feeding tubes;~~
 - ~~(j) removal of:~~
 - ~~(i) endotracheal tubes;~~
 - ~~(ii) chest tubes;~~
 - ~~(iii) Jackson-Pratt drain tubes (JP tubes);~~
 - ~~(iv) arterial or central catheters; and~~
 - ~~(v) epidural catheters; and~~
 - ~~(k) patient triage.~~
- (3) and (4) remain the same, but are renumbered (2) and (3).

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-131, 37-8-202, MCA

5. The rules proposed to be repealed are as follows:

24.159.411 PARLIAMENTARY AUTHORITY at ARM page 24-16450.

AUTH: 37-8-202, MCA

IMP: 37-8-202, MCA

REASON: Because the board may adopt rules of order at each meeting as needed and is not limited to Robert's Rules, the board is repealing this unnecessary rule.

24.159.1036 PREPARATION OF LICENSES at ARM page 24-16577.

AUTH: 37-1-131, 37-8-202, MCA

IMP: 37-1-101, 37-8-202, 37-8-401, MCA

REASON: The board is repealing this rule because the processes are outdated since licenses are prepared electronically and available on the department web site.

24.159.1040 DUPLICATE OR LOST LICENSES at ARM page 24-16579.

AUTH: 37-8-202, MCA

IMP: 37-1-134, 37-8-202, MCA

REASON: It is reasonably necessary to repeal this outdated rule because official licensee data, including renewal dates, is available on the department web site. Additionally, there is no fee associated with using the web site.

24.159.1236 PREPARATION OF LICENSES at ARM page 24-16623.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-101, 37-8-202, 37-8-401, MCA

REASON: See REASON for ARM 24.159.1036.

24.159.1240 DUPLICATE OR LOST LICENSES at ARM page 24-16623.

AUTH: 37-8-202, MCA
IMP: 37-1-134, 37-8-202, MCA

REASON: See REASON for ARM 24.159.1040.

24.159.1430 DUPLICATE OR LOST LICENSES at ARM page 24-16672.

AUTH: 37-8-202, MCA
IMP: 37-1-134, 37-8-202, MCA

REASON: See REASON for ARM 24.159.1040.

24.159.1602 DEFINITIONS at ARM page 24-16723.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-131, 37-8-202, MCA

REASON: Relevant definitions are being relocated to ARM 24.159.301.

24.159.1604 TASKS WHICH MAY BE ROUTINELY ASSIGNED TO AN UNLICENSED PERSON IN ANY SETTING WHEN A NURSE-PATIENT RELATIONSHIP EXISTS at ARM page 24-16727.

AUTH: 37-8-202, MCA
IMP: 37-8-202, MCA

24.159.1605 STANDARDS RELATED TO THE FACILITY'S CHIEF NURSING OFFICER REGARDING DELEGATION PRACTICES at ARM page 24-16728.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-131, 37-8-202, MCA

24.159.1610 ACCOUNTABILITY at ARM page 24-16731.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-131, 37-8-202, MCA

24.159.1612 STANDARDS RELATED TO THE NURSE FUNCTIONING AS A DELEGATOR at ARM page 24-16732.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-131, 37-8-202, MCA

24.159.1616 NURSING TASKS RELATED TO MEDICATIONS THAT MAY BE DELEGATED at ARM page 24-16733.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-131, 37-8-202, MCA

24.159.1630 ADVANCED DELEGATION, GENERALLY at ARM page 24-16738.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-131, 37-8-202, MCA

24.159.1631 ADVANCED DELEGATION TO UAP NURSING STUDENTS at ARM page 24-16739.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-131, 37-8-202, MCA

24.159.1636 ADVANCED DELEGATION TO UAPS WORKING IN THE EMERGENCY DEPARTMENT at ARM page 24-16745.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-131, 37-8-202, MCA

24.159.1640 ADVANCED DELEGATION TO UAPS WORKING IN THE DIALYSIS UNIT at ARM page 24-16746.

AUTH: 37-1-131, 37-8-202, MCA
IMP: 37-1-131, 37-8-202, MCA

6. 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 Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to nurse@mt.gov, and must be received no later than 5:00 p.m., April 15, 2016.

7. An electronic copy of this notice of public hearing is available at www.nurse.mt.gov (department and board's web site). 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.

8. The board 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 that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to nurse@mt.gov; or made by completing a request form at any rules hearing held by the agency.

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 board has determined that the amendment of ARM 24.159.301, 24.159.1601, 24.159.1611, and 24.159.1625 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.159.411, 24.159.1036, 24.159.1040, 24.159.1236, 24.159.1240, 24.159.1430, 24.159.1602, 24.159.1604, 24.159.1605, 24.159.1610, 24.159.1612, 24.159.1616, 24.159.1630, 24.159.1631, 24.159.1636, and 24.159.1640 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations are available upon request to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to nurse@mt.gov.

11. Cynthia Gustafson, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF NURSING
HEATHER O'HARA, RN, 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 March 7, 2016

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 32.3.221 special requirements	)	AMENDMENT
for alternative livestock as defined in)	
87-4-406, MCA, 32.3.2006 intrastate)	
movement of cattle: identification,	)	NO PUBLIC HEARING
32.4.402 elk-red deer hybridization	)	CONTEMPLATED
tests, and 32.4.601 importation of)	
alternative livestock)	

TO: All Concerned Persons

1. On April 18, 2016, the Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m., April 11, 2016, to advise us of the nature of the accommodation that you need. Please contact Executive Officer, Department of Livestock, 301 N. Roberts St., Room 304, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9525; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: MDOLcomments@mt.gov.

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

32.3.221 SPECIAL REQUIREMENTS FOR ALTERNATIVE LIVESTOCK AS DEFINED IN ~~87-4-406, MCA~~ (1) All sexually intact alternative livestock six months of age and older imported into Montana must be either test-negative for brucellosis within 30 days prior to importation or originate from a brucellosis certified free herd. (a) through (6) remain the same.

AUTH: 81-2-102, 81-2-103, 81-2-707, MCA
 IMP: 81-2-102, 81-2-103, 81-2-703, 81-2-707, MCA

REASON: The department is proposing to clarify that brucellosis test requirements only apply to sexually intact animals.

Authority and implementation citations are being added to accurately reflect all statutes implemented through the rule and to provide the complete sources of rulemaking authority.

32.3.2006 INTRASTATE MOVEMENT OF CATTLE: IDENTIFICATION
 (1) and (2) remain the same.

(3) Cattle ~~two years~~ eighteen months of age or over, except steers and spayed heifers, which are moved for slaughter or for sale in public market channels must be individually identified by a backtag affixed a few inches from the backline and just behind the shoulder of the animal, or by an eartag.

(4) Cattle ~~two years~~ eighteen months of age or over, except steers and spayed heifers, may be moved from a farm, ranch, or feedlot to a slaughtering establishment operating under official meat inspection, or to a licensed livestock market, or to a public stockyard, or to a shipping point, provided such cattle are identified upon arrival thereat by backtag or eartag, as prescribed in (3) ~~above~~, or by brand or lot if shipment is direct to slaughtering establishment from ranch or feedlot.

(5) remains the same.

AUTH: 81-2-102, 81-2-103, 81-2-104, MCA

IMP: 81-2-102, 81-2-103, 81-2-104, MCA

REASON: Montana Department of Livestock is proposing to change the required age of backtagging animals from two years of age to eighteen months of age to be consistent with federal animal disease traceability standards.

32.4.402 ELK-RED DEER HYBRIDIZATION TESTS (1) All elk imported into Montana must be ~~tested for~~ certified free from elk-red deer hybridization. No elk-red deer hybrid may be imported. ~~A copy of the test results must be provided to the department.~~

~~(2) The licensee shall test all elk born on or prior to December 31, 1999 for elk-red deer hybridization by January 1, 2000.~~

~~(3) The licensee shall test all elk born between January 1, 2000 and December 31, 2001 for elk-red deer hybridization by January 1 of the year following the year of birth or when the animal is sold or transported from the alternative livestock farm, whichever comes first.~~

~~(4) A licensee that has completed elk-red deer hybrid testing on his entire herd by January 1, 1999, may submit those results to the department and request a waiver to ARM 32.4.402(3) from the Department of Fish, Wildlife and Parks.~~

(2) An elk may be certified free from elk-red deer hybridization by one of the following methods:

(a) Provide an elk-red deer hybridization test result that shows no red deer markers and clearly identifies the animal; or

(b) Provide a North American Elk Breeder Association gold or silver level registration that clearly identifies the animal.

(5) and (6) remain the same but are renumbered (3) and (4).

AUTH: 81-2-102, 81-2-707, 87-4-422, MCA

IMP: 81-2-102, 81-2-703, 81-2-707, 87-4-422, MCA

REASON: The department is proposing to strike outdated language and allow recognition of North American Elk Breeder Association certification as proof of an animal being free from elk-red deer hybridization. Authority and implementation

citations are being added to accurately reflect all statutes implemented through the rule and to provide the complete sources of rulemaking authority.

32.4.601 IMPORTATION OF ALTERNATIVE LIVESTOCK (1) Alternative livestock imported into Montana must meet all requirements of ARM Title 32, chapter 3, subchapter 2, ; Title 81, chapter 2, part 7, MCA, ; and any other orders issued by the department under the authority of 81-2-102, MCA.

(2) through (4)(a) remain the same.

(i) All elk in the shipment have been ~~tested for~~ certified free from red deer gene markers as required by ARM 32.4.402. No elk-red deer hybrid may be imported. ~~Laboratory test results for each individual animal must be provided to the department within 15 days of shipment of the animals~~ Certification must be provided to the department prior to the issuance of an import permit;

(ii) through (iv) remain the same.

(b) The importation permit must meet all of the requirements of ARM 32.3.207, ~~and include the following information:~~

~~(i) The permit is valid for no longer than ten days;~~

~~(ii) The person applying for the permit shall provide the following information;~~

~~and~~

~~(A) the names and addresses of the consignor and consignee;~~

~~(B) the number and species of animals;~~

~~(C) the origin of shipment (ranch where raised and all intermediate stops in the past six months);~~

~~(D) the final alternative livestock farm destination; and~~

~~(E) purpose of shipment, method of transportation, including the names of transporter, and such information as the state veterinarian may require.~~

~~(iii) The permit number may be issued by the department by telephone. The permit number must be listed on the official health certificate.~~

(5) For change of ownership, a ~~A valid bill of sale/proof of ownership~~ must accompany the shipment. A copy of the bill of sale must be provided to the department at the time the animal is tagged and marked ~~as required by 87-4-414 and 81-3-102(2), MCA.~~

(6) remains the same.

(7) All alternative livestock must be quarantined upon arrival in Montana until all testing requirements have been met and the animal is tagged and marked ~~as required by 87-4-414 and 81-3-102, MCA.~~

(8) through (10) remain the same.

AUTH: 81-2-102, 81-2-103, 81-2-402, 81-2-707, 87-4-422, MCA

IMP: 81-2-102, 81-2-103, 81-2-402, 81-2-403, 81-2-703, 81-2-707, 81-3-102, 87-4-414, 87-4-422, MCA

REASON: The department is proposing to strike duplicate permit language and update the import requirements to reflect the proposed changes in ARM 32.4.402.

Statutes are being stricken in (1), (5), and (7) as unnecessary in the text of the rule. Authority and implementation citations are being added to accurately reflect all

statutes implemented through the rule and to provide the complete sources of rulemaking authority.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Department of Livestock, 301 N. Roberts St., Room 306, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., April 15, 2016.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. April 15, 2016.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are 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 public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 3 based upon approximately 24 alternative livestock producers in the state of Montana.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this department. 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 rules will not significantly and directly impact small businesses.

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

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

Certified to the Secretary of State, March 7, 2016.

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter the amendment of ARM	)	NOTICE OF EXTENSION OF
42.2.613, 42.2.614, 42.2.615,	)	COMMENT PERIOD ON
42.2.616, 42.2.617, 42.2.618,	)	PROPOSED AMENDMENT
42.2.619, 42.2.620, and 42.2.621)	
pertaining to the uniform dispute)	
review process and the department's)	
office of dispute resolution)	

TO: All Concerned Persons

1. On March 4, 2016, the Department of Revenue published MAR Notice No. 42-2-950 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 442 of the 2016 Montana Administrative Register, Issue Number 5.

2. A public hearing is being held on April 5, 2016. The department is extending the comment period provided in the original notice by three weeks to ensure that tax accountants and other professionals impacted by the current tax season will have sufficient opportunity to participate in the process and provide comments on the proposed amendments.

3. 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, advise the department of the nature of the accommodation needed no later than 5 p.m. on March 30, 2016. 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.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: 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 May 9, 2016.

/s/ Laurie Logan
Laurie Logan
Rule Reviewer

/s/ Mike Kadas
Mike Kadas
Director of Revenue

Certified to the Secretary of State March 7, 2016

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 8.94.3814 and 8.94.3815)
pertaining to governing the submission)
and review of applications for funding)
under the Treasure State Endowment)
Program (TSEP))

TO: All Concerned Persons

1. On February 5, 2016, the Department of Commerce published MAR Notice No. 8-94-141 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 178 of the 2016 Montana Administrative Register, Issue Number 3.

2. The department has amended the above-stated rules 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:

MDOC Census & Economic Information is listed as one of the recommended contacts, but I just received this back stating that they don't look at projects. Since your application is still in draft format, I thought you might want to take them out of contacts to save everyone else some time.

RESPONSE #1:

The department recognizes that the TSEP Application Guidelines may not have been clear in directing applicants to the correct environmental process found within the TSEP Application Guidelines. This has now been clarified in the guidelines. The Uniform Application is separate from these guidelines and is not part of this ARM process. At the time the Uniform Application document is updated in the future, TSEP will advise the Uniform Application Committee of this comment.

/s/ Kelly A. Lynch
KELLY A. LYNCH
Rule Reviewer

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

Certified to the Secretary of State March 7, 2016.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the repeal of ARM	)	NOTICE OF REPEAL
17.8.334, 17.8.335, and 17.8.772)	
pertaining to emission standards for	)	(AIR QUALITY)
existing aluminum plants--startup and)	
shutdown, maintenance of air pollution)	
control equipment for existing aluminum)	
plants, and mercury allowance)	
allocations under cap and trade budget)	

TO: All Concerned Persons

1. On October 29, 2015, the Board of Environmental Review published MAR Notice No. 17-375 regarding a notice of proposed repeal of the above-stated rules at page 1809, 2015 Montana Administrative Register, Issue Number 20.
2. The board has repealed the rules exactly as proposed.
3. Only one public comment was received. The commenter supported repeal of ARM 17.8.334.

Reviewed by: BOARD OF ENVIRONMENTAL REVIEW

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

By: /s/ Joan Miles
 JOAN MILES
 Chairman

Certified to the Secretary of State, March 7, 2016.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF AMENDMENT AND
17.24.201, 17.24.202, 17.24.203,)	REPEAL
17.24.206, 17.24.207, 17.24.212,)	
17.24.213, 17.24.214, 17.24.218,)	(RECLAMATION)
17.24.219, 17.24.220, 17.24.221,)	
17.24.222, 17.24.223, 17.24.224,)	
17.24.225, and 17.24.226 and the repeal)	
of ARM 17.24.216 and 17.24.217)	
pertaining to rules and regulations)	
governing the Opencut Mining Act)	

TO: All Concerned Persons

1. On November 12, 2015, the Board of Environmental Review published MAR Notice No. 17-376 regarding a notice of public hearing on the proposed amendment and repeal of the above-stated rules at page 1951, 2015 Montana Administrative Register, Issue Number 21.

2. The board has amended ARM 17.24.201, 17.24.202, 17.24.203, 17.24.206, 17.24.207, 17.24.212, 17.24.213, 17.24.214, 17.24.219, 17.24.222, 17.24.223, 17.24.224, 17.24.225, and 17.24.226 and repealed ARM 17.24.216 and 17.24.217 exactly as proposed. The board has amended ARM 17.24.218, 17.24.220, and 17.24.221 as proposed, but with the following changes, stricken matter interlined, new matter underlined:

17.24.218 PLAN OF OPERATION--(SITE CHARACTERIZATION, SITE PREPARATION, SOIL AND OVERBURDEN HANDLING, MINING, AND PROCESSING PLANS--) AND PERFORMANCE STANDARDS (1) The plan of operation must include the following:

(a) unless otherwise approved in writing by the department, a markers section that includes a statement that the operator clearly marked on the ground all required boundaries and permitted access roads to be improved or constructed and will maintain the markings as required by this rule. Boundary and road markers must be placed so that no less than two consecutive markers are readily visible in any direction from any point on a line. The following requirements apply to marking boundaries and permitted access roads to be improved or constructed:

(i) through (c)(i)(D) remain as proposed.

(d) a soil and overburden handling section that includes a statement that the operator shall:

(i) through (vi) remain as proposed.

(vii) use best management practices to prevent erosion, commingling, contamination, compaction, and unnecessary disturbance of soil and overburden stockpiles including, but not limited to, at the first seasonal opportunity, shape and seed, with approved perennial species, the soil and overburden stockpiles that are

capable of sustaining plant growth, and that remain in place for more than two years and maintain the accessibility of all overburden and soil stockpiles in the permit area prior to reclamation in accordance with the plan of operation;

(e) through (3) remain as proposed.

17.24.220 PLAN OF OPERATION--RECLAMATION BOND CALCULATION

(1) A proposed reclamation bond calculation must be submitted as part of the plan of operation on a form provided by the department or in another format approved by the department in writing. The bond amount must be based on a reasonable estimate of the cost for the department to procure the services of a third-party contractor to reclaim, in accordance with this subchapter and the plan of operation, the anticipated maximum disturbance during the life of the bonded opencut operation, including equipment mobilization, contractor profit, and overhead costs. The department shall review the proposed bond calculation and make a final determination.

(2) through (4) remain as proposed.

17.24.221 PLAN OF OPERATION--MAPS (1) and (2) remain as proposed.

(3) Site maps must show and identify the following existing and proposed features as applicable:

(a) through (w) remain as proposed.

(x) the data point and map identification number for each pair of coordinates the operator provided on the boundary coordinate table that is required by (8); and

(y) through (7) remain as proposed.

(8) Marker, road, and boundary locations that must be marked in the field under ARM 17.24.218(1)(a) and markers, roads, and boundaries located in hayland or cropland must be provided on a boundary coordinate table form or through another method approved by the department.

3. The following comments were received and appear with the board's responses:

COMMENT NO. 1: The proposed amendments to ARM 17.24.221 should provide flexibility in the means of submitting coordinates for permit and boundary and other information other than a boundary coordinate table.

RESPONSE: The board agrees with the comment and has modified the rule in (3)(x) and added (8).

COMMENT NO. 2: ARM 17.24.218(1)(a) should provide flexibility in the means of marking permit and other boundaries in the field.

RESPONSE: The board agrees with the comment and has so modified the rule.

COMMENT NO. 3: ARM 17.24.220(1) should provide flexibility in the means of calculating the amount of the reclamation bond.

RESPONSE: The board agrees with the comment and has amended the rule accordingly.

COMMENT NO. 4: The proposed amendments should provide for submittal of maps in a size and scale appropriate to the project area.

RESPONSE: The board acknowledges the commenter's concern and responds that the change suggested by the commenter is already included in the proposed rules and is applicable to all operators. See proposed amendments to ARM 17.24.221(1).

COMMENT NO. 5: The proposed amendments should allow the department to consider steeper slopes for post mining land uses based on demonstrated success.

RESPONSE: The board acknowledges the added flexibility that the suggested change would afford operators, but declines to adopt the suggested change. The proposed amendments provide that an applicant may propose reclamation to a slope that is in a stable condition and steeper than 5:1 for hayland and cropland, 4:1 for sandy surfaces, and 3:1 for other sites and surfaces that are appropriate to the designated postmine as long as the steeper slope is based on the design of a licensed professional engineer. See ARM 17.24.219(1)(c)(i), (vii). The board is concerned that a historical consideration such as "demonstrated success" is an inadequate substitute for engineering analysis to protect the public from unstable slopes.

COMMENT NO. 6: The proposed amendments should allow for use of materials other than soils to establish the final grade for reclamation if the material used for final grade was present at the surface before mining began.

RESPONSE: The board acknowledges the concern articulated in the comment. The board believes that the proposed amendments to the rules already provide the flexibility that the commenter seeks. See ARM 17.24.219(1)(c)(vi), which provides for substitution of overburden for soil in the event that soil is unavailable.

COMMENT NO. 7: The proposed amendments should allow an operator to retain land that has been approved for Phase II bond release in the approved permit area as a non-bonded area.

RESPONSE: The board acknowledges the added flexibility that the suggested change would afford operators, but declines to adopt the suggested change. The Opencut Mining Act provides that release of the bond coincides with release of the operator from further obligation regarding any affected land. See 82-4-433(7), MCA. Also, adopting the commenter's suggested change has the potential of confusing the due process rights of the landowner and other interested parties to administrative review of a decision on an application to release a reclamation bond. See 82-4-427(3), MCA.

COMMENT NO. 8: ARM 17.24.218(1)(d)(vii) should be amended to provide an exception to the seeding requirement for overburden stockpile that are not capable of sustaining plant growth.

RESPONSE: The board agrees with the comment and has amended the rule accordingly.

COMMENT NO. 9: The title of ARM 17.24.207 should be amended as follows: "ADDITIONAL REQUIREMENTS AND EXCEPTIONS FOR BENTONITE MINES."

RESPONSE: The comment proposes an amendment to the title of ARM 17.24.207. Because the board is not amending ARM 17.24.207 in this adoption notice, revision of the title of the rule is not necessary.

4. No other comments or testimony were received.

Reviewed by: BOARD OF ENVIRONMENTAL REVIEW

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

By: /s/ Joan Miles
JOAN MILES
Chairman

Certified to the Secretary of State, March 7, 2016.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the repeal of ARM	)	NOTICE OF REPEAL
17.4.201, 17.30.645, 17.30.1386,)	
17.30.1401, 17.30.1402, 17.30.1405,	)	(PROCEDURAL RULES)
17.30.1406, 17.30.1407, 17.30.1410,	)	(WATER QUALITY)
17.30.1411, 17.30.1412, 17.30.1413,	)	(PUBLIC WATER SUPPLY AND
17.30.1414, 17.30.1419, 17.30.1420,	)	SEWAGE SYSTEM
17.30.1421, 17.30.1425, 17.30.1426,	)	REQUIREMENTS)
17.30.1602, 17.30.2001, 17.30.2003,)	
17.38.601, 17.38.602, 17.38.603, and)	
17.38.607 pertaining to water pollution)	
rules, radiological criteria, state and EPA)	
coordination, pretreatment, definitions,)	
enforcement actions for administrative)	
penalties, purpose, definitions, enforcement))	
procedures, and suspended penalties)	

TO: All Concerned Persons

1. On December 24, 2015, the Board of Environmental Review published MAR Notice No. 17-378 pertaining to the public hearing on the proposed repeal of the above-stated rules at page 2182 of the 2015 Montana Administrative Register, Issue Number 24.
2. The board has repealed the rules as proposed.
3. The only testimony received supported repeal of the rules.

Reviewed by:	DEPARTMENT OF ENVIRONMENTAL QUALITY
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/s/ John F. North
JOHN F. NORTH
Rule Reviewer

By: /s/ Joan Miles
JOAN MILES
Chairman

Certified to the Secretary of State, March 7, 2016.

BEFORE THE BOARD OF CLINICAL LABORATORY SCIENCE PRACTITIONERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 24.129.603 and the repeal of) REPEAL
24.129.601 and 24.129.602 licensing)

TO: All Concerned Persons

1. On October 15, 2015, the Board of Clinical Laboratory Science Practitioners (board) published MAR Notice No. 24-129-16 regarding the proposed amendment and repeal of the above-stated rules, at page 1602 of the 2015 Montana Administrative Register, Issue No. 19.
2. No comments were received by the November 13, 2015 deadline.
3. The board has amended ARM 24.129.603 exactly as proposed.
4. The board has repealed ARM 24.129.601 and 24.129.602 exactly as proposed.

BOARD OF CLINICAL LABORATORY
SCIENCE PRACTITIONERS
ALISON MIZNER, 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 March 7, 2016

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 44.5.121 pertaining to)
miscellaneous fees charged by the)
Business Services Division)

TO: All Concerned Persons

1. On December 24, 2015, the Secretary of State published MAR Notice No. 44-2-214 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 2241 of the 2015 Montana Administrative Register, Issue Number 24. On February 5, 2016, the Secretary of State published an amended notice and extension of comment period on the proposed amendment at page 200 of the 2016 Montana Administrative Register, Issue Number 3.

2. The Secretary of State has amended the above-stated rule as proposed.

3. No comments or testimony were received.

/s/ JORGE QUINTANA
Jorge Quintana
Rule Reviewer

/s/ LINDA MCCULLOCH
Linda McCulloch
Secretary of State

Dated this 7th day of March, 2016.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

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

Economic Affairs Interim Committee:

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

Education and Local Government Interim Committee:

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

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

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

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

Environmental Quality Council:

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

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

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

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

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

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

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

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

Use of the Administrative Rules of Montana (ARM):

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

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through September 30, 2015. This table includes those rules adopted during the period October 1, 2015, through December 31, 2015, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through September 30, 2015, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule, and the page number at which the action is published in the 2015/2016 Montana Administrative Register.

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

ADMINISTRATION, Department of, Title 2

I-VII	Credit Union Supervisory Committee - Credit Union Investment Rules - Board of Director Training, p. 1556, 2247
2.4.402	Single Audit Act Reporting Fees for Local Governments, p. 781, 1270
2.5.701	and other rules - State Surplus Property Program, p. 355
2.59.303	and other rules - Closing a Consumer Loan Business - Reimbursement of Department Costs in Bringing an Administrative Action - Credit Insurance - Examination Fees - Licensure Surrender - Annual Reports, p. 1547, 2246
2.59.416	and other rules - Credit Union Investments, p. 359
2.59.1710	and other rules - Records to Be Maintained by Mortgage Brokers - Records to Be Maintained by Mortgage Lenders - Reporting Forms for Mortgage Servicers, p. 1563, 2249
2.59.1716	and other rules - Recovery of the Costs in Bringing an Administrative Action - Treatment of Initial License Applications Submitted Near Year-End - Abandonment of Initial License Applications - Mortgage Licensees, p. 499, 923
2.59.1738	Renewal Fees for Mortgage Brokers, Lenders, Servicers, and Originators, p. 959, 1478

(Public Employees' Retirement Board)

I	Redirection of Certain PERS Employer Contributions From the Defined Benefit Trust Fund for the Purposes of Paying Off the Plan
---	--

- Choice Rate Unfunded Actuarial Liability to Defined Contribution Member Accounts, p. 2179, 310
- I-XI Deferred Retirement Option Plan (DROP) for Members of the Highway Patrol Officers' Retirement System, p. 1778, 2244
- 2.43.1306 Actuarial Rates and Assumptions, p. 1226, 1893
- 2.43.3501 and other rules - Adoption by Reference of the State of Montana Public Employee Defined Contribution Plan Document and the State of Montana Public Employee Deferred Compensation (457) Plan Document, p. 1223, 1891
- 2.43.3502 and other rule - Investment Policy Statement for the Defined Contribution Retirement Plan - Investment Policy Statement for the 457 Deferred Compensation Plan, p. 1220, 1889
- 2.43.3504 and other rule - Defined Contribution Plan Default Investment Fund - Deferred Compensation Plan Investment Options, p. 1229, 1894

AGRICULTURE, Department of, Title 4

- 4.3.407 and other rules - Student Loans - Public Participation - Mint Committee, p. 1571, 2136
- 4.5.206 and other rules - State Noxious Weed List - Regulated Plant List, p. 612, 1042
- 4.5.308 and other rule - Noxious Weed Seed Free Forage Fees, p. 784, 1479
- 4.6.101 and other rules - Commodity Advisory Committees - Corn Crop Advisory Committee - Commodity Assessment, p. 1574, 2137
- 4.9.301 and other rule - Wheat and Barley Committee Grants, p. 1568, 2135
- 4.17.105 and other rules - Organic Application Procedures and Fees - Fees for Services - Annual Report and Assessment Fees, p. 602, 1041

STATE AUDITOR, Office of, Title 6

(Commissioner of Securities and Insurance)

- I-III Fire Tax, p. 394, 1043
- I-XI Surety Insurance Producers Who Sell, Solicit, or Negotiate Commercial Bail Bonds, p. 1785
- 6.6.507B and other rules - Medicare Supplements, p. 689, 1049
- 6.6.3104A and other rule - Long-Term Care, p. 398, 1046
- 6.6.3504 Annual Audited Reports and Establishing Accounting Practices and Procedures to Be Used in Annual Statements, p. 256, 925
- 6.6.3702 and other rules - Reporting by Holding Company Systems, p. 246
- 6.6.4907 Patient-Centered Medical Homes, p. 1796, 2250
- 6.10.209 and other rule - Offerings, p. 962, 1480
- 6.10.703 Securities Restitution Fund, p. 256

COMMERCE, Department of, Title 8

- I Actions That Qualify as Categorical Exclusions Under the Montana Environmental Policy Act, p. 966, 1481

- 8.2.503 Administration of the Quality Schools Grant Program, p. 2060, 17
- 8.94.3814 and other rule - Governing the Submission and Review of Applications for Funding Under the Treasure State Endowment Program (TSEP), p. 178
- 8.94.3816 Administration of the 2017 Biennium Treasure State Endowment Program—Emergency Grants, p. 969, 1484
- 8.99.806 Administration of the Business Workforce Training Grant, p. 971, 1485
- 8.99.917 Implementation of the Big Sky Economic Development Trust Program, p. 1328, 1895
- 8.99.918 Administration of the Big Sky Economic Development Trust Program, p. 789, 1193
- 8.119.201 and other rules - Movie and TV Industries and Related Media—Tax Incentives, p. 1330, 1902

(Board of Horse Racing)

- 8.22.2301 and other rules, Board of Horse Racing, p. 2252

EDUCATION, Department of, Title 10

(Office of Public Instruction)

- 10.10.301 and other rules - School Finance, p. 363
- 10.16.3122 and other rules - Special Education, p. 1578, 2257

(Board of Public Education)

- 10.57.102 and other rules - Educator Licensure, p. 698, 1051
- 10.57.412 and other rules - Educator Licensure, p. 1402, 2091
- 10.63.108 Preschool Hours, p. 616, 1055

(State Library)

- 10.102.1152 Deferrals, p. 1800, 2270

FISH, WILDLIFE AND PARKS, Department of, Title 12

- 12.7.201 and other rules - Commercial Bait Seining, p. 259
- 12.9.804 and other rules - Game Damage Hunts, p. 875, 2138, 138
- 12.11.341 and other rule - Aquatic Invasive Species, p. 263

(Fish and Wildlife Commission)

- I Apprentice Hunter Certificate, p. 791, 1486
- 12.2.601 State Land Access Tax Credit, p. 1803, 202
- 12.6.106 Removal of Shelter, p. 1806, 203
- 12.6.2204 and other rules - Exotic Species Classification, p. 618, 1272
- 12.7.807 Fishing Contests, p. 295, 929
- 12.11.206 and other rule - Temporary Client Days on the Beaverhead and Big Hole Rivers, p. 267
- 12.11.501 and other rule - Recreational Use on Silver Lake in Deer Lodge County, p. 507, 1271

12.11.501 and other rules - Recreational Use on the Blackfoot River Recreation Corridor, p. 292, 926

GOVERNOR, Office of, Title 14

I-II Implementation of the Sage Grouse Stewardship Act, p. 2125, 458

ENVIRONMENTAL QUALITY, Department of, Title 17

I-IX Vessel Pumpout Facilities, p. 881, 1388
17.36.101 and other rules - Subdivisions/On-Site Subsurface Wastewater Treatment - Application--Contents - Review Procedures--Applicable Rules - Re-review of Previously Approved Facilities: Procedures - Setbacks - Sewage Systems: Agreements and Easements - Existing Systems - Water Supply Systems: Operation and Maintenance, Ownership, Easements, and Agreements - Fee Schedules - Disposition of Fees, p. 2192
17.40.201 and other rules - Definitions - Classification Systems - Examinations - Experience and Education - Continuing Education Requirements - Approved Training Providers, p. 1593, 2144
17.50.523 Transportation, p. 4
17.53.113 Hazardous Waste - Registration and Registration Maintenance Fees - Fee Assessment, p. 101, 298, 1194, 1753
17.74.101 and other rules - Occupational Noise - Occupational Air Contaminants, p. 2062, 18

(Board of Environmental Review)

I-III Clean Air Act, p. 1092, 1903
17.4.201 and other rules - Procedural Rules - Water Quality - Public Water Supply and Sewage System Requirements - Water Pollution Rules - Radiological Criteria - State and EPA Coordination - Pretreatment - Definitions - Enforcement Actions for Administrative Penalties - Purpose - Enforcement Procedures - Suspended Penalties, p. 2182
17.4.701 and other rules - Fees - Fee Assessment Categories - Departmental Assistance to Applicants, p. 1335
17.8.334 and other rules - Emission Standards for Existing Aluminum Plants--Startup and Shutdown - Maintenance of Air Pollution Control Equipment for Existing Aluminum Plants - Mercury Allowance Allocations Under Cap and Trade Budget, p. 1809
17.24.201 and other rules - Rules and Regulations Governing the Opencut Mining Act, p. 1951
17.30.1001 and other rules - Water Quality - Subdivisions/On-Site Subsurface Wastewater Treatment - Public Water and Sewage System Requirements - Solid Waste Management - Definitions - Adoption by Reference - Wastewater Treatment Systems: Technical Requirements - Plans for Public Water Supply or Public Sewage System - Plans for Public Water Supply or Wastewater System -

- Incorporation by Reference and Availability of Referenced Documents, p. 2188
- 17.74.359 and other rules - Annual Asbestos Project Permits - Training Provider Requirements - Permit Fees - Accreditation and Accreditation Renewal Fees - Course Approval and Renewal Fees - Course Audit Fees, p. 974, 1333

TRANSPORTATION, Department of, Title 18

- 18.6.202 Outdoor Advertising Control, p. 381
- 18.8.431 and other rules - Motor Carrier Services, p. 2205, 312
- 18.8.1505 Motor Carrier Services Out-of-Service Criteria, p. 1096, 1754

CORRECTIONS, Department of, Title 20

- I Authorization for Probation and Parole Officers to Carry Firearms - Firearms Training Requirements - Department Procedures Pertaining to Firearms, p. 2211, 462
- I-IV Implementing the Medicaid Rate as the Reimbursement Rate the State of Montana Will Pay Health Care Providers for Services Provided to Individuals in the Care or Custody of the Department of Corrections or the Department of Public Health and Human Services, p. 2215, 313

(Board of Pardons and Parole)

- 20.25.101 and other rules - Parole and Executive Clemency, p. 2064, 139

JUSTICE, Department of, Title 23

- 23.12.407 House Number Height for Day Care Centers, p. 621, 931
- 23.16.1712 and other rules - Conduct of Sports Tab Games - The Award of Sports Tab Game Prizes - Sports Tab Games Record Keeping Requirements, p. 793, 1197

LABOR AND INDUSTRY, Department of, Title 24

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

- I-III Workforce Development Activities for Montana HELP Act Participants, p. 105
- I-IX Reopening of Medical Benefits Automatically Closed in Certain Workers' Compensation Claims, p. 2073, 204
- 24.11.101 and other rules - Requests for Information - Unemployment Insurance, p. 357, 510, 932, 1489
- 24.16.101 and other rules - Workplace Safety - Wage Protection - Workforce Services, p. 107, 1056

- 24.17.103 and other rules - Prevailing Wage Rates for Public Works Projects, p. 1813, 2271, 140
- 24.101.402 and other rules - Definitions - Administrative Fees - Purpose - Licensing - Renewal Notification, p. 1232, 1755
- 24.301.146 and other rules - Modifications to the International Building Code Applicable to Department and Local Government Code Enforcement - Incorporation by Reference of International Swimming Pool and Spa Code - Adoption by Reference of ARM 37.111.1115 Review of Plans, p. 1619, 19
- 24.301.301 and other rules - Incorporation by Reference of Uniform Plumbing Code - Fees - Incorporation by Reference of International Wildland-Urban Interface Code (IWUIC), p. 2084, 316
- 24.301.501 and other rules - Applicability of Statutes and Rules - Definitions - Commercial or Business Occupancy - Third Party Inspections - Reciprocity - Requirements for Data Plate - Application for Review - Plan Review Termination - Quality Control - Changes to Reviewed Plans - Unit Identification - Plan Renewal - Insignias - Fees - Inspections - Certificates - Effective Date - Information Required to Dealer - Application for Approval - Model Manufactured Location - Out-of-State Applicant - Evidence of Review - Discontinuance of Review, p. 276

(Board of Barbers and Cosmetologists)

- 24.121.301 and other rules - Definitions - General Requirements - Licensure by Examination - Out-of-State Applicants - Postsecondary School Licensure - Examination Requirements and Process - School Requirements - School Operating Standards - School Curricula - Student Withdrawal, Transfer, or Graduating - Instructor Requirements - Teacher-Training Curriculum - Salons/Booth Rental - Implements, Instruments, Supplies, and Equipment - Salon Preparation Storage and Handling - Continuing Education - Unprofessional Conduct - Nonroutine Application - Granting Exception - Licensure Equivalency - Credited Hours for Montana-Licensed Individuals - Inactive Instructor License - Licensee and Applicant Contact Information, p. 705, 1198
- 24.121.301 and other rules - Definitions - Nonroutine Applications - Premises and General Requirements - Licensing - Military Training or Experience - School Operations - Salons/Booth Rental - Disinfecting Agents - Salon Preparation Storage and Handling - Blood Spills, p. 1340, 2034

(Board of Chiropractors)

- 24.126.411 and other rules - Patient Records Retention - Continuing Education Requirements - Approved Continuing Education - Unprofessional Conduct - Sexual Relations With a Patient and Sexual Misconduct - Board Meetings - Record of Minutes and Hearings - Renewals, p. 270

(Board of Clinical Laboratory Science Practitioners)

- 24.129.603 and other rules - Licensing, p. 1602

(Board of Dentistry)

24.138.406 and other rules - Dental Auxiliaries Functions - Dentist Licensure by Credentials - Dentist Licensure by Credentials for Specialists - Dental Hygiene Limited Access Permit - Denturist Intern - Converting Inactive License to Active - Reactivation of an Expired License - Military Training or Experience - Continuing Education - Screening Panel - Continuing Education in Anesthesia - Introduction, p. 1099, 1904

(Board of Funeral Service)

24.147.402 and other rules - Mortician License - Mortuary Transfers, Inspections, and Temporary Permits - Out-of-State Mortician Licensure - Sale of At-Need, Preneed, and Prepaid Funeral Arrangements, p. 1605, 314

(Board of Hearing Aid Dispensers)

24.150.401 and other rules - Fees - Examination - Renewals, p. 412, 1057

(Board of Massage Therapy)

24.155.601 Licensure by Grandfather Clause, p. 1611, 315

(Board of Nursing)

24.159.1010 and other rules - Standards Related to Intravenous (IV) Therapy - Nurse Licensure Compact, p. 516, 1389

(Board of Outfitters)

24.171.502 Outfitter Qualifications, p. 521, 624, 1756

(Board of Pharmacy)

24.174.503 and other rules - Administration of Vaccines - Additions, Deletions, and Rescheduling of Dangerous Drugs - Scheduling of Dangerous Drugs, p. 524, 1491

(Board of Physical Therapy Examiners)

24.177.501 and other rules - Examinations - Licensure of Out-of-State Applicants - Dry Needling - Renewals - Complaint Procedure, p. 531, 1907

(Board of Public Accountants)

24.201.301 and other rules - Definitions - Fee Schedule - Use of CPA/LPA Designation - Licensing and Examinations - Professional Conduct Rules - Mandatory Peer Review - Renewal and Continuing Education - Complaint Procedures - Firms—Registration - Approved Peer Review Programs and Standards - Fee Abatement - Out-of-State Applicants Continuing Education Requirement, p. 110

(Board of Radiologic Technologists)

24.204.401 and other rules - Fees - Military Training - Course Requirements for Limited Permit Applicants - Code of Ethics - Renewals, p. 1818, 2274

(Board of Real Estate Appraisers)

24.207.101 and other rules - Board Organization - Fees - Definitions - Examination - Application Requirements - Qualifying Experience - Mentor Requirements - Registration and Renewal - Record-Keeping Requirements - Unprofessional Conduct - Renewals, p. 1405, 217

(Board of Realty Regulation)

24.210.625 and other rules - Inactive to Active License Status - New Licensee Mandatory Continuing Education - Continuing Real Estate Education - Inactive to Active Status—Property Management - Continuing Property Management Education, p. 416, 933

(Board of Respiratory Care Practitioners)

24.213.412 and other rule - Renewals - Board Seal, p. 259, 1201

(Board of Behavioral Health)

I-III Licensees Authorized to Perform Psychological Assessments - Educational Requirements for Performing Psychological Assessments Without Supervision - Licensees Qualified to Supervise Psychological Assessments, p. 1614, 2276

24.219.101 and other rules - Board Organization - Definitions - Fee Schedules - Supervisor Qualifications - LCSW Licensure - LCPC Licensure - LMFT Licensure - Code of Ethics - Screening Panel - Public Participation - LCPC Education Requirements - LMFT Education Requirements - Social Worker Licensure Candidates - Professional Counselor Licensure Candidates - Marriage and Family Therapist Licensure Candidates - Renewals - Complaint Procedure, p. 1991, 221

LIVESTOCK, Department of, Title 32

32.2.401 and other rules - Feral Swine Mandatory Reporting - Fees - Additional Requirements for Cattle - Semen Shipped Into Montana, p. 2221, 223

32.2.406 Licensee Assessments, p. 2017, 6

32.3.139 and other rules - Appointment as Deputy State Veterinarian - Requirements for Importation - Official Health Certificate - Permits - Brands and Earmarks - Permit Required for Livestock, Game, Furbearing Animals, Wild Animals, Embryos, and Semen, p. 208, 423, 936

32.6.712 Food Safety and Inspection Service (Meat, Poultry), p. 135, 463

(Board of Milk Control)

I-II Penalties, p. 293

32.23.102 and other rules - Licensee Assessments, p. 1351, 1908

32.23.301 Licensee Assessments, p. 2227, 317

32.24.506 and other rule - Producer Committee - Pooling Plan Definitions, p. 2230, 319

(Board of Horse Racing)

32.28.101 and other rules - Board of Horse Racing, p. 2252

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

I East Valley Controlled Groundwater Area, p. 2020, 224

I Rye Creek Stream Depletion Zone, p. 2235, 297

36.16.101 and other rules - Water Reservation Rules, p. 1108, 1909

(Board of Land Commissioners)

36.11.432 and other rule - Grizzly Bear Conservation Measures on the Stillwater and Coal Creek State Forest, p. 8

36.25.1001 and other rules - Cabin Site Leasing, p. 181

(Board of Oil and Gas Conservation)

I Certify Carbon Sequestration Equipment Placed in Service After January 1, 2014, and Certified by the Department of Environmental Quality Prior to October 1, 2015, p. 798, 1202

I Certification of Carbon Sequestration Equipment, p. 1355, 2035

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

I Short-Term Voluntary Inpatient Mental Health Treatment, p. 1245, 1761

I-IV Implementing the Medicaid Rate as the Reimbursement Rate the State of Montana Will Pay Health Care Providers for Services Provided to Individuals in the Care or Custody of the Department of Corrections or the Department of Public Health and Human Services, p. 1854, 2313

I-X Implementation of the Montana Health and Economic Livelihood Partnership (HELP) Program, p. 1837, 2294

I-XI Production and Sale of Cottage Food Products, p. 1008, 1241, 1494
37.8.107 and other rules - Update of Vital Records to Reflect Current Practices, p. 891, 1492

37.8.116 Increasing Certain Fees for Certified Copies of Vital Records, p. 434

37.36.604 Updating the Annual Poverty Guidelines for the Montana Telecommunications Access Program, p. 888, 2146

37.40.422 Updating Direct Care Wage Effective Dates and Reimbursement Updates Effective January 1, 2016, p. 2128, 320

37.40.830 Updating Hospice Reimbursement Fee Schedules to Reflect New Federal Rates, p. 2024, 20

37.57.102 and other rule - Updating Federal Poverty Guidelines to 2015 Levels and to Align Children's Special Health Services (CSHS) With the Healthy Montana Kids (HMK) Financial Assistance Eligibility Criteria, p. 1130, 2148

- 37.70.107 and other rules - Low Income Assistance Program (LIEAP) Amendments for the 2014-2015 and 2015-2016 Heating Season, p. 1624, 2145
- 37.79.304 and other rule - Healthy Montana Kids (HMK)/CHIP Dental Benefits and Evidence of Coverage, p. 1832, 2292
- 37.80.101 and other rules - Child Care Assistance - Implementation of Required Policy Changes Under the Child Care and Development Block Grant of 2014, p. 1652
- 37.81.304 Updating the Big Sky Rx Maximum Premiums to Match the Federal Monthly Benefit Benchmark, p. 2028, 21
- 37.85.104 and other rule - Updating the Fee Schedules for Adult and Children's Mental Health Fee Schedules, p. 1018, 1911
- 37.85.105 and other rule - Effective Dates of Montana Medicaid Provider Fee Schedules, p. 1826, 2238, 151
- 37.85.204 and other rules - Medicaid Program Treatment Limits - Cost-Share Requirements - Medicaid Coverage, p. 409
- 37.86.101 Updating the Physician-Related Services Provider Manual, p. 1667, 2092
- 37.86.1006 Establishment of an Annual Payment Limit for Dental Services Provided Through Medicaid, p. 1859, 2315
- 37.86.2803 and other rules - Addition of Lactation Services to Medicaid Outpatient Hospital Services, p. 1661, 1823, 2289
- 37.86.3503 and other rules - Compliance to ICD-10-CM, p. 1415, 2283
- 37.86.5110 Revision of Exceptions for Passport to Health Services Referrals, p. 1127, 1912
- 37.87.102 and other rules - Revision of Authorization Requirements for Medicaid Mental Health Services for Youth, p. 1023, 1243, 1500
- 37.87.1201 and other rules - Provider Participation - Program Requirements - Reimbursement Procedures for Psychiatric Residential Treatment Facility (PRTF) Services, p. 985, 1239, 2147
- 37.87.2203 and other rules - Non-Medicaid Respite Care Services for Youth With Serious Emotional Disturbance, p. 801, 1274
- 37.106.704 Ten Additional Inpatient Beds Granted by a Waiver Under the Patients and Providers Act of 2008 for Critical Access Hospitals, p. 430
- 37.106.1901 and other rules - Adding a Forensic Mental Health Facility Endorsement to a Licensed Mental Health Center, p. 1424, 144
- 37.107.117 Reduction of Application and Renewal Fees Associated With the Montana Marijuana Act Cardholder Registry, p. 298
- 37.114.701 and other rules - Implementation of HB 158 (2015) Regarding the Modernization of Immunization Laws Related to School, p. 999, 1493

PUBLIC SERVICE REGULATION, Department of, Title 38

- 38.3.104 and other rules - Motor Carriers, p. 628, 1276
- 38.5.1307 and other rules - Telephone Extended Area Service, p. 265, 1203
- 38.5.1902 Cogeneration and Small Power Production, p. 1442, 2318
- 38.5.2202 and other rule - Pipeline Safety, p. 2132, 321

38.5.3403 Operator Service Provider Allowable Rates, p. 1134, 1508

REVENUE, Department of, Title 42

- I-III Tax Credits for Contributions to Qualified Education Providers - Student Scholarship Organizations, p. 1682, 2331, 2348
- 42.2.303 and other rule - Meetings With Department Leadership, Information Access, and the Department's Acceptance of Power of Attorney Requests, p. 439
- 42.2.511 Review of Centrally Assessed Property Appraisals - Removing an Outdated Reference to a Form Number, p. 1136, 1509
- 42.2.613 and other rules - Uniform Dispute Review Process - Department's Office of Dispute Resolution, p. 442
- 42.4.2902 and other rules - Tax Credits for Historic Property Preservation, p. 1862, 2362
- 42.9.101 and other rules - Pass-Through Entities, p. 1694, 2152
- 42.11.104 and other rules - Liquor Prices - Vendor Product Representatives and Permits - Samples - Advertising - Unlawful Acts - Inventory Policy (Powdered/Crystalline Liquor Products) - Product Availability - Product Listing - Bailment - State Liquor Warehouse Management, p. 1254, 1671, 2093
- 42.11.301 and other rules - Agency Liquor Stores, p. 1735, 2162
- 42.13.301 and other rules - Distillery Deliveries - Alternating Proprietor on a Manufacturer's Premises - Contract Manufacturing - Storage of Alcoholic Beverages, p. 1727, 2157
- 42.13.902 and other rules - Responsible Alcohol Sales and Service Act Server Training Programs, p. 732, 1205
- 42.15.108 and other rules - Fiduciaries, Estates, and Trusts, p. 897, 22
- 42.15.214 Resident Military Salary Exclusion, p. 1679, 2325
- 42.18.124 and other rules - Property Valuation Periods - Property Appraiser Certification Requirements, p. 1448, 2040
- 42.19.401 and other rules - Property Tax Assistance Programs, p. 1453, 2041
- 42.19.1401 Targeted Economic Development Districts, p. 806, 1281
- 42.20.102 and other rules - Property Classification, Appraisal, Valuation, and Exemptions, p. 1709, 2350
- 42.21.113 and other rules - Trended Depreciation Schedules for Valuing Property, p. 1866, 2364
- 42.21.158 and other rules - Personal Property Reporting Requirements - Personal Property Taxation Dates - Livestock Reporting - Livestock Per Capita Fee Payments, p. 1673, 2322
- 42.22.101 and other rules - Centrally Assessed Property, p. 1686, 2149
- 42.22.1311 Industrial Machinery and Equipment Trend Factors, p. 456
- 42.25.1801 Crude Oil Pricing - Stripper Well Bonus and Stripper Well Exemption Definitions, p. 301
- 42.29.101 and other rules - Universal System Benefits Programs, p. 13
- 42.38.102 and other rules - Unclaimed Property, p. 1249, 2036

SECRETARY OF STATE, Office of, Title 44

- 1.2.419 Scheduled Dates for the 2016 Montana Administrative Register, p. 1744, 2097
 - 1.3.307 and other rule - Rulemaking Notice Requirements, p. 1748, 2098
 - 44.2.301 and other rules - Business Services Division Filings and Fees, p. 304
 - 44.3.110 and other rules - Voting Accessibility for Electors With Disabilities - Montana Absent Uniformed Services and Overseas Voter Act, p. 915, 1286
 - 44.5.114 and other rule - Fees Charged by the Business Services Division for the Filing of Annual Reports, p. 2031, 2367
 - 44.5.120 Trademark Fees, p. 1751, 2099
 - 44.5.121 Miscellaneous Fees Charged by the Business Services Division, p. 2241, 200
 - 44.5.122 and other rule - Fees Charged by the Secretary of State, p. 1038, 1364, 1765
 - 44.5.131 Rules Governing the Registration of Business/Mark Names, p. 1469, 2042
 - 44.6.110 and other rules - Secretary of State's Electronic Filing System - Filing of a Title 71 Lien - Requirements for Filing UCC Amendments With the Business Services Division, p. 743, 1764
 - 44.14.202 Retention of Local Government Electronic Long-Term Records, p. 920, 1288
 - 44.14.301 and other rules - Fees Charged by the Records and Information Management Division, p. 1473, 2043
 - 44.14.312 Fees Charged by the Records and Information Management Division, p. 2089, 90
 - 44.15.101 and other rules - Notaries Public, p. 1358, 1913, 2096
- (Commissioner of Political Practices)
- 44.10.101 and other rules - Campaign Finance Reporting, Disclosure, and Practices, p. 1138, 28, 81

BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in February 2016 appear. Vacancies scheduled to appear from April 1, 2016 through June 30, 2016, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of March 1, 2016.

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 FEBRUARY 2016

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Athletic Trainers (Labor and Industry)			
Dr. John David Michelotti Helena	Governor	reappointed	2/12/2016 1/1/2019
Qualifications (if required): Physician licensed under Title 31, Chapter 3			
Board of Behavioral Health (Labor and Industry)			
Mr. Durand Bear Medicine Browning	Governor	not listed	2/12/2016 1/1/2019
Qualifications (if required): Licensed Addiction Counselor			
Ms. Mona Summer Billings	Governor	not listed	2/12/2016 1/1/2019
Qualifications (if required): Licensed Addiction Counselor			
District Court Judge District 16 Department 2 (Justice)			
Mr. Nickolas C. Murnion Glasgow	Governor	Huss	2/23/2016 1/1/2017
Qualifications (if required): none specified			
Lieutenant Governor (Governor)			
Lieutenant Mike Cooney Helena	Governor	McLean	2/12/2016 1/1/2017
Qualifications (if required): None Specified			
Private Land Public Wildlife Advisory Council (Fish, Wildlife and Parks)			
Mr. Lee Cornwell Glasgow	Governor	Bain	2/12/2016 7/31/2017
Qualifications (if required): Landowner			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2016

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Private Land Public Wildlife Advisory Council (Fish, Wildlife and Parks) cont.			
Mr. John Swanz	Governor	Chappell	2/12/2016
Judith Gap			7/31/2017
Qualifications (if required): Landowner			
Protect Montana Kids Commission (Governor)			
Rep. Chuck Hunter	Governor	not listed	2/12/2016
Helena			7/1/2017
Qualifications (if required): Legislator			
Public Defender Commission (Administration)			
Mr. Mark Parker	Governor	Olson	2/19/2016
Billings			7/1/2017
Qualifications (if required): Attorney submitted by the Supreme Court			
State Historical Preservation Review Board (Education)			
Ms. Patti Casne	Governor	Wilde	2/12/2016
Helena			10/1/2019
Qualifications (if required): Member of the public			
Ms. Debra Hronek	Governor	reappointed	2/12/2016
Red Lodge			10/1/2019
Qualifications (if required): Member of the public			
Mr. Timothy Urbaniak	Governor	reappointed	2/12/2016
Billings			10/1/2019
Qualifications (if required): Member of the public			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2016

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State-Tribal Economic Development Commission (Commerce)			
Councilwoman Shelly Fyant Pablo	Governor	Pitts	2/19/2016 6/30/2017
Qualifications (if required): Confederated Salish and Kootenai Tribe			
Mr. Oliver Norbert Hill Crow Agency	Governor	Whiteman	2/19/2016 7/1/2018
Qualifications (if required): Crow Tribe Alternate			
Mr. Shawn Real Bird Garryowen	Governor	Whiteman	2/19/2016 7/1/2018
Qualifications (if required): Crow Tribe Representative			
Chairman Len Twoteeth Pablo	Governor	Gray	2/19/2016 6/30/2017
Qualifications (if required): Confederated Salish and Kootenai Tribe alternate			
Ms. Jody Walker Deer Lodge	Governor	Pitts	2/19/2016 6/30/2017
Qualifications (if required): Confederated Salish and Kootenai Tribe			

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2016 THROUGH JUNE 30, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Associate Water Judge (Judicial Branch) Mr. Sean Becker, Bozeman Qualifications (if required): none specified</p>	Chief Justice	6/30/2016
<p>Board of Massage Therapists (Labor and Industry) Mr. Stacy Baird, East Helena Qualifications (if required): massage therapist</p>	Governor	5/6/2016
<p>Board of Nursing Home Administrators (Labor and Industry) Mr. Jim Corson, Billings Qualifications (if required): 55 years of age or older</p>	Governor	5/28/2016
<p>Mr. Ken Chase, Billings Qualifications (if required): public representative 55 years of age or older</p>	Governor	5/28/2016
<p>Board of Optometry (Labor and Industry) Mr. Randall Hoch, Lewistown Qualifications (if required): registered optometrist</p>	Governor	4/3/2016
<p>Board of Plumbers (Labor and Industry) Mr. Jeffrey Gruizenga, Billings Qualifications (if required): professional engineer (mechanical)</p>	Governor	5/4/2016
<p>Board of Realty Regulation (Labor and Industry) Mr. Pat Goodover, Great Falls Qualifications (if required): real estate salesperson & a Republican</p>	Governor	5/9/2016

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2016 THROUGH JUNE 30, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Regents (Governor) Mr. Asa Hohman, Missoula Qualifications (if required): Student Regent</p>	Governor	6/30/2016
<p>Clinical Laboratory Science Practitioners (Labor and Industry) Mr. Troy Krieger, Billings Qualifications (if required): clinical laboratory science practitioner</p>	Governor	4/16/2016
<p>Commission on Practice of the Supreme Court (Supreme Court) Ms. Jean Faure, Great Falls Qualifications (if required): none specified</p>	elected	6/19/2016
<p>District Court Council (Justice) Judge Robert L. "Dusty" Deschamps III, Missoula Qualifications (if required): District Court Judge Position 1</p>	Justice	6/30/2016
<p>Family Support Services Advisory Council (Public Health and Human Services) Ms. Sylvia Danforth, Miles City Qualifications (if required): Provider, Part C</p>	Governor	4/9/2016
<p>Mr. David Munson, Helena Qualifications (if required): Provider, Part C</p>	Governor	4/9/2016
<p>Ms. Peggy Grimes, Missoula Qualifications (if required): Experience with Homelessness Advocacy</p>	Governor	4/9/2016
<p>Ms. Novelene Martin, Miles City Qualifications (if required): Parent Representative</p>	Governor	4/9/2016

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2016 THROUGH JUNE 30, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Family Support Services Advisory Council (Public Health and Human Services) cont. Mr. Ronald Herman, Helena Qualifications (if required): State Agency Representative, Commissioner of Securities and Insurance	Governor	4/9/2016
Ms. Wendy Sturn, Qualifications (if required): State Agency Representative, Public Health and Human Services	Governor	4/9/2016
Ms. Danni McCarthy, Helena Qualifications (if required): Office of Public Instruction Representative	Governor	4/9/2016
Rep. Jean Price, Great Falls Qualifications (if required): State Legislator	Governor	4/9/2016
Ms. Lucy Hart-Paulson, Missoula Qualifications (if required): Speech Language Therapists Association	Governor	4/9/2016
Ms. Laura Copp, Bozeman Qualifications (if required): Representative of the Montana School for the Deaf and Blind	Governor	4/9/2016
Ms. Norma Zelzer, Great Falls Qualifications (if required): Family Support Specialist	Governor	4/9/2016
Ms. Laura McGee, Billings Qualifications (if required): Parent Representative	Governor	4/9/2016
Ms. Zoe Barnard, Helena Qualifications (if required): Agency Representative	Governor	4/9/2016

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2016 THROUGH JUNE 30, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Family Support Services Advisory Council (Public Health and Human Services) cont. Ms. Jennifer Banna, Missoula Qualifications (if required): Parent Representative	Governor	4/9/2016
Dr. Corey Fish, Bozeman Qualifications (if required): Health Care Representative	Governor	4/9/2016
Ms. Ryane Holzwarth, Laurel Qualifications (if required): Quality Improvement Specialist	Governor	4/9/2016
Ms. Jody Jones, Ronan Qualifications (if required): Head Start Representative	Governor	4/9/2016
Ms. Debra Kercher, Great Falls Qualifications (if required): Parent Representative	Governor	4/9/2016
Dr. Christine Lux, Bozeman Qualifications (if required): Personnel Preparation Representative	Governor	4/9/2016
Mr. Tim Plaska, Helena Qualifications (if required): Agency Representative	Governor	4/9/2016
Ms. Caitlin Jensen, Helena Qualifications (if required): Agency Representative	Governor	4/9/2016
Ms. Heather Racicot, Helena Qualifications (if required): Agency Representative	Governor	4/9/2016

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2016 THROUGH JUNE 30, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Family Support Services Advisory Council (Public Health and Human Services) cont. Ms. Angela R. Thompson, Billings Qualifications (if required): Provider of Part C Services	Governor	4/9/2016
Ms. Kandis Franklin, Helena Qualifications (if required): Agency Representative	Governor	4/9/2016
Ms. Rebecca Bogden-Richards, Great Falls Qualifications (if required): Parent Representative	Governor	4/9/2016
Ms. Catherine Murphy, Helena Qualifications (if required): Agency Representative	Governor	4/9/2016
Ms. Latosha Vavak, Columbus Qualifications (if required): Parent Representative	Governor	4/9/2016
Ms. Patty Butler, Lewistown Qualifications (if required): Department of Public Health and Human Services Representative	Governor	4/9/2016
Ms. Lori Gaustad, Billings Qualifications (if required): Public Awareness and Education Organization Representative	Governor	4/9/2016
Ms. Marilyn Davis, Bozeman Qualifications (if required): Parent Representative for Region 4	Governor	4/9/2016
Ms. Chelsie Guilford, Billings Qualifications (if required): Part C Provider	Governor	4/9/2016

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2016 THROUGH JUNE 30, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Family Support Services Advisory Council (Public Health and Human Services) cont. Ms. Meaghan Kolar, Helena Qualifications (if required): Department of Public Health and Human Services Representative	Governor	4/9/2016
Ms. Laura Simonsen, Billings Qualifications (if required): Parent Representative At-Large	Governor	4/9/2016
Hail Insurance Board (Agriculture) Mr. Jim Schillinger, Baker Qualifications (if required): Public Representative	Governor	4/18/2016
Insure Montana Board (State Auditor) Mr. John Jaksha, Butte Qualifications (if required): Commissioner of Securities and Insurance Representative	Auditor	6/30/2016
Montana Heritage Preservation and Development Commission (Commerce) Ms. Marilyn Ross, Twin Bridges Qualifications (if required): Historic Preservation	Governor	5/23/2016
Mr. Philip Maechling, Florence Qualifications (if required): Community Planning	Governor	5/23/2016
Mr. Jason Davis, Helena Qualifications (if required): Business	Governor	5/23/2016
Ms. Shera Konen, Ennis Qualifications (if required): At-Large Representative	Governor	5/23/2016

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2016 THROUGH JUNE 30, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Suicide Review Team (Public Health and Human Services) Mr. Karl Rosston, Helena Qualifications (if required): Montana's Suicide Prevention Officer	Governor	6/30/2016
Sheriff Brian Gootkin, Bozeman Qualifications (if required): Law Enforcement Representative	Governor	6/30/2016
Ms. Stephanie Iron Shooter, Billings Qualifications (if required): Advocacy Organization	Governor	6/30/2016
Ms. Carol Josephson, Elliston Qualifications (if required): Licensed Clinical Social Worker	Governor	6/30/2016
Dr. Leonard Lantz, Helena Qualifications (if required): Psychiatrist	Governor	6/30/2016
Mr. Bowman Smelko, Helena Qualifications (if required): Psychologist	Governor	6/30/2016
Ms. Vicki Waddington, Sidney Qualifications (if required): Clergy	Governor	6/30/2016
Potato Commodity Advisory Council (Agriculture) Mr. Brad Haidle, Fallon Qualifications (if required): Potato Producer	Director	5/20/2016
Mr. Pat Fleming, Pablo Qualifications (if required): Potato Producer	Director	5/20/2016

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2016 THROUGH JUNE 30, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Public Employees Retirement Board (Administration) Mr. Timm Twardoski, Helena Qualifications (if required): public representative</p>	Governor	4/1/2016
<p>Small Business Compliance Assistance Advisory Council (Environmental Quality) Ms. Michelle Bryan Mudd, Missoula Qualifications (if required): Public Representative</p>	Governor	5/1/2016
<p>Ms. Diana Vanek, Bozeman Qualifications (if required): Public Representative</p>	Governor	5/1/2016
<p>State Library Commission (Education) Ms. Fredricka Hunter, Missoula Qualifications (if required): Public Representative</p>	Governor	5/22/2016
<p>Mr. Bruce Newell, Helena Qualifications (if required): Public Representative</p>	Governor	5/22/2016
<p>State Tribal Economic Development Commission (Commerce) Rep. Bill Whitehead, Wolf Point Qualifications (if required): Assiniboine and Sioux Tribes Alternate</p>	Governor	6/30/2016
<p>Mr. Rodney Miller, Wolf Point Qualifications (if required): Fort Peck Tribe Representative</p>	Governor	6/30/2016
<p>Mr. Roger "Sassy" Running Crane, Browning Qualifications (if required): Blackfeet Tribe's member</p>	Governor	6/30/2016

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2016 THROUGH JUNE 30, 2016

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>State Tribal Economic Development Commission (Commerce) cont. Ms. Cheryl Reevis, Browning Qualifications (if required): Blackfeet Tribe's alternate member</p>	Governor	6/30/2016
<p>Dr. Kenneth Ryan, Poplar Qualifications (if required): Fort Peck Tribe alternate</p>	Governor	6/30/2016
<p>Mr. Garrett Big Leggins, Poplar Qualifications (if required): Assiniboine and Sioux Tribes Representative</p>	Governor	6/30/2016
<p>Mr. Harry Barnes, Browning Qualifications (if required): Blackfeet Nation Representative</p>	Governor	6/30/2016
<p>Mr. William Old Chief, Browning Qualifications (if required): Blackfeet Nation Alternate Representative</p>	Governor	6/30/2016