

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 2

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

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BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 8.99.901, 8.99.902, 8.99.903,	)	PROPOSED AMENDMENT
8.99.904, 8.99.905, 8.99.907,	)	
8.99.908, 8.99.910, 8.99.911,	)	
8.99.912, 8.99.914, and 8.99.915	)	
pertaining to the award of grants and	)	
loans under the Big Sky Economic	)	
Development Program	)	

TO: All Concerned Persons

1. On March 2, 2010, at 1:30 p.m., the Department of Commerce will hold a public hearing in Room 228 of the Park Avenue Building, 301 South Park Avenue, at Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Commerce no later than 5:00 p.m., on February 22, 2010, to advise us of the nature of the accommodation that you need. Please contact Angela Nelson, Business Resources Division, Department of Commerce, 301 South Park Avenue, P.O. Box 200505, Helena, Montana, 59620-0505; telephone (406) 841-2792; fax (406) 841-2731; TDD (406) 841-2702; or e-mail anelson@mt.gov.

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

8.99.901 DEFINITIONS (1) remains the same.

(2) "Award" means a grant ~~or loan~~ under this program to an eligible applicant.

(3) through (9) remain the same.

(10) "Eligible economic development organization" means an economic development organization that is located in a county that is not part of a certified regional development corporation region, and which meets the eligibility requirements established by the department and published by it in the Big Sky Economic Development Trust Fund Application Guidelines dated ~~2009~~ 2010.

(11) through (14) remain the same.

(15) "Local government" means a ~~tribal government~~, county, consolidated government, city, town, or district or local public entity with the authority to spend or receive public funds.

(16) through (18) remain the same.

AUTH: 90-1-201, MCA

IMP: 90-1-201, MCA

8.99.902 SCOPE AND PURPOSE OF ADMINISTRATIVE RULES

(1) These administrative rules apply to funds deposited in the account that are statutorily appropriated for distribution to local governments, tribal governments, certified regional development corporations, and eligible economic development organizations.

(2) remains the same.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

8.99.903 PURPOSE OF BIG SKY ECONOMIC DEVELOPMENT PROGRAM

(1) through (1)(c) remain the same.

(d) create partnerships between the state, local governments, tribal governments, and local economic development organizations that are interested in pursuing similar economic development goals;

(e) through (2) remain the same.

AUTH: 90-1-202, MCA

IMP: 90-1-202, MCA

8.99.904 INCORPORATION BY REFERENCE OF RULES GOVERNING SUBMISSION AND REVIEW OF APPLICATIONS

(1) The department adopts and incorporates by reference the Big Sky Economic Development Trust Fund Application Guidelines dated ~~2009~~ 2010 as rules governing the submission and review of applications under the program. A copy of the guidelines may be obtained from the Department of Commerce, P.O. Box 200505, Helena, MT 59620-0505.

(2) remains the same.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

8.99.905 DISTRIBUTION OF FUNDS FROM THE BIG SKY ECONOMIC DEVELOPMENT ACCOUNT

(1) Of the funds that are deposited in the account that are not used for administrative expenses:

(a) 75% must be allocated for distribution to local governments and tribal governments to be used for job creation projects; and

(b) 25% must be distributed to certified regional development corporations, tribal governments, and eligible economic development organizations for economic development planning activities.

AUTH: 90-1-205, MCA

IMP: 90-1-205, MCA

8.99.907 FORM OF FINANCIAL ASSISTANCE

(1) Financial assistance provided to local governments and tribal governments from the account shall be in the form of negotiated grants ~~and loans~~ for economic development projects.

(2) Financial assistance provided to certified regional development corporations, tribal governments, and other eligible economic development organizations from the account shall be in the form of negotiated grants for economic development planning activities.

AUTH: 90-1-203, MCA

IMP: 90-1-203, MCA

8.99.908 MAXIMUM AWARD AMOUNT (1) Maximum award amounts to local governments and tribal governments may not exceed \$5,000 for each eligible job to be created by an eligible business, except that funding for a project in a high-poverty county may not exceed \$7,500 for each eligible job.

(2) In appropriate circumstances and with supporting documentation, the department may establish award amounts to local governments and tribal governments that are less than \$5,000 or \$7,500 in a high-poverty county for each new eligible job to be created by an eligible business.

(3) remains the same.

(4) Maximum award amounts to certified regional development corporations, tribal governments, and other eligible economic development organizations shall be established and published by the department in the Big Sky Economic Development Trust Fund Application Guidelines dated ~~2009~~ 2010.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

8.99.910 AWARD MATCH REQUIREMENT (1) Local governments and tribal governments shall provide and document equal matching funds for all awards allocated under the program, except that the department may allow a 50% to 100% match requirement for projects located in a high-poverty county.

(2) The private investment of funds by the business associated with the project may be considered as the local or tribal government's matching funds by the department.

(3) remains the same.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

8.99.911 ELIGIBLE USES OF AWARDS (1) Uses of awards to local governments and tribal governments for eligible businesses shall include, but are not limited to, grants or loans for:

(a) through (h) remain the same.

(2) Uses of awards to certified regional development corporations, tribal governments, and other eligible economic development organizations shall include, but are not limited to, the following economic development planning activities:

(a) through (e) remain the same.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

8.99.912 ELIGIBLE BUSINESS (1) Basic sector businesses and other businesses identified by the department in the Big Sky Economic Development Trust Fund Application Guidelines dated ~~2009~~ 2010 are eligible for financial assistance from funds that are awarded to local governments and tribal governments under this program.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

8.99.914 AWARD DECISION CRITERIA (1) In exercising the discretion required to negotiate and allocate awards from the account to local governments and tribal governments, the criteria considered by the department may include:

(a) through (2) remain the same.

(3) In exercising the discretion required to negotiate and allocate awards from the account to certified regional development corporations, tribal governments, and other eligible economic development organizations, the criteria considered by the department may include:

(a) through (d) remain the same.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

8.99.915 ABILITY TO REQUEST ADDITIONAL INFORMATION

(1) The department may require additional information to be provided from the local government, tribal government, certified regional development corporations, or other eligible economic development organizations, or from a business associated with a project, beyond that which may be contained in the application forms or specified in these rules.

AUTH: 90-1-204, MCA

IMP: 90-1-204, MCA

REASON: 17-5-703 and 90-1-201, MCA, et seq. created the Big Sky Economic Development Fund and assigned the administration of the fund to the Department of Commerce. The department is proposing these amendments to reflect the updated 2010 Guidelines and the legislative changes to the program contained in House Bill 158 passed by the 2009 Montana Legislature. The Legislature mandated that the department adopt rules to implement the Big Sky Economic Development Program in 90-1-204, MCA.

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: Angela Nelson, Business Resources Division, Department of Commerce, 301 South Park Avenue, P.O. Box 200505, Helena, Montana 59620-

0505; telephone (406) 841-2792; fax (406) 841-2731; or e-mail [anelson@mt.gov](mailto:anelson@mt.gov), and must be received no later than 5:00 p.m., March 10, 2010.

5. Ty Jones, Legal Counsel, Department of Commerce, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59602-0501, by fax to (406) 841-2701, by e-mail to [lgregg@mt.gov](mailto:lgregg@mt.gov), or may be made by completing a request form at any rules hearing held by the department.

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

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

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

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

Certified to the Secretary of State January 19, 2010.



BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PROPOSED  
ARM 12.11.501, 12.11.2204, and ) AMENDMENT  
12.11.3106 pertaining to no wake )  
zones on Echo Lake and Swan Lake ) NO PUBLIC HEARING  
) CONTEMPLATED

To: All Concerned Persons

1. On March 26, 2010, the Fish, Wildlife and Parks Commission (commission) proposes to amend the above-stated rules.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the commission no later than 5:00 p.m. on February 25, 2010, to advise us of the nature of the accommodation that you need. Please contact Jessica Fitzpatrick, Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; e-mail jfitzpatrick@mt.gov.

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

12.11.501 LIST OF WATER BODIES The following is a list of specific regulations on bodies of water with the reference where the rules regarding those bodies of water are located:

(1) through (34) remain the same.

(35) Echo Lake ARM 12.11.2204

(35) through (98) remain the same but are renumbered (36) through (99).

(100) Swan Lake ARM 12.11.3106

(99) through (110) remain the same but are renumbered (101) through (112).

AUTH: 23-1-106, 87-1-303, MCA

IMP: 23-1-106, 87-1-303, MCA

12.11.2204 ECHO LAKE (1) Echo Lake is located in Flathead County.

(2) Echo Lake is limited to a controlled no wake speed, ~~as defined in ARM 12.11.101(4)~~, pursuant to ARM 12.11.115 except for the following areas:

(a) the upper three islands in the southwest corner of section 5, approximately 1/4 mile southeast of the entrance of Blackies Bay.

(b) the narrow corridor that serves as the entrance and exit to Blackies Bay located in the northwest corner of Echo Lake; and

(c) the narrow corridor that serves as the entrance and exit to Causeway Bay located in the northeast corner of Echo Lake.

AUTH: 23-1-106, 87-1-303, MCA  
IMP: 23-1-106, 87-1-303, MCA

12.11.3106 SWAN LAKE (1) Swan Lake is located in Lake County.

(2) Swan Lake is limited to a controlled no wake speed, ~~as defined in ARM 12.11.101(1), pursuant to ARM 12.11.115. the following areas:~~

(a3) ~~†~~The northern outlet of Swan Lake ~~approximately 3/4 of a mile south to the southern tip of the southern most island (approximately 3/4 of a mile south), or as buoyed, is limited to a controlled no wake speed.~~

AUTH: 23-1-106, 87-1-303, MCA  
IMP: 23-1-106, 87-1-303, MCA

REASONABLE NECESSITY: In May 2008, the commission adopted ARM 12.11.2204 and 12.11.3106 but did not amend ARM 12.11.501 in order to add Echo Lake and Swan Lake to the list of water bodies with reference to the new rules. The commission is proposing to correct this omission and add Echo Lake and Swan Lake to the list of water bodies with specific regulations.

The commission cited an incorrect rule when it adopted ARM 12.11.2204 and 12.11.3106. The original intention was for Echo Lake to be limited to a controlled no wake speed pursuant to ARM 12.11.115, commonly referred to as the 200 foot no wake zone rule, except for the areas specified. As currently written, the rule refers to ARM 12.11.101(1) instead of ARM 12.11.115 and has the opposite effect of that intended by the commission by making Echo Lake limited to a no wake speed throughout the entire lake except for the areas specified. It is the same situation for ARM 12.11.3106 that regulates Swan Lake except it was the commission's intention to extend the 200 foot no wake zone to the entire area described in the rule.

The proposed amendments will reflect the commission's original intention and not change how the public recreates on Echo Lake or Swan Lake, nor will it change how the rules were enforced.

4. Concerned persons may present their data, views, or arguments concerning the proposed action in writing to Jessica Fitzpatrick, Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT 59620-0701; fax (406) 444-7456; e-mail [jfitzpatrick@mt.gov](mailto:jfitzpatrick@mt.gov), and must be received no later than February 25, 2010.

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 Jessica Fitzpatrick at the above address no later than 5:00 p.m., February 25, 2010.

6. If the commission receives requests for a public hearing on the proposed action from either 10% 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 hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be greater than 25 people based on the fact that every Montana citizen has access to Echo Lake and Swan Lake.

7. The Department of Fish, Wildlife and Parks maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the commission or department. Persons who wish to have their name added to the list shall make written request which includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the commission or department.

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

/s/ SHANE COLTON  
Shane Colton, Chair  
Fish, Wildlife and Parks Commission

/s/ REBECCA J. DOCKTER  
Rebecca J. Dockter  
Rule Reviewer

Certified to the Secretary of State January 19, 2010.

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
AND THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS  
STATE OF MONTANA

In the matter of the amendment ARM ) NOTICE OF PUBLIC HEARING ON  
24.101.413 renewal dates and ) PROPOSED AMENDMENT  
requirements and 24.114.401 fee )  
schedule )

TO: All Concerned Persons

1. On February 18, 2010, at 10:00 a.m., a public hearing will be held in room 430, 301 South Park Avenue, Helena, Montana to consider the proposed amendment 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 Architects and Landscape Architects (board) no later than 5:00 p.m., on February 12, 2010, to advise us of the nature of the accommodation that you need. Please contact Brooke Jasmin, Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2351; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdescmt.gov.

3. GENERAL REASON STATEMENT: The department has determined it is reasonably necessary to amend ARM 24.101.413 to change the renewal frequency for architects from biennially to annually to coincide with amendments to ARM 24.114.401, the board's renewal rule. Annual collection of license revenue complies with the Department of Administration's fiscal guidelines for recording revenue. Entities that renew on a biennial schedule and receive their entire renewal revenue in one year must hold half of the revenue and record it in the second year of the renewal cycle in order to avoid budget shortfalls. Annual renewal will eliminate the need to defer half the revenue until the following year, thereby simplifying the accounting process. Additionally, the board concluded that annual renewals will serve to remind licensees to renew in a more timely fashion and to inform the board office of address changes more frequently. The board is optimistic that this change will reduce the number of architects with terminated and expired licenses that may be practicing without a valid license. This change will affect an estimated 1268 licensees and will result in no revenue change.

4. The department is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(a) remain the same.

(b)	Architects	Architects	<del>Biennially, Even Numbered Years</del> <u>Annually</u>	June 30
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(c) through (7) remain the same.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-141, MCA

5. The board is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.114.401 FEE SCHEDULE (1) through (1)(b) remain the same.

(c) ~~Biennial~~ Annual renewal 410 55

(d) through (5) remain the same.

AUTH: 37-1-131, 37-1-134, 37-65-204, MCA

IMP: 37-1-134, 37-1-141, 37-65-307, 37-66-309, 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 Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to [dlibsdark.mt.gov](mailto:dlibsdark.mt.gov), and must be received no later than 5:00 p.m., February 26, 2010.

7. An electronic copy of this Notice of Public Hearing is available through the department and board site on the World Wide Web at [www.architect.mt.gov](http://www.architect.mt.gov). The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

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 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 Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-

mailed to dlibsdark@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. Colleen White, attorney, has been designated to preside over and conduct this hearing.

BOARD OF ARCHITECTS AND  
LANDSCAPE ARCHITECTS  
BAYLISS WARD, PRESIDENT

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

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

Certified to the Secretary of State January 19, 2010

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

In the matter of the amendment of )  
ARM 24.141.301 definitions, )  
24.141.405 fee schedule, and )  
24.141.2102 continuing education )

NOTICE OF PUBLIC HEARING ON  
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On February 18, 2010, at 1:00 p.m., a public hearing will be held in room 430, 301 South Park Avenue, Helena, Montana to consider the proposed amendment 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 State Electrical Board (board) no later than 5:00 p.m., on February 12, 2010, to advise us of the nature of the accommodation that you need. Please contact Jason Steffins, State Electrical Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2329; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdele@mt.gov.

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

24.141.301 DEFINITIONS ~~For purposes of this sub-chapter, the following definitions apply:~~

(1) "Full-time employment" means employment wherein the Montana-licensed responsible electrician is available to procure, perform, administer, and supervise all electrical work being performed by the Montana-licensed electrical contractor.

(2) and (3) remain the same.

(4) "Limited electrical contractor" means a Montana-licensed electrical contractor limited to residential construction consisting of less than five living units in a single structure.

(5) and (6) remain the same.

(7) "Responsible electrician" means the ~~person~~ Montana-licensed electrician engaged in a full-time capacity, who is responsible for all licensed electrical work performed by the electrical contractor.

(8) "Unlimited electrical contractor" means a Montana-licensed electrical contractor that is licensed to perform electrical work on commercial, residential, industrial, and institutional electrical installations as covered by the national electrical code.

AUTH: 37-1-131, 37-68-201, MCA

IMP: 37-68-102, 37-68-201, 37-68-304, 37-68-305, 37-68-312, MCA

REASON: The board is amending this rule to address questions and confusion regarding out-of-state electricians entering Montana for work. Out-of-state electricians have argued that their out-of-state licenses meet the board's licensing requirements and therefore allow them to work here as electricians, without obtaining Montana licensure. This position has created legal difficulties for the board and the out-of-state electricians. The board determined it is reasonably necessary to amend this rule to clarify that a Montana license is required for work in Montana. The rule is also being amended for consistency in terminology used and to comply with formatting requirements of the Secretary of State.

24.141.405 FEE SCHEDULE (1) remains the same.

(2) Application fee for a license by examination (includes original license fee)	120 <u>240</u>
(3) Contractor - original license fee	250 <u>300</u>
(4) Renewal fee (two years)	
(a) Contractor	165 <u>300</u>
(b) Master	70 <u>140</u>
(c) Journeyman	70 <u>140</u>
(d) Residential	70 <u>140</u>
(5) Application by endorsement or reciprocity (includes original license fee)	125 <u>250</u>
<del>(6)</del> <u>(9)</u> Temporary permit	50
<u>(6)</u> CE Provider application fee	<u>25</u>
<del>(7)</del> <u>(10)</u> Fees are nonrefundable.	
<u>(7)</u> CE Provider course fee	<u>10</u>
<del>(8)</del> <u>(11)</u> Additional standardized fees are specified in ARM 24.101.403.	
<u>(8)</u> Apprentice registration fee	<u>10</u>

AUTH: 37-1-134, 37-68-201, MCA

IMP: 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-68-304, 37-68-310, 37-68-311, 37-68-312, 37-68-313, MCA

REASON: The board has determined it is reasonably necessary to make the proposed fee changes to comply with the provisions of 37-1-134, MCA, and keep the board's fees commensurate with associated costs. The department, in providing administrative services to the board, has determined that unless the licensure fees are increased as proposed, the board will have a shortage of operating funds by August 2010. The board has not raised fees for seven years and following the proposed increases, the board and department do not anticipate having to consider another fee increase for several more years.

The board is also adding new fees for CE providers, CE provider courses, and apprentice registration. CE providers are now utilizing the online reporting system more frequently, and the system requires board staff to process data, input changes, and to track each provider and the associated courses. The new



apprentice registration fee will cover the costs associated with producing new plastic registration cards that are more durable and costly than the paper cards previously issued. The board is proposing these new fees to comply with 37-1-134, MCA, and set these fees commensurate with current costs. The proposed fee increases will affect approximately 2722 licensees, applicants, CE providers, and apprentices and will result in approximately \$137,780 in additional annual revenue.

24.141.2102 CONTINUING EDUCATION (1) and (2) remain the same.

(3) An applicant for continuing education provider approval shall submit:

(a) a completed board-approved provider application with the required fees;

(b) a completed board-approved application for each course with the required

fees;

(c) a sample completion certificate as outlined in (4)(d);

(d) documented proof from the provider that instructors are credentialed as outlined in (4)(c); and

(e) a syllabus of each course.

(3) through (6) remain the same but are renumbered (4) through (7).

AUTH: 37-1-131, 37-1-319, 37-68-201, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, MCA

REASON: The board is amending this rule to set forth the particular requirements for the CE provider and course applications, including specifying the documents needed to facilitate the application process. This change will affect approximately 55 CE Providers that have 200 courses in Montana and is being proposed in conjunction with the establishment of appropriate fees in ARM 24.141.405.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the State Electrical Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to [dlibsdele@mt.gov](mailto:dlibsdele@mt.gov), and must be received no later than 5:00 p.m., February 26, 2010.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at [www.electrician.mt.gov](http://www.electrician.mt.gov). The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board 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 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 State Electrical Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to dlibsdele@mt.gov, or made by completing a request form at any rules hearing held by the agency.

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

8. Anne O'Leary, attorney, has been designated to preside over and conduct this hearing.

STATE ELECTRICAL BOARD  
JACK FISHER, PRESIDENT

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

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

Certified to the Secretary of State January 19, 2010

BEFORE THE BOARD OF MASSAGE THERAPY  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.101.413 renewal dates, and ) PROPOSED AMENDMENT AND  
the adoption of NEW RULES I ) ADOPTION  
through VII pertaining to massage )  
therapy )

TO: All Concerned Persons

1. On February 18, 2010, at 10:00 a.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana to consider the proposed amendment and adoption 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 Massage Therapy (board) no later than 5:00 p.m., on February 12, 2010, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Board of Massage Therapy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdlmt@mt.gov.

GENERAL STATEMENT OF REASONABLE NECESSITY: The 2009 Montana Legislature enacted chapter 451, laws of 2009 (House Bill 662), creating the Board of Massage Therapy (board) and setting forth the requirements for the licensure and regulation of massage therapists. The bill was signed by the Governor and became effective on May 5, 2009.

The board determined it is reasonable and necessary to adopt New Rules I through VII to establish requirements for licensure of massage therapists to efficiently implement the legislation. The department is amending ARM 24.101.413 to set the annual renewal period for massage therapists in conjunction with the board's new rules. Where an additional specific basis for a proposed action exists, the board will identify those reasons immediately following that rule.

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

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(p) remain the same.

<u>(q)</u>	<u>Massage Therapy</u>	<u>Licensed Massage Therapist</u>	<u>Annually</u>	<u>August 31</u>
------------	------------------------	-----------------------------------	-----------------	------------------

(q) through (an) remain the same but are renumbered (r) through (ao).  
(6) and (7) remain the same.

AUTH: 37-1-101, 37-1-141, MCA  
IMP: 37-1-101, 37-1-141, MCA

4. The proposed new rules provide as follows:

NEW RULE I BOARD ORGANIZATION (1) The Board of Massage Therapy hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title.

AUTH: 2-4-201, 37-33-405, MCA  
IMP: 2-4-201, MCA

NEW RULE II PROCEDURAL RULES (1) The Board of Massage Therapy hereby adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title.

AUTH: 2-4-201, 37-33-405, MCA  
IMP: 2-4-201, MCA

NEW RULE III PUBLIC PARTICIPATION (1) The Board of Massage Therapy hereby adopts and incorporates by this reference the public participation rules of the Department of Commerce as listed in chapter 2 of title 8.

AUTH: 2-3-103, 37-33-405, MCA  
IMP: 2-3-103, MCA

NEW RULE IV DEFINITIONS (1) "NCETMB" means national certification examination for therapeutic massage and bodywork.

(2) "MBLEx" means massage and bodywork licensing examination.

(3) "NCETM" means national certification examination for therapeutic massage.

(4) "Board approved program" means any massage therapy program that meets or exceeds the curriculum guidelines as provided for in 37-33-502, MCA.

AUTH: 37-1-131, 37-33-405, MCA  
IMP: 37-33-502, MCA

NEW RULE V FEE SCHEDULE (1) The department will collect the following fees:

- |                                                 |       |
|-------------------------------------------------|-------|
| (a) application/licensing by grandfather clause | \$130 |
| (b) application/licensing by endorsement        | 140   |
| (c) application/licensing by examination        | 140   |
| (d) annual license renewal                      | 90    |
- (2) Additional standardized fees are specified in ARM 24.101.403.

(3) All fees are nonrefundable.

AUTH: 37-1-131, 37-33-405, MCA

IMP: 37-1-134, 37-1-141, 37-33-502, 37-33-503, MCA

REASON: The board determined it is reasonably necessary to adopt this new rule and set licensure fees to further implement the 2009 legislation. The board is statutorily required to set fees at a level commensurate with associated costs per 37-1-134, MCA. The legislation requires the board to license and regulate massage therapists and the proposed fees will enable the board to meet this mandate.

The board is setting application/licensing fees for each type of licensure contemplated by the legislation to cover the board's expenses for the initial license processing of an estimated 500 applicants. The annual renewal fee is proposed at \$90, which will be charged beginning in fiscal year 2011. It is estimated that the new fees will affect approximately 500 individuals and result in approximately \$65,500 of board revenue for fiscal year 2010 and approximately \$45,000 in annual revenue thereafter.

NEW RULE VI LICENSURE BY GRANDFATHER CLAUSE (1) All applicants for licensure by grandfathering shall:

(a) submit a completed application on a form prescribed by the department with:

(i) the appropriate fee;  
(ii) proof that the applicant is 18 years of age or older;  
(iii) two letters attesting to the good moral character of the applicant, submitted directly to the board office by individuals who are not the applicant's family members; and

(iv) a signed and notarized affidavit stating the applicant has practiced massage therapy in the state of Montana for at least 100 hours on or before July 1, 2010.

AUTH: 37-1-131, 37-33-405, MCA

IMP: 37-1-131, 37-33-503, MCA

NEW RULE VII LICENSURE BY EXAMINATION (1) All applicants for licensure by examination shall:

(a) submit a completed application on a form prescribed by the department with:

(i) the appropriate fee;  
(ii) a copy of a certified transcript or certificate of completion sent directly from the official custodian of the record, evidencing to the board's satisfaction that the applicant has a high school diploma or its equivalent;

(iii) proof that the applicant is 18 years of age or older;  
(iv) two letters attesting to the good moral character of the applicant, submitted directly to the board office by individuals who are not the applicant's family members;

- (v) proof of successful completion of a massage therapy educational program of a minimum of 500 hours of study that meets or exceeds the curriculum guidelines established by any program or organization accredited by the national commission for certifying agencies or its equivalent or successor; and
- (vi) a passing score on either the MBLEx, NCETMB, or the NCETM examination or a state examination deemed by the board to be equivalent.

AUTH: 37-1-131, 37-33-405, MCA  
IMP: 37-1-131, 37-33-502, MCA

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Massage Therapy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdlmt@mt.gov](mailto:dlibsdlmt@mt.gov), and must be received no later than 5:00 p.m., February 26, 2010.

6. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at [www.massagetherapists.mt.gov](http://www.massagetherapists.mt.gov). The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. 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 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 Massage Therapy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to [dlibsdlmt@mt.gov](mailto:dlibsdlmt@mt.gov), or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on November 16, 2009, by telephone.

9. Tyler Moss, attorney, has been designated to preside over and conduct this hearing.

BOARD OF MASSAGE THERAPY  
MICHAEL EAYRS, CHAIRPERSON

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

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

Certified to the Secretary of State January 19, 2010

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the repeal of ARM ) NOTICE OF REPEAL  
2.59.1801 through 2.59.1805 pertaining )  
to residential mortgage lenders )

TO: All Concerned Persons

1. On November 12, 2009, the Department of Administration, Division of Banking and Financial Institutions, published MAR Notice No. 2-59-421 regarding the proposed repeal of the above-stated rules at page 2064 of the 2009 Montana Administrative Register, issue number 21.

2. No comments were received.

3. The department has repealed ARM 2.59.1801 through 2.59.1805 exactly as proposed.

By: /s/ Janet R. Kelly  
Janet R. Kelly, Director  
Department of Administration

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

Certified to the Secretary of State January 19, 2010.



BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM	)	NOTICE OF AMENDMENT
2.59.302, 2.59.901, and 2.59.1001	)	AND REPEAL
pertaining to schedule of charges,	)	
change of location, and application	)	
procedure for approval to merge affiliated	)	
banks and the repeal of ARM 2.59.501	)	
through 2.59.504 pertaining to satellite	)	
terminals	)	

TO: All Concerned Persons

1. On November 12, 2009, the Department of Administration, Division of Banking and Financial Institutions, published MAR Notice No. 2-59-422 regarding the proposed amendment and repeal of the above-stated rules at page 2067 of the 2009 Montana Administrative Register, issue number 21.

2. No comments were received.

3. The department has amended ARM 2.59.302, 2.59.901, and 2.59.1001 exactly as proposed.

4. The department has repealed ARM 2.59.501 through 2.59.504 exactly as proposed.

By: /s/ Janet R. Kelly  
Janet R. Kelly, Director  
Department of Administration

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

Certified to the Secretary of State January 19, 2010.

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF AMENDMENT  
2.59.1603, 2.59.1604, and 2.59.1606 )  
pertaining to state, county, and municipal )  
issues, corporate bonds, and other )  
approved investments )

TO: All Concerned Persons

1. On November 25, 2009, the Department of Administration, Division of Banking and Financial Institutions, published MAR Notice No. 2-59-424 regarding the proposed amendment of the above-stated rules at page 2182 of the 2009 Montana Administrative Register, issue number 22.

2. No comments were received.

3. The department has amended ARM 2.59.1603, 2.59.1604, and 2.59.1606 exactly as proposed.

By: /s/ Janet R. Kelly  
Janet R. Kelly, Director  
Department of Administration

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

Certified to the Secretary of State January 19, 2010.

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM	)	NOTICE OF AMENDMENT
2.60.203, 2.60.204, and 2.60.303	)	AND REPEAL
pertaining to application procedure for a	)	
certificate of authorization for a state-	)	
chartered bank; procedural rules for	)	
discovery and hearing; and capital	)	
adequacy of proposed new banks and	)	
the repeal of ARM 2.60.801 through	)	
2.60.811 pertaining to foreign capital	)	
depositories	)	

TO: All Concerned Persons

1. On November 25, 2009, the Department of Administration, Division of Banking and Financial Institutions, published MAR Notice No. 2-60-420 regarding the proposed amendment and repeal of the above-stated rules at page 2186 of the 2009 Montana Administrative Register, issue number 22.

2. No comments or testimony were received.

3. The department has amended ARM 2.60.203, 2.60.204, and 2.60.303 exactly as proposed.

4. The department has repealed ARM 2.60.801 through 2.60.811 exactly as proposed.

By: /s/ Janet R. Kelly  
Janet R. Kelly, Director  
Department of Administration

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

Certified to the Secretary of State January 19, 2010.

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )	NOTICE OF AMENDMENT,
4.16.102, 4.16.103, 4.16.201, repeal of )	REPEAL, AND ADOPTION
ARM 4.16.301. 4.16.302, 4.16.303, )	
4.16.304, 4.16.305, 4.16.401. 4.16.402, )	
4.16.403, 4.16.404, 4.16.405, 4.16.406, )	
4.16.501, 4.16.502, and adoption of New )	
Rules I through IX relating to Growth )	
Through Agriculture Program )	

TO: All Concerned Persons

1. On December 10, 2009, the Montana Department of Agriculture published MAR Notice No. 4-14-188 relating to the public hearing on the proposed amendment, repeal, and adoption of the above-stated rules at page 2329 of the 2009 Montana Administrative Register, Issue Number 23.

2. On December 30, 2009, the Montana Department of Agriculture held a public hearing on the proposed amendment, repeal, and adoption of the above-stated rules.

3. The department has amended ARM 4.16.102, 4.16.103, 4.16.201, repealed 4.16.301, 4.16.302, 4.16.303, 4.16.304, 4.16.305, 4.16.401, 4.16.402, 4.16.403, 4.16.404, 4.16.405, 4.16.406, 4.16.501, 4.16.502, and adopted New Rule I, 4.16.503, New Rule II, 4.16.504, New Rule III, 4.16.505, New Rule IV, 4.16.506, New Rule V, 4.16.507, New Rule VI, 4.16.508, New Rule VII, 4.16.509, New Rule VIII, 4.16.510, and New Rule IX, 4.16.511 exactly as proposed.

DEPARTMENT OF AGRICULTURE

/s/ Joel Clairmont on behalf of  
Ron de Yong, Director

/s/ Cort Jensen  
Cort Jensen, Rule Reviewer

Certified to the Secretary of State, January 19, 2010.

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the adoption of ARM ) NOTICE OF ADOPTION AND  
New Rule I through V, and repeal of ) REPEAL  
4.5.202, 4.5.203, 4.5.204, and 4.5.205 )  
relating to noxious weeds )

TO: All Concerned Persons

1. On November 12, 2009, the Montana Department of Agriculture published MAR Notice No. 4-14-191 relating to the public hearing on the proposed adoption and repeal of the above-stated rules at page 2071 of the 2009 Montana Administrative Register, Issue Number 21.

2. On December 4, 2009, the Montana Department of Agriculture held a public hearing on the proposed adoption and repeal of the above-stated rules.

3. The department has thoroughly considered the letters and calls received from 25 commentors. A summary of the comments received and the department's responses follows:

COMMENT #1: Eleven individual commentors, including nine associations, (five of them located in Philips County) oppose the listing of Russian olive trees as a regulated plant because of their beneficial aspects (windbreaks, wildlife-especially birds, scenic beauty) and because they are one of the few trees that can grow in the arid parts of Montana.

RESPONSE #1: The department is removing Russian olive trees from the current rule in order to seek more information from all of the county commissioners. The rule did not require people to destroy or remove their Russian olive trees. The rule would have prevented the sale or intentional spread of the trees.

COMMENT #2: Six commentors request a dual listing of Russian olive trees as beneficial in some counties (and thus no ban on sales into those counties).

RESPONSE #2: The department is removing Russian olive trees from the current rule in order to seek more information from all of the county commissioners. Dual listing is something that may be proposed in the future.

COMMENT #3: One commentor requested that education be added to all of the categories as a management component to all the categories.

RESPONSE #3: The department considers weed education to be a part of elimination and containment and not a separate goal.

COMMENT #4: Two associations (both out of Missoula county) expressed concern that county level control of which weeds to prioritize would be taken away by the use of the word "shall" in 2A and 2B and instead would have the department use "recommends".

RESPONSE #4: The "shall" only requires that the listed plants be included in a county's management plan not that the counties adopt a particular priority (say over other county listed noxious weeds) or management strategy. "Recommends" would allow a county to leave off a listed weed from their management plan entirely, which is not what the department believes serves the best interests of the state as a whole.

COMMENT #5: One commentor felt that the department's "super" prioritization of 1A and 1B should mean more money for the counties that have to deal with them.

RESPONSE #5: The department does want these plants prioritized above the 2A and 2B, as they represent weeds that have not become established in the state. County projects dealing with the elimination or containment of 1A or 1B plants will be given a priority on noxious weed trust fund money.

COMMENT #6: Three commentors expressed concern that the department was dictating when eradication and containment had to occur under 1A and 1B.

RESPONSE #6: The department believes the long term cost of not stopping the introduction or spread of weeds that are uncommon or not present currently in Montana would be catastrophic. The department believes that early and constant attention on any occurrence of 1A and 1B weeds must occur to avoid them becoming established in Montana as a continual problem.

COMMENT #7: One commentor (representing Valley County Weed District) feels that there is no need for any rule change.

RESPONSE #7: The department disagrees with this commentor for the reasons stated in the original notice of this rule change.

COMMENT #8: Twelve commentors (including five representing various associations) support the rules as proposed.

RESPONSE #8: No response is necessary to this comment.

COMMENT #9: Two associations (representing Missoula County) oppose the rules and want the county to have the full power to prioritize all weeds.

RESPONSE #9: A coordinated state plan is necessary to guide the use of the noxious weed trust fund and provide the best possible protection to the state as a whole. Counties are given wide discretion in adding additional weeds to their

county list and in deciding what to do about listed weeds (eradication or containment) in the 1A and 1B sections and total discretion in how to manage 2A and 2B weeds (other than to ignore them or just not list them).

COMMENT #10: Two associations (representing Missoula County) want information about resources and support for the weed districts that enables landowners to be more effective.

RESPONSE #10: The department provides information and advice to any person or entity that requests it, but does not place them in rule as the administrative rules serve a regulatory function as opposed to an informational one. The department does not have authority to provide financial support to individual land owners to deal with noxious weeds.

COMMENT #11: One association (representing Blaine County) worries about the additional cost of destroying Russian olive trees.

RESPONSE #11: The department is removing Russian olive trees from the current rule in order to seek more information from all of the county commissioners.

4. The department has adopted ARM New Rule I, 4.5.206, New Rule II, 4.5.207, New Rule III, 4.5.208, New Rule IV, 4.5.209, and repealed 4.5.202, 4.5.203, 4.5.204, and 4.5.205 exactly as proposed.

5. The department in response to comments adopts New Rule V as follows, new matter underlined, deleted matter interlined:

NEW RULE V (4.5.210) PRIORITY 3 REGULATED PLANTS (NOT MONTANA LISTED NOXIOUS WEEDS) (1) These regulated plants have the potential to have significant negative impacts. The plant may not be intentionally spread or sold other than as a contaminant in agricultural products. The department recommends research, education, and prevention to minimize the spread of the regulated plant:

- (a) Cheatgrass (*Bromus tectorum*);
- ~~(b) Russian olive (*Elaeagnus angustifolia*);~~
- (c) Hydrilla (*Hydrilla verticillata*).

DEPARTMENT OF AGRICULTURE

/s/ Joel Clairmont on behalf of  
Ron de Yong, Director

/s/ Cort Jensen  
Cort Jensen, Rule Reviewer

Certified to the Secretary of State, January 19, 2010.

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF ADOPTION,
Rules I through New Rule XVI, the	)	AMENDMENT, AND REPEAL
amendment of ARM 10.54.3610	)	
through 10.54.3613, 10.54.3620	)	
through 10.54.3623, 10.54.3630	)	
through 10.54.3633, 10.54.3640	)	
through 10.54.3643, and the repeal of	)	
ARM 10.54.3010 through 10.54.3013,	)	
10.54.3020 through 10.54.3023,	)	
10.54.3030 through 10.54.3033,	)	
10.54.3040 through 10.54.3043,	)	
10.54.3050 through 10.54.3053,	)	
10.54.3087 through 10.54.3098,	)	
10.54.3210 through 10.54.3213,	)	
10.54.3220 through 10.54.3223,	)	
10.54.3230 through 10.54.3233,	)	
10.54.3240 through 10.54.3243,	)	
10.54.3250 through 10.54.3253,	)	
10.54.3287 through 10.54.3298,	)	
10.54.3410 through 10.54.3413,	)	
10.54.3420 through 10.54.3423,	)	
10.54.3430 through 10.54.3433,	)	
10.54.3440 through 10.54.3443,	)	
10.54.3450 through 10.54.3453,	)	
10.54.3460 through 10.54.3463,	)	
10.54.3487 through 10.54.3498,	)	
10.54.3687 through 10.54.3698,	)	
10.54.3810 through 10.54.3813,	)	
10.54.3820 through 10.54.3823,	)	
10.54.3830 through 10.54.3833,	)	
10.54.3840 through 10.54.3843,	)	
10.54.3887 through 10.54.3898,	)	
pertaining to communication arts	)	
content standards and performance	)	
descriptors	)	

TO: All Concerned Persons

1. On November 25, 2009, the Board of Public Education published MAR Notice No. 10-54-254 pertaining to the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules at page 2196 of the 2009 Montana Administrative Register, Issue Number 22.

2. The board has adopted the following rules as proposed: NEW RULE I



(10.54.3650), NEW RULE V (10.54.3701), NEW RULE VI (10.54.3702), NEW RULE IX (10.54.3705), NEW RULE X (10.54.3706), NEW RULE XI (10.54.3707), NEW RULE XIII (10.54.3709), NEW RULE XIV (10.54.3710), and NEW RULE XV (10.54.3711).

3. The board has adopted the following new rules, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE II (10.54.3651) BENCHMARK FOR COMMUNICATION ARTS WRITING CONTENT STANDARD 5 FOR END OF GRADE 4 (1) through (1)(e) remain as proposed.

(f) identify and practice conventions of standard written English (e.g., usage, punctuation, and spelling), for appropriate purpose, audience, and form;

(g) through (i) remain as proposed.

(j) use an information problem solving process to research a topic;

(k) through (m) remain as proposed.

NEW RULE III (10.54.3652) BENCHMARK FOR COMMUNICATION ARTS WRITING CONTENT STANDARD 5 FOR END OF GRADE 8 (1) through (1)(e) remain as proposed.

(f) apply conventions of standard written English (e.g., usage, punctuation, and spelling) appropriate for purpose<sub>1</sub>, audience<sub>1</sub>, and form;

(g) through (i) remain as proposed.

(j) use an information problem solving process to collect and utilize information to research a topic;

(k) through (m) remain as proposed.

NEW RULE IV (10.54.3653) BENCHMARK FOR COMMUNICATION ARTS WRITING CONTENT STANDARD 5 UPON GRADUATION (1) through (1)(i) remain as proposed.

(j) use an information problem solving process to effectively synthesize information to research a topic;

(k) through (m) remain as proposed.

NEW RULE VII (10.54.3703) GRADE 4 PERFORMANCE DESCRIPTORS AT THE NEARING PROFICIENCY LEVEL (1) A student at the nearing proficiency level in communication arts demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency. He/she has some of the required foundational skills and, at a low level of complexity and difficulty<sub>1</sub>, is able to demonstrate those skills.

(a) through (e) remain as proposed.

NEW RULE VIII (10.54.3704) GRADE 4 PERFORMANCE DESCRIPTORS AT THE NOVICE LEVEL (1) A student at the novice level in communication arts is beginning to attain prerequisite knowledge and skills that are fundamental for proficiency. He/she demonstrates a low level of understanding and<sub>1</sub> with teacher guidance<sub>1</sub>, is beginning to attain a foundation of knowledge and skills.

(a) through (e) remain as proposed.

NEW RULE XII (10.54.3708) GRADE 8 PERFORMANCE DESCRIPTORS AT THE NOVICE LEVEL (1) A student at the novice level in communication arts is beginning to attain prerequisite knowledge and skills that are fundamental for proficiency. He/she demonstrates a low level of understanding and, with teacher guidance, is beginning to attain a foundation of knowledge and skills.

(a) through (e) remain as proposed.

NEW RULE XVI (10.54.3712) UPON GRADUATION PERFORMANCE DESCRIPTORS AT THE NOVICE LEVEL (1) A student at the novice level in communication arts is beginning to attain prerequisite knowledge and skills that are fundamental for proficiency. He/she demonstrates a low level of understanding and, with teacher guidance, is beginning to attain a foundation in prerequisite knowledge and skills.

(a) through (e) remain as proposed.

4. The board has amended ARM 10.54.3610, 10.54.3611, 10.54.3612, 10.54.3613, 10.54.3620, 10.54.3621, 10.54.3622, 10.54.3623, 10.54.3630, 10.54.3631, 10.54.3632, 10.54.3633, 10.54.3640, 10.54.3642, and 10.54.3643 as proposed.

5. The board has amended ARM 10.54.3641, new matter underlined, deleted matter interlined.

10.54.3641 BENCHMARK FOR COMMUNICATION ARTS MEDIA LITERACY CONTENT STANDARD 4 FOR END OF GRADE 4 (1) through (1)(f) remain as proposed.

(g) recognize that media messages embed values and influence individuals, cultures, and societies;

6. The board has repealed the above-stated rules as proposed.

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

COMMENT #1: Ms. Lynda Brannon, MIEA, stated that the Montana Indian Education Association was pleased with the communication arts standards as noticed. Ms. Brannon provided a letter dated December 15, 2009 to the Board of Public Education from Robyn Baker, Board Member of MIEA, expressing gratitude to all who have put forth the effort and diligence in ensuring the inclusion of Indian Education for All in each of the communication arts standards.

COMMENT #2: Dr. Claudette Morton, Montana Small Schools Alliance, acknowledged how the standards changed over the years and was pleased to see they are comprehensively integral to each other. Dr. Morton also submitted written

testimony. She stated, "These new standards are the best that ... [were] ever proposed. They represent the cutting edge of research in communication arts as well as an understanding of what works and what our students need to be successful."

RESPONSE #1: The Board of Public Education appreciates the comments in support of the proposed rules from Ms. Lynda Brannon and Dr. Claudette Morton.

COMMENT #3: Ms. Kris Goyins, Communication Arts Curriculum Specialist, OPI, recommended the following grammatical changes by oral and written testimony:

NEW RULE II BENCHMARK FOR COMMUNICATION ARTS WRITING CONTENT STANDARD 5 FOR END OF GRADE 4 (1)(f) identify and practice conventions of standard written English (e.g., usage, punctuation, and spelling), for appropriate purpose, audience, and form;

NEW RULE II BENCHMARK FOR COMMUNICATION ARTS WRITING CONTENT STANDARD 5 FOR END OF GRADE 4 (1)(j) use an information problem solving process to research a topic;

NEW RULE III BENCHMARK FOR COMMUNICATION ARTS WRITING CONTENT STANDARD 5 FOR END OF GRADE 8 (1)(f) apply conventions of standard written English (e.g., usage, punctuation, and spelling) appropriate for purpose, audience and form;

NEW RULE III BENCHMARK FOR COMMUNICATION ARTS WRITING CONTENT STANDARD 5 FOR END OF GRADE 8 (1)(j) use an information problem solving process to collect and utilize information to research a topic;

NEW RULE IV BENCHMARK FOR COMMUNICATION ARTS WRITING CONTENT STANDARD 5 UPON GRADUATION (1)(j) use an information problem solving process to effectively synthesize information to research a topic;

NEW RULE VII GRADE 4 PERFORMANCE DESCRIPTORS AT THE NEARING PROFICIENCY LEVEL (1) A student at the nearing proficiency level in communication arts demonstrates partial mastery of the prerequisite knowledge and skills fundamental for proficiency. He/she has some of the required foundational skills and, at a low level of complexity and difficulty, is able to demonstrate those skills.

NEW RULE VIII GRADE 4 PERFORMANCE DESCRIPTORS AT THE NOVICE LEVEL (1) A student at the novice level in communication arts is beginning to attain prerequisite knowledge and skills that are fundamental for proficiency. He/she demonstrates a low level of understanding and, with teacher guidance, is beginning to attain a foundation of knowledge and skills.

NEW RULE XII GRADE 8 PERFORMANCE DESCRIPTORS AT THE NOVICE

LEVEL (1) A student at the novice level in communication arts is beginning to attain prerequisite knowledge and skills that are fundamental for proficiency. He/she demonstrates a low level of understanding and, with teacher guidance, is beginning to attain a foundation of knowledge and skills.

NEW RULE XVI UPON GRADUATION PERFORMANCE DESCRIPTORS AT THE NOVICE LEVEL (1) A student at the novice level in communication arts is beginning to attain prerequisite knowledge and skills that are fundamental for proficiency. He/she demonstrates a low level of understanding and, with teacher guidance, is beginning to attain a foundation in prerequisite knowledge and skills.

ARM 10.54.3641 BENCHMARK FOR SPEAKING AND LISTENING  
COMMUNICATION ARTS MEDIA LITERACY CONTENT STANDARD 4 FOR END  
OF GRADE 4 (1)(g) recognize that media messages embed values and influence  
individuals, cultures, and societies.

RESPONSE #2: The Board of Public Education recognizes and accepts the  
grammatical corrections in the proposed language.

/s/ Steve Meloy  
Steve Meloy  
Rule Reviewer

/s/ Patty Myers  
Patty Myers  
Chairperson  
Board of Public Education

Certified to the Secretary of State January 19, 2010.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )	NOTICE OF TERMINATION OF
17.8.501, 17.8.504, 17.8.601, 17.8.740, )	RULEMAKING
17.8.743, 17.8.744, 17.8.745, 17.8.801, )	
17.8.901, 17.8.1201, pertaining to )	(AIR QUALITY)
definitions, fees, and permits, and the )	
adoption of New Rules I through XX )	
pertaining to temporary greenhouse gas )	
emission rules )	

TO: All Concerned Persons

1. On December 24, 2009, the Board of Environmental Review published MAR Notice No. 17-299 regarding a notice of public hearing on the proposed amendment and adoption of the above-stated rules at page 2429, 2009 Montana Administrative Register, issue number 24.

2. The board has decided to terminate this rulemaking proceeding and cancel the public comment period and public hearing on the proposed amendment and adoption of the above-stated rules that was scheduled for January 22, 2010, at 9:00 a.m., in Room 111, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana.

3. The board initiated this rulemaking proceeding to have rules in place at the time, or shortly after, the Environmental Protection Agency adopts greenhouse gas rules, which may occur as early as March. The board's proposed rules would have immediately exempted from regulation persons and entities in Montana that emit less than 25,000 tons of carbon dioxide and other equivalent amounts of other greenhouse gases. However, the Environmental Quality Council of the Montana Legislature has filed a formal objection to the board's notice of proposed rulemaking. By law, this notice, unless withdrawn, prevents the board from adopting the rules until June 24. This defeats the purpose of the proposed rules. The board may institute another rulemaking proceeding after EPA takes action.

Reviewed by: BOARD OF ENVIRONMENTAL REVIEW

/s/ David Rusoff  
DAVID RUSOFF  
Rule Reviewer

By: /s/ Joseph W. Russell  
JOSEPH W. RUSSELL, M.P.H.  
Chairman

Certified to the Secretary of State, January 19, 2010.

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

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

TO: All Concerned Persons

1. On October 29, 2009, the Department of Public Service Regulation published MAR Notice No. 38-2-205 pertaining to the proposed amendment of the above-stated rules at page 1880 of the 2009 Montana Administrative Register, Issue Number 20.

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

3. No comments or testimony were received.

4. The department intends for the amendment of these rules to be applied retroactively to December 2, 2009, as indicated in the Notice of Proposed Amendment. There will be no negative impact resulting from the retroactive application.

/s/ Robin A. McHugh  
Reviewed by Robin A. McHugh

/s/ Greg Jergeson  
Greg Jergeson, Chairman  
Public Service Commission

Certified to the Secretary of State, January 19, 2010.

## **NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE**

### **Interim Committees and the Environmental Quality Council**

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

#### **Economic Affairs Interim Committee:**

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

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

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

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

- Department of Public Health and Human Services.

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

- Department of Corrections; and
- Department of Justice.

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

- Department of Public Service Regulation.

**Revenue and Transportation Interim Committee:**

- Department of Revenue; and
- Department of Transportation.

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

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

**Environmental Quality Council:**

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

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

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



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

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

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

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

- |                  |                                                                                                                                                                   |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Known<br>Subject | 1. Consult ARM Topical Index.<br>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, 2009. This table includes those rules adopted during the period October 1, 2009, through December 31, 2009, and any proposed rule action that was pending during the past six-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through September 30, 2009, this table, and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule, and the page number at which the action is published in the 2009 and 2010 Montana Administrative Register.

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## BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in December 2009 appear. Vacancies scheduled to appear from February 1, 2010, through April 30, 2010, 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 January 1, 2010.

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 DECEMBER 2009**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Coal Board</b> (Commerce)			
Rep. Ralph L. Lenhart Glendive	Governor	Hassler Foley	12/9/2009 1/1/2011
Qualifications (if required): having expertise in education			
<b>Rail Service Competition Council</b> (Transportation)			
Mr. John DeMichiei Roundup	Governor	reappointed	12/9/2009 1/1/2013
Qualifications (if required): knowledge of transportation for coal industry			
Mr. Jerry Jimison Glendive	Governor	Fogarty	12/9/2009 1/1/2013
Qualifications (if required): knowledge of class I railroads			
Mr. Doug Miller Troy	Governor	reappointed	12/9/2009 1/1/2013
Qualifications (if required): knowledge of transportation for mineral industry			
Mr. Michael O'Hara Fort Benton	Governor	reappointed	12/9/2009 1/1/2013
Qualifications (if required): farm commodity producer			
<b>State Workforce Investment Board</b> (Labor and Industry)			
Ms. Mary Moe Helena	Governor	Eldredge	12/9/2009 7/1/2011
Qualifications (if required): public sector representative (Higher Education)			

## BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2009

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>State Workforce Investment Board</b> (Labor Industry) cont. Mr. Major Robinson Helena Qualifications (if required): private sector representative	Governor	Gibbs-Atkinson	12/9/2009 7/1/2011
<b>Telecommunications Access Services for Persons with Disabilities</b> (Public Health and Human Services) Ms. Susan Kalarchik Butte Qualifications (if required): audiologist	Governor	Bruner-Kober	12/7/2009 7/1/2011

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2010 THROUGH APRIL 30, 2010**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Board of Architects</b> (Labor and Industry)                      Ms. Maire O'Neill, Bozeman                      Qualifications (if required): registered architect with the Montana State University</p>	Governor	3/27/2010
<p><b>Board of Architects and Landscape Architects</b> (Labor and Industry)                      Ms. Shelly Engler, Bozeman                      Qualifications (if required): licensed landscape architect</p>	Governor	3/27/2010
<p>Mr. Carl A. Thuesen, Billings                      Qualifications (if required): licensed landscape architect</p>	Governor	3/27/2010
<p>Ms. Teresa Wilson, Butte                      Qualifications (if required): public representative</p>	Governor	3/27/2010
<p><b>Board of Hail Insurance</b> (Agriculture)                      Mr. Jim Schillinger, Baker                      Qualifications (if required): public member</p>	Governor	4/18/2010
<p><b>Board of Public Education</b> (Education)                      Mr. Storrs M. Bishop, Ennis                      Qualifications (if required): Republican from District 2</p>	Governor	2/1/2010
<p><b>Board of Regents of Higher Education</b> (Education)                      Rep. Lila V. Taylor, Busby                      Qualifications (if required): representative of District 4 and a Republican</p>	Governor	2/1/2010

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2010 THROUGH APRIL 30, 2010**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Research and Commercialization</b> (Commerce) Mr. Martin R. Connell, Billings Qualifications (if required): none specified	President of the Senate	3/27/2010
<b>Commission on Practice of the Supreme Court</b> (Supreme Court) Mr. Gary Davis, Helena Qualifications (if required): none specified	elected	4/1/2010
Ms. Tracy Axelberg, Kalispell Qualifications (if required): elected	elected	3/28/2010
<b>Family Support Services Advisory Council</b> (Public Health and Human Services) Ms. Sylvia Danforth, Miles City Qualifications (if required): provider representative	Governor	4/9/2010
Mr. Ted Maloney, Missoula Qualifications (if required): personnel preparation representative	Governor	4/9/2010
Mr. Dan McCarthy, Helena Qualifications (if required): agency representative	Governor	4/9/2010
Ms. Sandi Marisdotter, Helena Qualifications (if required): provider representative	Governor	4/9/2010
Ms. Cristin Volinkaty, Missoula Qualifications (if required): provider representative	Governor	4/9/2010



**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2010 THROUGH APRIL 30, 2010**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Family Support Services Advisory Council</b> (Public Health and Human Services) cont. Sen. Gerald Pease, Lodge Grass Qualifications (if required): parent representative	Governor	4/9/2010
Ms. Lucy Hart-Paulson, Missoula Qualifications (if required): language therapist	Governor	4/9/2010
Ms. Sandy McGennis, Great Falls Qualifications (if required): representative of the School for the Deaf and Blind	Governor	4/9/2010
Ms. Novelene Martin, Miles City Qualifications (if required): parent representative	Governor	4/9/2010
Mr. Ronald Herman, Helena Qualifications (if required): agency representative	Governor	4/9/2010
Ms. Diana Colsgrove, Eureka Qualifications (if required): parent representative	Governor	4/9/2010
Ms. Mary Huston, Richland Qualifications (if required): parent representative	Governor	4/9/2010
Rep. George Groesbeck, Butte Qualifications (if required): legislator	Governor	4/9/2010
Ms. Laurie Frank, Simms Qualifications (if required): parent representative	Governor	4/9/2010

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2010 THROUGH APRIL 30, 2010**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Family Support Services Advisory Council</b> (Public Health and Human Services) cont. Ms. April Ganser, Bozeman Qualifications (if required): parent representative	Governor	4/9/2010
Ms. Michelle Danielson, Helena Qualifications (if required): health care representative	Governor	4/9/2010
Ms. Priscilla Halcro, Great Falls Qualifications (if required): family support specialist	Governor	4/9/2010
Ms. Cindy Sinclair, Havre Qualifications (if required): early Head Start representative	Governor	4/9/2010
Ms. Barbara Stefanic, Billings Qualifications (if required): special education representative	Governor	4/9/2010
Ms. Mary Runkel, Helena Qualifications (if required): agency representative	Governor	4/9/2010
Ms. Paula Sherwood, Missoula Qualifications (if required): quality improvement specialist	Governor	4/9/2010
<b>Interagency Disabilities Advisory Council</b> (Administration) Ms. June Hermanson, Billings Qualifications (if required): disabilities community representative	Governor	4/25/2010
Mr. John Pipe, Wolf Point Qualifications (if required): disabilities community representative	Governor	4/25/2010

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2010 THROUGH APRIL 30, 2010**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Interagency Disabilities Advisory Council</b> (Administration) cont. Ms. Susie McIntyre, Great Falls Qualifications (if required): disabilities community representative	Governor	4/25/2010
Mr. William Neisess, Helena Qualifications (if required): disabilities community representative	Governor	4/25/2010
Mr. Brian Roat, Red Lodge Qualifications (if required): public representative	Governor	4/25/2010
Ms. Patti Scruggs, Whitefish Qualifications (if required): public representative	Governor	4/25/2010
Ms. Marie Pierce, Sidney Qualifications (if required): disabilities community representative	Governor	4/25/2010
Mr. Terry Galle, Deer Lodge Qualifications (if required): public representative	Governor	4/25/2010
Ms. Bryher Herak, Basin Qualifications (if required): disabilities community representative	Governor	4/25/2010
Ms. Margaret Elson, Bozeman Qualifications (if required): disabilities community representative	Governor	4/25/2010
Ms. Martha Carstensen, Billings Qualifications (if required): disabilities community representative	Governor	4/25/2010

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2010 THROUGH APRIL 30, 2010**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Interagency Disabilities Advisory Council</b> (Administration) cont.                      Ms. Robin Ray, Missoula                      Qualifications (if required): disabilities community representative</p>	Governor	4/25/2010
<p>Mr. Jim Brown, Billings                      Qualifications (if required): public representative</p>	Governor	4/25/2010
<p><b>Montana Arts Council</b> (Arts Council)                      Mr. Tim Holmes, Helena                      Qualifications (if required): resident of Montana</p>	Governor	2/1/2010
<p>Mr. Wilbur Wood, Roundup                      Qualifications (if required): resident of Montana</p>	Governor	2/1/2010
<p>Ms. Youpa Stein, Missoula                      Qualifications (if required): resident of Montana</p>	Governor	2/1/2010
<p>Mr. Mark Kuipers, Missoula                      Qualifications (if required): public representative</p>	Governor	2/1/2010
<p><b>Montana Election and Technology Advisory Council</b> (Secretary of State)                      Ms. Bonnie Ramey, Boulder                      Qualifications (if required): Jefferson County Election Administrator</p>	Secretary of State	4/9/2010
<p>Ms. Vickie Zeier, Missoula                      Qualifications (if required): Missoula County Election Administrator</p>	Secretary of State	4/9/2010

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2010 THROUGH APRIL 30, 2010**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Election and Technology Advisory Council</b> (Secretary of State) cont.		
Ms. Janice Hoppes, Conrad Qualifications (if required): Pondera County Election Administrator	Secretary of State	4/9/2010
Ms. Sandi Boardman, Chinook Qualifications (if required): Blaine County Election Administrator	Secretary of State	4/9/2010
Ms. JoAnn Johnson, Fort Benton Qualifications (if required): Chouteau County Election Administrator	Secretary of State	4/9/2010
Mr. Duane Winslow, Billings Qualifications (if required): Yellowstone County Election Administrator	Secretary of State	4/9/2010
Ms. Kathy Newgard, Polson Qualifications (if required): Lake County Election Administrator	Secretary of State	4/9/2010
Ms. Jeri Custer, Forsyth Qualifications (if required): Rosebud County Election Administrator	Secretary of State	4/9/2010
Ms. Penni Lewis, Sidney Qualifications (if required): Richland County Election Administrator	Secretary of State	4/9/2010
<b>Montana Pulse Crop Advisory Committee</b> (Agriculture)		
Mr. Grant Zerbe, Frazer Qualifications (if required): none specified	Director	2/13/2010

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2010 THROUGH APRIL 30, 2010**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Montana Pulse Crop Advisory Committee</b> (Agriculture) cont.                      Ms. Leta Campbell, Harlem                      Qualifications (if required): none specified</p>	Director	2/13/2010
<p><b>Montana State University Local Executive Board</b> (University System)                      Ms. Sharon McDonald, Melville                      Qualifications (if required): public representative</p>	Governor	4/15/2010
<p><b>Montana State University Local Executive Board - Billings</b> (University System)                      Ms. Kris Carpenter, Billings                      Qualifications (if required): public representative</p>	Governor	4/15/2010
<p><b>Montana State University Local Executive Board - Northern</b> (University System)                      Mr. Darrell Briese, Havre                      Qualifications (if required): public representative</p>	Governor	4/15/2010
<p><b>Montana State University-Great Falls College of Technology Local Executive Board</b> (University System)                      Ms. Joan Bennett, Great Falls                      Qualifications (if required): public representative</p>	Governor	4/15/2010
<p><b>Montana-Canadian Provinces Relations Advisory Council</b> (Commerce)                      Rep. Hal Jacobson, Helena                      Qualifications (if required): Legislative representative</p>	Governor	4/9/2010
<p>Lt. Governor John Bohlinger, Helena                      Qualifications (if required): Lieutenant Governor</p>	Governor	4/9/2010

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2010 THROUGH APRIL 30, 2010**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana-Canadian Provinces Relations Advisory Council</b> (Commerce) cont.		
Sen. Trudi Schmidt, Great Falls Qualifications (if required): Legislative representative	Governor	4/9/2010
Rep. Wayne Stahl, Saco Qualifications (if required): Legislative representative	Governor	4/9/2010
Rep. Kendall Van Dyk, Billings Qualifications (if required): Legislative representative	Governor	4/9/2010
<b>Southwestern Montana State Veterans' Home Site Selection Committee</b> (Public Health and Human Services)		
Rep. Robert "Bob" Pavlovich, Butte Qualifications (if required): resident of Silver Bow County and honorably discharged veteran	Governor	4/1/2010
Mr. Bill Willing, Anaconda Qualifications (if required): resident of Deer Lodge County and honorably discharged veteran	Governor	4/1/2010
Mr. Larrey Lattin, Boulder Qualifications (if required): resident of Jefferson County and honorably discharged veteran	Governor	4/1/2010
Mr. Lyle Gillette, Deer Lodge Qualifications (if required): resident of Powell County and honorably discharged veteran	Governor	4/1/2010
Ms. Susan Cobb, Twin Bridges Qualifications (if required): resident of Madison County and an honorably discharged veteran	Governor	4/1/2010

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2010 THROUGH APRIL 30, 2010**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>University of Montana Local Executive Board</b> (University System) Ms. Ann Boone, Missoula Qualifications (if required): public representative	Governor	4/15/2010
<b>University of Montana Local Executive Board - Western</b> (University System) Mr. William Kriegel, Dillon Qualifications (if required): public representative	Governor	4/15/2010
<b>University of Montana-Helena College of Technology Local Executive Board</b> (University System) Mr. Pat Clinch, Helena Qualifications (if required): public representative	Governor	4/15/2010
<b>University of Montana-Montana Tech Local Executive Board</b> (University System) Mr. Tony Laslovich, Anaconda Qualifications (if required): public representative	Governor	4/15/2010