

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 8

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

Page Number

TABLE OF CONTENTS

PROPOSAL NOTICE SECTION

STATE AUDITOR, Department of, Title 6

6-191 Notice of Public Hearing on Proposed Amendment and Adoption - Standards for Companies Considered to Be in Hazardous Financial Condition. 616-621

COMMERCE, Department of, Title 8

8-111-89 (Board of Housing) Notice of Proposed Amendment - Procedural Rules - Qualified Lender Requirements. No Public Hearing Contemplated. 622-625

FISH, WILDLIFE AND PARKS, Department of, Title 12

12-366 Notice of Public Hearing on Proposed Adoption - Aquatic Invasive Species Inspection Stations. 626-627

ENVIRONMENTAL QUALITY, Department of, Title 17

17-320 Notice of Public Hearing on Proposed Adoption - Electronic Filing of Documents. 628-635

LABOR AND INDUSTRY, Department of, Title 24

24-181-5 (Board of Private Alternative Adolescent Residential or Outdoor Programs) Notice of Public Hearing on Proposed Amendment and Repeal - Definitions - Licensing Fee Schedule - Application for Registration - Site Visits - Program Administration - Program Participant Protection - Definitions-Residential Programs - Renewals - Registration Fee Schedule - Implementation.	636-642
--	---------

RULE ADOPTION SECTION

ADMINISTRATION, Department of, Title 2

2-43-449 (Public Employees' Retirement Board) Notice of Amendment - Basic Period of Service.	643-644
--	---------

COMMERCE, Department of, Title 8

8-94-86 Notice of Adoption - Administration of the 2011-2012 Federal Community Development Block Grant (CDBG) Program.	645
--	-----

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee.	646-647
How to Use ARM and MAR.	648
Accumulative Table.	649-655
Boards and Councils Appointees.	656-665
Vacancies on Boards and Councils.	666-691

BEFORE THE STATE AUDITOR AND COMMISSIONER OF INSURANCE
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PUBLIC HEARING ON
ARM 6.6.3401, 6.6.3402, 6.6.3403,)	PROPOSED AMENDMENT AND
and 6.6.3404, and adoption of New)	ADOPTION
Rule I pertaining to Standards for)	
Companies Considered to be in)	
Hazardous Financial Condition)	

TO: All Concerned Persons

1. On May 24, 2011, at 10:00 a.m., the Commissioner of Insurance, Office of the State Auditor, Monica Lindeen, will hold a public hearing in the 2nd floor conference room, at the State Auditor's Office, 840 Helena Ave., Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The Commissioner of Insurance, Office of the State Auditor, Monica Lindeen, 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 department no later than 5:00 p.m., May 17, 2011, to advise us of the nature of the accommodation that you need. Please contact Darla Sautter, State Auditor's Office, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2726; TDD (406) 444-3246; fax (406) 444-3497; or e-mail dsautter@mt.gov.

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

6.6.3401 STANDARDS FOR EVALUATING FINANCIAL CONDITION OF REGULATED COMPANIES (1) The following standards ~~or criteria~~, either singly or a combination of two or more, may be considered by the commissioner ~~in to~~ determining whether the continued operation of any insurer transacting an insurance business in this state might be deemed to be hazardous to ~~the~~ its policyholders, creditors, or the general public:

(a) adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports or summaries;

(b) the National Association of Insurance Commissioners (NAIC) Insurance Regulatory Information System and its ~~related reports~~ other financial analysis solvency tools and reports;

(c) The ratios of ~~commission expense, general insurance expense, policy benefits, and reserve increases to annual premium and net investment income which could lead to an impairment of capital and surplus;~~ whether the insurer has made adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the insurer, when considered in light of the assets held by the insurer with respect to such reserves and related actuarial items including, but not

limited to, the investment earnings on such assets, and the considerations anticipated to be received and retained under such policies and contracts;

~~(d) Whether insurer's asset portfolio, when viewed in light of current economic conditions, is of sufficient value, liquidity, or diversity to assure the company's ability to meet its outstanding obligations as they mature;~~

(e) and (f) remain the same, but are renumbered (d) and (e).

(f) whether the insurer's operating loss in the last 12-month period, or any shorter period of time, excluding net capital gains, is greater than 20% of the insurer's remaining surplus as regards policyholders in excess of the minimum required;

(g) whether any affiliate, subsidiary or a reinsurer, obligor, or any entity within the insurer's insurance holding company system is insolvent, threatened with insolvency, or delinquent in payment of its monetary or other obligations, and which in the opinion of the commissioner may affect the solvency of the insurer;

(h) contingent liabilities, pledges, or guaranties which, either individually or collectively, involve a total amount which in the opinion of the commissioner may affect the solvency of the insurer;

(i) whether any "controlling person" of an insurer is delinquent in the transmitting to, or payment of, net premiums to such the insurer;

(j) through (l) remain the same.

(m) whether the insurer has failed to meet financial and holding company filing requirements in the absence of a reason satisfactory to the commissioner;

(m) and (n) remain the same, but are renumbered (n) and (o).

~~(o) (p) whether the company insurer has experienced or will experience in the foreseeable future cash flow and/or liquidity problems; ;~~

(q) whether management has established reserves that do not comply with minimum standards established by state insurance laws, regulations, statutory accounting standards, sound actuarial principles, and standards of practice;

(r) whether management persistently engages in material under-reserving that results in adverse development;

(s) whether transactions among affiliates, subsidiaries, or controlling persons for which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity, or diversity to assure the insurer's ability to meet its outstanding obligations as they mature;

(t) any other finding determined by the commissioner to be hazardous to the insurer's policyholders, creditors, or general public.

AUTH: 33-1-313, and 33-2-1517, 33-28-206, MCA

IMP: 33-1-401, 33-2-1321, 33-2-1517, 33-28-108, 33-28-109, 33-28-207, 33-30-102, 33-30-105, MCA

6.6.3402 SCOPE OF COMMISSIONER'S DISCRETION (1) For the purposes of making a determination of an insurer's financial condition under this ~~rule~~ subchapter, the commissioner may:

(a) remains the same.

(b) make appropriate adjustments, including disallowance, to asset values attributable to investments in, or transactions with, parents, subsidiaries, or affiliates

consistent with the NAIC Accounting Practices and Procedures Manual, state laws and regulations;

(c) remains the same.

(d) increase the insurer's liability in an amount equal to any contingent liability, pledge, or guarantee not otherwise included if there is a substantial risk that the insurer will be called upon to meet the obligation undertaken within the next ~~twelve~~ 12-month period.

AUTH: 33-1-313, and 33-2-1517, 33-28-206, MCA

IMP: 33-1-401, 33-2-1321, 33-2-1517, 33-28-108, 33-28-109, 33-28-207, 33-30-102, 33-30-105, MCA

6.6.3403 POSSIBLE ADMINISTRATIVE SANCTIONS AGAINST COMPANIES IN HAZARDOUS CONDITION (1) If the commissioner determines that the continued operation of the insurer licensed to transact business in this state may be hazardous to ~~the~~ its policyholders, creditors, or the general public, then the commissioner may, upon such a determination, issue an order requiring the insurer to:

(a) through (h) remain the same.

(i) file, in addition to regular annual statements, interim financial reports on the form adopted by the NAIC or in such format as promulgated by the commissioner; ;

(j) correct corporate governance practice deficiencies, and adopt and utilize governance practices acceptable to the commissioner;

(k) provide a business plan to the commissioner in order to continue to transact business in the state; and

(l) notwithstanding any other provision of law limiting the frequency or amount of premium rate adjustments, adjust rates for any non-life insurance product written by the insurer that the commissioner considers necessary to improve the financial condition of the insurer.

(2) If the insurer is a foreign insurer the commissioner's order may be limited to the extent provided by statute.

AUTH: 33-1-313, 33-2-1321, and 33-2-1517, 33-28-206, MCA

IMP: 33-1-401, 33-2-1321, 33-2-1323, and 33-2-1517, 33-28-108, 33-28-109, 33-28-207, 33-30-102, 33-30-105, MCA

6.6.3404 ADMINISTRATIVE REMEDIES AVAILABLE TO INSURERS

(1) Any health service corporation subject to an order under ARM 6.6.3403 may request a hearing pursuant to ~~33-30-112~~ 33-1-701, MCA.

(2) Any other insurer, including a captive insurance company and a captive risk retention group, subject to an order under ARM 6.6.3403 may request a hearing or appeal from the order pursuant to 33-2-1321, MCA.

(3) The notice of hearing shall be served upon the respondent pursuant to the Montana Administrative Procedure Act. The notice of hearing shall state the time and place of hearing, and the conduct, condition, or ground upon which the commissioner based the order. Unless mutually agreed between the commissioner

and the respondent, the hearing shall occur not less than 10 days nor more than 30 days after notice is served, and shall be either in Lewis & Clark County, or in some other place convenient to the parties to be designated by the commissioner. The commissioner shall hold all hearings under this rule privately, unless the respondent requests a public hearing, in which case the hearing shall be public.

AUTH: 33-1-313, 33-2-1321, and 33-2-1517, 33-28-206, MCA

IMP: 33-1-401, 33-2-1321, 33-2-1323, 33-2-1517, and ~~33-30-112~~, 33-28-108, 33-28-109, 33-28-207, 33-30-102, 33-30-105, MCA

4. The new rule proposed to be adopted provides as follows:

NEW RULE I JUDICIAL REVIEW (1) Any order or decision of the commissioner shall be subject to judicial review in accordance with 33-1-711, 33-2-1323, MCA, and Montana Administrative Procedure Act by any party to the proceedings whose interests are substantially affected.

AUTH: 33-1-313, 33-2-1517, 33-28-206, MCA

IMP: 33-1-401, 33-2-1321, 33-2-1517, 33-28-108, 33-28-109, 33-28-207, 33-30-102, 33-30-105, MCA

5. REASONABLE NECESSITY STATEMENT: The Commissioner of Securities and Insurance - Office of the State Auditor, Monica J. Lindeen, (Commissioner) is the statewide elected official responsible for administering the Montana Insurance Department and regulating insurers. The commissioner is a member of the National Association of Insurance Commissioners (NAIC). The NAIC is an organization of insurance regulators from the 50 states, the District of Columbia, and the U.S. territories. The NAIC provides a forum for the development of uniform policy and regulation when uniformity is appropriate.

Insurer solvency is a principal area in which uniformity is efficient and effective for insurers and regulators. The NAIC has promulgated model regulations regarding standards for determining when an insurer is in hazardous financial condition and the commissioner's authority to order corrective action to attempt to avert insurer insolvency.

The commissioner is proposing to amend existing administrative rules regarding standards used for determining whether an insurer is in hazardous financial condition, the commissioner's authority to order corrective action, and the remedies available to affected insurers. The existing rules are based on the NAIC Model Regulation to Define Standards and Commissioner's Authority for Companies Deemed to be in Hazardous Financial Condition as adopted by the NAIC in 1985. The proposed amendments to the existing rules are based on the revisions in 2008 to the NAIC model regulation.

These amendments are reasonably necessary to promote consistency among insurance regulators in all jurisdictions in determining whether an insurer is in

hazardous financial condition such that continued operation of the insurer could be hazardous to the policyholders, creditors, and general public. The amendments also promote consistency among insurance regulators in regard to the corrective actions that may be taken to avoid insolvency of the insurer. Additionally, these rule changes are necessary for the Insurance Department to maintain its accreditation through the NAIC Financial Regulation Standards and Accreditation Program. The Accreditation Program provides a process to monitor and regulate solvency of multi-state insurers. To be accredited, each jurisdiction must demonstrate adequate solvency laws and regulation to protect consumers and guarantee funds, and also effective and efficient financial analysis and examination processes.

Amendments to ARM 6.6.3401 are reasonably necessary to update and include new standards for evaluating the financial condition of insurers and determining whether an insurer is in hazardous financial condition to be consistent with the standards in the current NAIC model regulation.

Amendments to ARM 6.6.3402 are reasonably necessary to include the reference to the NAIC Accounting Practices and Procedures Manual in regard to the commissioner's consideration of an insurer's financial condition to be consistent with the current NAIC model regulation.

Amendments to ARM 6.6.3403 are reasonably necessary to include additional corrective actions available to the commissioner when an insurer is determined to be in hazardous financial condition. These changes are consistent with the current NAIC model regulation.

Amendments to ARM 6.6.3404 are reasonably necessary to provide that an insurer, after found to be in hazardous financial condition by the commissioner, may request a hearing. The amendments also address the timeliness and venue of the hearing and provide that the hearing shall be held privately unless the insurer requests a public hearing. These changes are consistent with the current NAIC model regulation.

New Rule I is reasonably necessary to provide that judicial review is available to any party substantially affected by the order or decision of the commissioner and that the judicial review proceedings will be governed by certain provisions of the Montana Insurance Code and the Montana Administrative Procedure Act. These changes are consistent with the NAIC Model Regulation.

6. Concerned persons may submit their data, views, or arguments concerning the proposed actions either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Jennifer L. Massman, Staff Attorney, Office of the Commissioner of Securities and Insurance, State Auditor, Monica Lindeen, 840 Helena Ave., Helena, Montana, 59601; telephone (406) 444-2040; fax (406) 444-3499; or e-mail jmassman@mt.gov, and must be received no later than 5:00 p.m., May 31, 2011.

7. Jennifer L. Massman, Staff Attorney, has been designated to preside over and conduct this hearing.

8. The department maintains a list of concerned 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 and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Such written request may be mailed or delivered to Darla Sautter, Office of the Commissioner of Securities and Insurance, 840 Helena Ave., Helena, Montana, 59601; telephone (406) 444-2726; fax (406) 444-3499; or e-mail dsautter@mt.gov or may be made by completing a request form at any rules hearing held by the department.

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

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

/s/ Christina L. Goe
Christina L. Goe
Rules Reviewer

/s/ Robert W. Moon
Robert W. Moon
Deputy Insurance Commissioner

Certified to the Secretary of State April 18, 2011.

BEFORE THE BOARD OF HOUSING
DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 8.111.202, 8.111.305, and) AMENDMENT
8.111.305A pertaining to procedural)
rules and qualified lender) NO PUBLIC HEARING
requirements) CONTEMPLATED

TO: All Concerned Persons

1. On June 13, 2011, the Board of Housing proposes to amend the above-stated rules.

2. The Board of Housing will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Commerce no later than 5:00 p.m. on May 18, 2011, to advise us of the nature of the accommodation that you need. Please contact Paula Loving, Board of Housing, Department of Commerce, 301 South Park Avenue, P.O. Box 200528, Helena, Montana, 59620-0528; telephone (406) 841-2840; fax (406) 841-2841; TDD (406) 841-2702; or e-mail ploving@mt.gov.

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

8.111.202 MEETINGS OF THE BOARD (1) All meetings of the board are open to the public pursuant to 90-6-105, MCA. Notice of the board's regular meetings shall be given by:

(a) posting a statement of the time, and place, and agenda of the meeting on a the state's electronic bulletin board ~~at the entrance to the board's offices; and~~

~~(b) mailing the said notice to a newspaper of general circulation in Helena, Montana, and~~

(c) remains the same, but is renumbered (b).

(2) Notice of the board's special or emergency meetings and notice of committee meetings shall be given by posting a statement of the time, place, and nature of the meeting on a the state's electronic bulletin board ~~at the entrance to the board's offices.~~

(3) In the case of matters determined by the board to be of significant interest to the public, adequate and appropriate notice shall be given in accordance with 2-3-101 through 2-3-114, MCA ~~by any of the means in (1), and by any additional appropriate means of notice, given sufficiently prior to a final decision to permit public comment on the matter.~~

AUTH: 90-6-104, 90-6-106, MCA
IMP: 90-6-105, MCA

- 8.111.305 APPROVED LENDERS (1) remains the same.
- (2) All applications must include:
- (a) and (b) remain the same.
 - (c) evidence of errors and omissions insurance and fidelity insurance, each of which must be in the an amount ~~currently required by the FHA~~ but not less than \$300,000;
 - (d) through (3) remain the same.
 - (4) Each year or as may be requested by the board, an approved lender participating in the board's programs shall submit:
 - (a) and (b) remain the same.
 - (c) an updated list of the personnel required under (2)(b); ~~and~~
 - (d) an updated list of the offices required under (2)(f); and
 - (e) evidence of continuing compliance with (2)(c).
 - (5) and (6) remain the same.

AUTH: 90-6-104, 90-6-106, MCA
IMP: 90-6-106, 90-6-108, MCA

- 8.111.305A APPROVED LOAN SERVICERS (1) remains the same.
- (2) All applications shall be in writing and include the following:
- (a) through (d) remain the same.
 - (e) evidence of errors and omissions insurance and fidelity insurance, each of which must be in the an amount ~~required by the FHA~~ but not less than \$300,000;
 - (f) through (4) remain the same.
 - (5) Each year or as may be requested by the board, an approved servicer shall submit:
 - (a) through (c) remain the same.
 - (d) an updated list of the personnel required under (2)(d); ~~and~~
 - (e) evidence demonstrating that the servicer has internal controls providing for security of board funds and confidentiality of information related to board mortgagors, which evidence can be the servicer's most recent Statement of Auditing Standard 70 Report, equivalent regulatory agency report, or an equivalent report from an outside auditor; and
 - (f) evidence of continuing compliance with (2)(e).
 - (6) through (8) remain the same.

AUTH: 90-6-104, 90-6-106, MCA
IMP: 90-6-106, 90-6-108, MCA

REASON: These proposed changes to the Administrative Rules for the Montana Board of Housing are housekeeping in nature, updating the rules to fit current practice. Provisions concerning how to contact the Board of Housing and notification of meetings of the Board of Housing are updates. The provision to include the requirement for errors and omission coverage for renewal of existing

lenders is not a new requirement; the Montana Board of Housing has been requiring this coverage of renewing lenders since the early 1990s.

4. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Nancy Leifer, Board of Housing, Department of Commerce, 301 South Park Avenue, P.O. Box 200528, Helena, Montana, 59620-0528; telephone (406) 841-2849; fax (406) 841-2841; or e-mail NLeifer@mt.gov, and must be received no later than 5:00 p.m., May 26, 2011.

5. If persons who are directly affected by the proposed actions 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 Nancy Leifer at the above address no later than 5:00 p.m., May 26, 2011.

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

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

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

/s/ DORE SCHWINDEN
DORE SCHWINDEN
Director
Department of Commerce

Certified to the Secretary of State April 18, 2011.

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

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I regarding aquatic invasive) PROPOSED ADOPTION
species inspection stations)

TO: All Concerned Persons

1. On May 19, 2011 at 6:00 p.m. the Department of Fish, Wildlife and Parks (department) will hold a public hearing at the Fish, Wildlife and Parks Region 1 office located at 490 North Meridian Road, Kalispell, Montana to consider the adoption of the above-stated rule.

On May 23, 2011 at 6:00 p.m. the department will hold a public hearing at the Fish, Wildlife and Parks Region 5 office located at 2300 Lake Elmo Drive, Billings, Montana to consider the adoption of the above-stated rule.

On May 23, 2011 at 6:00 p.m. the department will hold a public hearing at the Fish, Wildlife and Parks Headquarters office located at 1420 East 6th Avenue, Helena, Montana to consider the adoption of the above-stated rule.

2. The department 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, please contact the department no later than May 13, 2011, 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 rule proposed to be adopted provides as follows:

NEW RULE I AQUATIC INVASIVE SPECIES INSPECTION STATIONS

(1) Vessels that are intended to be launched on any water in Montana must stop at designated inspection stations operated by the department and be subject to inspection for aquatic invasive species.

(2) Areas subject to the search include but are not limited to:

- (a) the exterior of the vessel;
- (b) livewells;
- (c) bait buckets;
- (d) bilge areas; and
- (e) trailer transporting vessel.

(3) Any vessel at an inspection station found with an invasive species must be decontaminated and pass a second inspection prior to being allowed to launch in Montana waters.

AUTH: 80-7-1007, 80-7-1012, 87-1-201, MCA

IMP: 80-7-1007, MCA

4. REASONABLE NECESSITY: The Fish, Wildlife and Parks Aquatic Invasive Species Program has been operating watercraft inspection stations since 2004. The stations have been conducted primarily at access points to waterbodies although they have also been conducted at major border crossings into the state. It was found to be more efficient to operate the stations closer to bodies of water. The stations have been operated under the authority that anglers must stop at Fish, Wildlife and Parks check stations (87-1-207, MCA). Fish, Wildlife and Parks has received some criticism that our check stations are not mandatory for all watercraft. The proposed rule would make it mandatory for all watercraft to stop at a designated Fish, Wildlife and Parks watercraft inspection station if the intention is for the watercraft to launch on any state water. The purpose of the inspection would be to inspect the vessel for any aquatic invasive species, including allowing the inspection of any areas of the boat that may hold water such as livewells, bait buckets, and bilge areas.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to FWP Exotics, Fisheries, P.O. Box 200701, Helena, MT 59620-0701, or e-mail them to fwpexotics@mt.gov. Any comments must be received no later than May 27, 2011.

6. Eileen Ryce or another hearings officer appointed by the department has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department. 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, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by letter dated November 17, 2010, along with a copy of the proposed rule.

/s/ Joe Maurier

Joe Maurier

Director

Department of Fish, Wildlife and Parks

/s/ Rebecca Jakes Dockter

Rebecca Jakes Dockter

Rule Reviewer

Department of Fish, Wildlife and Parks

Certified to the Secretary of State April 18, 2011

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the adoption of New Rules I) NOTICE OF PUBLIC HEARING ON
through VII pertaining to electronic filing of) PROPOSED ADOPTION
documents)

TO: All Concerned Persons

1. On May 18, 2011, at 10:00 a.m., the Department of Environmental Quality will hold a public hearing in Room 35, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The 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, please contact Elois Johnson, Paralegal, no later than 5:00 p.m., May 9, 2011, to advise us of the nature of the accommodation that you need. Please contact Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail ejohnson@mt.gov.

3. The proposed new rules provide as follows:

NEW RULE I APPLICABILITY (1) The rules in this subchapter apply to a person who submits electronic documents to the department, or to the U.S. Environmental Protection Agency (EPA), pursuant to a specific rule of the board or department or pursuant to a department permit or license condition that allows submission of electronic documents in lieu of paper documents and that requires conformance with this subchapter.

(2) The rules in this subchapter do not apply to a person who submits a document via:

- (a) facsimile transmission; or
- (b) magnetic or optical media such as a diskette, compact disc, digital video disc, or tape.

AUTH: 30-18-118, MCA

IMP: 30-18-117, MCA

NEW RULE II DEFINITIONS (1) For the purposes of this subchapter, the following definitions apply:

(a) "Electronic record" means any electronic record, as defined in 30-18-102, MCA, that is submitted to the department or to EPA, pursuant to this subchapter.

(b) "Electronic record receiving system" means the information processing system, including the apparatus, procedures, software, records, and documentation, established and used by the department or EPA to receive electronic records submitted pursuant to this subchapter.

(c) "Electronic signature" has the meaning given in 30-18-102, MCA.

(d) "Electronic signature device" means a code, such as a password, or other mechanism that is used to create electronic signatures. The code or mechanism must be unique to the individual person creating the signature at the time the signature is created, and that person must be uniquely entitled to use it.

(e) "Electronic subscriber agreement" means a written agreement prepared by the department and signed by an individual person with respect to submittal of electronic records to the department, requiring the individual to:

(i) protect any account security information from compromise;

(ii) promptly report to the department any evidence discovered that account security information has been compromised;

(iii) be held as legally bound, obligated, or responsible by the submittal and content of electronic records as by the submittal and content of paper documents for which the electronic records are substituted; and

(iv) for electronic records submitted by the person in lieu of paper documents on which a signature is required:

(A) protect the person's electronic signature device from compromise;

(B) promptly report to the department any evidence discovered that the person's electronic signature device has been compromised; and

(C) be held as legally bound, obligated, or responsible by the electronic signature created as by a handwritten signature.

(f) "Handwritten signature" means the scripted name or legal mark of an individual, handwritten by that individual, with the present intention to authenticate a writing in a permanent form.

(g) "Information" has the meaning given in 30-18-102, MCA.

(h) "Information processing system" has the meaning given in 30-18-102, MCA.

(i) "Record" has the meaning given in 30-18-102, MCA.

(j) "Signatory" means an individual who is authorized to sign, and who signs, a record submitted to the department's or EPA's electronic record receiving system, pursuant to an electronic subscriber agreement.

(k) "Valid electronic signature" means an electronic signature on an electronic record that has been created with an electronic signature device that the identified signatory is uniquely entitled to use for signing that record, when the device has not been compromised and the signatory is an individual person who is authorized to sign the record by virtue of legal status or relationship to the entity on whose behalf the signature is executed.

AUTH: 30-18-118, MCA

IMP: 30-18-102, 30-18-117, MCA

NEW RULE III USE OF ELECTRONIC RECORD RECEIVING SYSTEM

(1) If the board or department has adopted a rule, or, if the department has issued a permit or license that includes a provision or condition allowing submission of an electronic record pursuant to this subchapter in lieu of submission of a paper document, a person who submits an electronic record pursuant to the rule, permit, or license shall submit the record to the department's electronic record receiving system that is appropriate for the particular record, or an authorized EPA electronic

record receiving system, such as EPA's NetDMR system, that meets the requirements of 40 CFR Part 3, EPA's Cross-Media Electronic Reporting Regulation, and that is appropriate for the particular record.

(2) All electronic records submitted pursuant to this subchapter must bear a valid electronic signature of a signatory if the signatory would be required to sign the paper document for which the electronic record is substituted.

(3) A person submitting an electronic record pursuant to this subchapter is legally bound, obligated, or responsible by the submittal and content of the record to the same extent as by the submittal and content of the paper document for which the electronic record is substituted.

AUTH: 30-18-118, MCA

IMP: 30-18-117, MCA

NEW RULE IV ELECTRONIC SUBSCRIBER AGREEMENT (1) Before submitting an electronic record pursuant to a specific rule of the board or department or a department permit or license condition that allows submission of electronic records in lieu of paper documents and that requires conformance with this subchapter, a person shall first execute a written electronic subscriber agreement on a form provided by the department and submit the original signed paper agreement by U.S. Mail or hand delivery to the department staff member designated in the rule, permit, or license.

(2) The agreement form may be obtained from the department or downloaded and printed from the department's web site and must include the following agreements by each person who will submit electronic records:

(a) to protect the person's account security information and any required electronic signature device from compromise and from use by anyone other than that person;

(b) to contact the department staff member designated in the rule, permit, or license as soon as possible, but no later than 24 hours, after suspecting or determining that the person's account security information or any required electronic signature device has become lost, stolen, or otherwise compromised;

(c) to review the contents of all electronic submissions prior to submission;

(d) to be held as legally bound, obligated, or responsible by the submittal and content of electronic records as by the submittal and content of the paper documents for which the electronic records are substituted;

(e) for a person submitting an electronic record for which a signature is required, to be obligated and legally bound by use of an electronic signature in the same manner as with a handwritten signature;

(f) to contact the department staff member designated in the rule, permit, or license within five business days after submitting an electronic record pursuant to this subchapter if the person submitting the record does not receive an electronic notification identifying the record received, the signatory or other person submitting the record, and the date and time of receipt;

(g) if the person represents any person or entity other than himself or herself as an individual, to notify the department staff member designated in the rule,

permit, or license if the person ceases to represent the other person or entity, as soon as this change in relationship occurs; and

(h) to retain a copy of the electronic subscriber agreement as long as the person is a signatory, or otherwise is responsible, for electronic submissions to the department or EPA pursuant to this subchapter.

(3) The identity and authority of each person submitting an electronic subscriber agreement must be verified by the department. After the department has completed the verification, the department shall notify the person electronically, forward account security information, as applicable, and issue an electronic signature device to the person, if the person will be submitting records for which a signature is required.

AUTH: 30-18-118, MCA

IMP: 30-18-117, MCA

NEW RULE V VALID ELECTRONIC SIGNATURE (1) When a person uses an electronic signature device to create the person's electronic signature, the code or mechanism must be unique to that person at the time the signature is created.

(2) An authorized signatory may not allow another person to use the electronic signature device unique to his or her electronic signature.

(3) A signatory shall protect his or her electronic signature device from use by any other person and shall report to the department staff member designated in the rule, permit, or license, within one business day of discovery, any evidence that the security of the device has been compromised.

AUTH: 30-18-118, MCA

IMP: 30-18-117, MCA

NEW RULE VI EFFECT OF ELECTRONIC SIGNATURE (1) The presence of an electronic signature on an electronic record submitted pursuant to this subchapter establishes that the signatory intended to sign the electronic record and submit it to fulfill the purpose of the record.

(2) When an electronic record submitted pursuant to this subchapter bears an electronic signature, the electronic signature obligates and legally binds the person to the same extent as the signatory's handwritten signature on a paper document submitted to satisfy the same requirement.

AUTH: 30-18-118, MCA

IMP: 30-18-108, 30-18-117, MCA

NEW RULE VII ENFORCEMENT (1) If a person submitting an electronic record pursuant to this subchapter fails to comply with a requirement of this subchapter or a requirement of an electronic subscriber agreement, the person is subject to the same penalties or other remedies available for failure to submit the record.

(2) Nothing in this subchapter is intended to limit the use of an electronic record, copy of an electronic record, or other information derived from an electronic

record as evidence in an enforcement proceeding or other proceeding.

AUTH: 30-18-118, MCA

IMP: 30-18-117, MCA

REASON: New Rules I through VII would provide general procedures for submission of electronic records. The department is proposing these rules pursuant to the Uniform Electronic Transactions Act (UETA), codified at 30-18-101, et seq., MCA. Section 30-18-117(1), MCA, states, in relevant part, that: ". . . each governmental agency shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures." Section 30-18-118(2), MCA, states, in relevant part, that: "Any state agency may adopt rules to implement this part."

Receipt of electronic records can increase the timeliness of reporting by simplifying and expediting the reporting process, can reduce the administrative burden of extracting data from paper reports, and can reduce the costs of reporting, recordkeeping, and compliance monitoring for both the regulated community and the department. Electronic documents also facilitate quicker data retrieval, improved accuracy and analyses of data, quicker responses to compliance issues, and reduction of the environmental impacts related to paper documents. Adoption of rules is necessary to provide uniform, secure procedures for receiving electronic documents and ensuring the authenticity and integrity of submissions.

The proposed rules also are intended to meet the requirements of the Cross Media Electronic Reporting Rule (CROMERR), promulgated by the U.S. Environmental Protection Agency (EPA) with an effective date of January 11, 2006, and published at 70 Fed. Reg. 59848 (October 13, 2005). In order for a state administering an EPA-authorized federal program to accept electronic reports in lieu of required paper reports, CROMERR requires the state to enact statutes or adopt rules meeting the requirements of CROMERR, certify to EPA that the state has the authority to meet the requirements of CROMERR, submit an application to EPA for approval, and receive EPA approval. 40 CFR 3.1000(b)(1)(i). EPA's requirements are intended to ensure that electronic documents are authentic and as legally binding and admissible in enforcement actions as their paper counterparts. The proposed rules are intended to meet EPA's requirements for acceptance of electronic reports.

The department is proposing these particular rules because they would be consistent with both UETA and CROMERR requirements. The proposed rules are based on rules adopted by the Oklahoma Department of Environmental Quality that were approved by EPA on October 7, 2008, as meeting CROMERR requirements. 73 Fed. Reg. 58587 (October 7, 2008).

New Rule I would describe the applicability of the proposed new rules. This rule is necessary to clarify that the proposed new rules apply only to certain types of electronic records and only to electronic records submitted pursuant to a specific rule of the Board of Environmental Review (board) or department or pursuant to a department permit or license condition that allows submission of electronic records in lieu of paper documents and that requires conformance with the new rules. The

proposed new rules would not require or allow electronic submissions. The proposed new rules would establish general procedures that could be incorporated by the board or the department into specific rules, or if rule amendments were not necessary, into permit or license conditions that allow electronic submissions if done in conformance with the presently proposed rules. Other submissions of electronic records, allowed by the board or the department, would not be affected by these proposed new rules.

New Rule II would provide definitions for certain terms used in the proposed new rules. The new rule would include definitions for certain terms used in the rules that are not defined in UETA. The new rule also would include definitions of a few terms used in the rules that are defined in UETA. These definitions are necessary for completeness so that a reader does not need to refer to the statutes in order to understand the meaning of the rules.

New Rule III(1) would require a person to submit an electronic record to either the department's electronic record receiving system or an authorized EPA electronic record receiving system, such as EPA's Network Discharge Monitoring Report (NetDMR) system, if appropriate, when submitting an electronic record pursuant to a board or department rule or department permit or license condition that allows submission of an electronic record pursuant to the new rules in lieu of submission of a paper document. The department anticipates that certain electronic records required under EPA-authorized programs will be submitted directly to EPA in order to avoid unnecessary duplication or unnecessary forwarding of electronic records to EPA by the department. New Rule III(2) would require a valid electronic signature on electronic records submitted pursuant to the proposed new rules if a signature would be required on the paper document for which the electronic record is substituted. Electronic signatures are necessary on such documents because state rules and EPA regulations require signatures on certain documents, and electronic signatures are necessary to verify the authenticity of, and retain the ability to take any necessary enforcement action based on, electronic records submitted in lieu of those paper documents.

New Rule IV would require a person to complete, and submit to the department, an electronic subscriber agreement before submitting an electronic record pursuant to the new rules. The rule would specify additional electronic signature requirements for persons who will be submitting electronic documents in lieu of paper documents for which a signature is required. An electronic subscriber agreement is necessary to ensure that electronic records submitted to the department or EPA, pursuant to the proposed new rules, are authorized and authentic and to ensure that the department or EPA retain the ability to take enforcement action, based on an electronic record, when appropriate. Where applicable, agreement to conditions concerning protection of the security of an electronic signature device is necessary to ensure that a person using the electronic record receiving system is familiar with the requirements for protecting an electronic signature device from use by other persons and is aware that an electronic signature has the same binding effect as a handwritten signature on a paper document.

New Rule V would provide the substantive requirements applicable to use of electronic signature devices and protection of the security of such devices. As discussed above, state rules and EPA regulations require signatures on certain

documents, and electronic signatures are necessary on electronic documents filed in lieu of such paper documents in order to verify authenticity of, and take any appropriate enforcement action based on, electronic records submitted in lieu of those paper documents. Use, and protection of security, of electronic signature devices is necessary to ensure that electronic signatures are authentic.

New Rule VI would give an electronic signature the same binding effect as a handwritten signature on a paper document for which the electronic record is substituted. In order for the department or EPA to accept an electronic record in lieu of a paper document that must be signed, it is necessary for an electronic signature to have the same binding effect as a handwritten signature on the paper document. Section 30-18-102(9), MCA, defining "electronic signature," states that an electronic signature shows intent to sign the record. However, 30-18-108(2), MCA, states that the effect of an electronic signature is determined from the context and surrounding circumstances. New Rule VI is necessary to clarify the binding nature of use of an electronic signature, within the context and circumstances of the proposed new rules.

New Rule VII(1) would state that, if a person submitting an electronic record pursuant to the new rules fails to comply with a requirement of the rules or a requirement of an electronic subscriber agreement, the person is subject to the same penalties or other remedies available for failure to submit the record. New Rule VII(2) would state that the new rules are not intended to limit the use of an electronic record, copy of an electronic record, or other information derived from an electronic record as evidence in an enforcement proceeding or other proceeding. These provisions are necessary to ensure that use of electronic records does not adversely affect the ability of the department or EPA to take any appropriate enforcement action based on an electronic record or a person's failure to comply with the new rules.

The department's intent is that, in a future rulemaking, the department, or the board, for rules under its jurisdiction, will propose to amend certain specific program rules to require conformance with these new rules when electronically submitting certain specified documents to the department or EPA, or the department or board will propose to list, in the new rules, those documents that may be submitted electronically if submitted in conformance with the new rules.

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 Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to ejohnson@mt.gov, no later than May 26, 2011. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. David Rusoff, attorney, has been designated to preside over and conduct the 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 and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. 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 Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; e-mailed to ejohnson@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by letter dated December 16, 2010.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ David Rusoff
DAVID RUSOFF
Rule Reviewer

BY: /s/ Richard H. Opper
RICHARD H. OPPER, Director

Certified to the Secretary of State, April 18, 2011.

BEFORE THE BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAMS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)
ARM 24.181.301 definitions,)
24.181.402 licensing fee schedule,)
24.181.501 application for)
registration, 24.181.505 site visits,)
24.181.601 program administration,)
24.181.607 program participant)
protection, 24.181.803 definitions -)
residential programs, 24.181.2101)
renewals, and the repeal of)
24.181.401 registration fee schedule)
and 24.181.502 implementation)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT AND
REPEAL

TO: All Concerned Persons

1. On May 19, 2011, at 11:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, 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 Private Alternative Adolescent Residential or Outdoor Programs (board) no later than 5:00 p.m., on May 13, 2011, to advise us of the nature of the accommodation that you need. Please contact Cyndi Breen, Board of Private Alternative Adolescent Residential or Outdoor Programs, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2392; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdpap@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The Board of Private Alternative Adolescent Residential or Outdoor Programs (board) was established by the Montana Legislature in 2005 with the initial purposes of identifying and registering programs operating within the state and completing a study to assist the Legislature in determining the need for licensure. Programs were registered and the study was completed and presented to a legislative interim committee. The 2007 Legislature passed a bill that required licensure of the programs and identified the shift from program registration to full licensure.

As part of the review of its rules, the board is amending several rules to delete references to the obsolete registration process, and facilitate the 2007 legislation for program licensure. The board determined reasonable necessity exists to amend and repeal certain other obsolete and unnecessary existing rules regarding program

registration. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule. Authority and implementation cites are being amended to add the statutes being implemented through the proposed changes.

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

24.181.301 DEFINITIONS ~~For the purpose of this chapter the following definitions apply:~~

(1) through (4) remain the same.

(5) "Contraband" means any item possessed by a program participant or found on a program's premises that ~~are~~ is prohibited by law or by the program.

(6) through (10) remain the same.

~~(11) "Registration" refers to the process whereby a person or entity seeking to establish a private alternative adolescent residential or outdoor program as provided in 37-48-101, et seq, MCA, completes the necessary application for registration, submits the required fee, and thereby seeks approval for the issuance of a provisional license.~~

(12) remains the same but is renumbered (11).

AUTH: 37-1-131, 37-48-103, MCA

IMP: 37-1-131, 37-48-103, MCA

24.181.402 LICENSING FEE SCHEDULE (1) Programs will be licensed annually. ~~Beginning July 1, 2009, the~~ The annual period will run from July 1 to June 30 of the following year.

(2) Licensing fees are based on the program's estimated average daily census during the first calendar year of operation ~~at the time of application and are paid at 20% of the combined registration and licensing fees:~~

(a) 0-10 participants	\$ 270 <u>1,688</u>
(b) 11-25 participants	695 <u>4,345</u>
(c) 26-50 participants	1300 <u>8,138</u>
(d) 51- 100 <u>and more</u> participants	2130 <u>13,313</u>
(e) 101 and more participants	

~~Programs with 101 and more participants must contact the board for current information on the average daily census rate to determine the licensing fee balance.~~

(3) and (4) remain the same.

AUTH: 37-1-131, 37-48-103, MCA

IMP: 37-1-134, 37-48-103, 37-48-106, MCA

REASON: The board has determined it is reasonably necessary to amend this rule and ARM 24.181.2101 to increase licensure fees to comply with 37-1-134, MCA, and keep the board's fees commensurate with costs. In providing administrative services to the board, the department has determined that unless both licensure application and renewal fees are increased as proposed, the board

will have a shortage of operating funds by the 2012 renewal period. The board estimates that 18 programs will be affected by the proposed fee changes and will result in an \$18,390 increase in annual revenue.

24.181.501 APPLICATION FOR REGISTRATION LICENSURE (1) through (1)(d) remain the same.

(e) ~~the average daily census. If the program did not operate during the prior calendar year, the applicant shall estimate the expected average daily census during the first calendar year of operations;~~ and

(f) remains the same.

(2) Incomplete applications will be returned. The applicant may correct any deficiencies, complete any requirements necessary for registration licensure, and resubmit the application to the board office. Failure to resubmit the deficient application within 60 days from the date the notice of deficiency is was sent from the board office ~~and~~ will be treated as a voluntary withdrawal of the application and all fees will be forfeited.

(3) remains the same.

(4) Registration Licensure applications submitted to the board will be reviewed by department staff, which may request such additional information as it deems reasonably necessary.

(5) Registration Licensure applications that are deemed complete will be issued a registration licensure certificate by the department.

(6) A program's registration licensure is nontransferable.

(7) Programs that are registered licensed will be listed as being registered licensed on the Montana state web site.

AUTH: 37-1-131, 37-48-103, MCA

IMP: 37-1-131, 37-48-103, MCA

24.181.505 SITE ONSITE VISITS INSPECTIONS (1) ~~For the purpose of gathering data and information for the study, programs may be visited by the board or its designee~~ The department or board shall conduct onsite inspections of the program premises and facilities before initial licensure and for maintenance of licensure.

(2) An initial onsite inspection of the program shall be conducted by the board or its designee for licensure.

(2) (i) Department staff will contact the person responsible for the conduct of the program, as identified in the registration licensure application, to request permission to visit the facility at least seven business days prior to the intended visit for the purpose of initial licensure.

(3) The board or its designee shall conduct an onsite inspection of each licensed program at least once every three years.

(i) Department staff will contact the person responsible for the conduct of the program, as identified in the licensure application, to request permission to visit the facility at least seven business days prior to the intended visit for the purpose of maintenance of licensure.

(ii) A program may petition the board for exemption from the onsite inspection for the purpose of maintenance of licensure if the program is accredited by the National Independent Private Schools Association (NIPSA), Council on Accreditation (COA), Commission on Accreditation of Rehabilitation Facilities (CARF), and Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

(iii) If a program is granted exemption from the onsite inspection, the board may request such additional information from the program as it deems reasonably necessary.

(4) The board or its designee may enter and inspect, without prior notice, program premises and facilities in response to a complaint for purposes of determining compliance.

AUTH: 37-48-103, 37-48-115, MCA

IMP: 37-48-103, 37-48-115, MCA

REASON: The board determined it is reasonably necessary to amend this rule to set forth the circumstances under which the board will conduct onsite inspections of the programs. The amended verbiage conforms to statutory requirements and sets forth the program certifying organizations approved by the board.

24.181.601 PROGRAM ADMINISTRATION (1) remains the same.

(2) A program shall submit a significant change to plan of operation to the board for approval. A program may not deviate from its plan of operation without the prior approval of the board.

(3) Failure of any program to comply with this rule constitutes unprofessional conduct and could form a basis for action taken against the program's license.

(2) remains the same but is renumbered (4).

AUTH: 37-48-103, 37-48-113, MCA

IMP: 37-48-103, 37-48-106, 37-48-113, MCA

REASON: The board is amending this rule to further implement the requirement in 37-48-106, MCA, that a program must obtain board approval before deviating from a plan of operation. The board previously defined a "significant change to plan of operation" in ARM 24.181.301, and this amendment sets forth the consequences for failure to comply with this requirement.

24.181.607 PROGRAM PARTICIPANT PROTECTION (1) A program may not employ any staff member, aide, volunteer, or other person having direct contact with the program participants in the residential or outdoor program that poses a potential threat to the health, safety, or well-being of any program participant.

(2) remains the same.

(a) within the past ten years, has been convicted of a felony crime involving youth under the age of 18 years, or a felony crime of physical or sexual violence against any person, or any felony drug related offense; or

(b) is charged with a felony crime involving youth under the age of 18 years, or a felony crime of physical or sexual violence against any person, any felony drug related offense, or is awaiting trial on the charges listed above.

(3) and (4) remain the same.

AUTH: 37-48-108, 37-48-113, MCA

IMP: 37-48-108, 37-48-113, MCA

REASON: The board determined it is reasonably necessary to amend this rule to specify that only felony convictions will disqualify a worker from program employment. Following two years of obtaining and evaluating worker background checks, the board concluded that excluding only those individuals with specific felony convictions from program employment will continue to ensure the protection of the participants and the integrity of the licensed programs.

24.181.803 DEFINITIONS - RESIDENTIAL PROGRAMS (1) remains the same.

(a) "Residential program" means a 24-hour group living environment for ~~four~~ one or more program participants unrelated to the owner or provider.

AUTH: 37-48-113, MCA

IMP: 37-48-113, MCA

REASON: The board is amending this rule to require licensure of all programs, regardless of participant population. The board concluded this amendment is necessary to ensure the health and safety of all individuals enrolled in programs of every size and to remain consistent with Montana law.

24.181.2101 RENEWALS (1) ~~Beginning in calendar year 2009, renewal~~ Renewal notices will be sent as specified in ARM 24.101.414.

(2) remains the same.

(3) ~~The licensing renewal~~ Renewal fees are calculated by each program being assessed a base fee of \$500 to which is added an amount based on the program's average daily census:

(a) 0-10 participants	\$ 1350 <u>1,688</u>
(b) 11-25 participants	3475 <u>4,345</u>
(c) 26-50 participants	6540 <u>8,138</u>
(d) 51- 400 <u>and more</u> participants	10650 <u>13,313</u>
(e) 101 and more participants	

~~Programs with 101 and more participants must submit the base fee and contact the board for current information on the average daily census rate to determine the renewal fee total.~~

(4) through (7) remain the same.

AUTH: 37-1-131, 37-48-103, MCA

IMP: 37-1-131, 37-1-134, 37-1-141, MCA

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

24.181.401 REGISTRATION FEE SCHEDULE found at ARM page 24-20755.

AUTH: 37-1-131, 37-48-103, MCA
IMP: 37-1-134, 37-48-103, 37-48-107, MCA

24.181.502 IMPLEMENTATION found at ARM page 24-20772.

AUTH: 37-48-103, MCA
IMP: 37-48-103, 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 Private Alternative Adolescent Residential or Outdoor Programs, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdpap@mt.gov, and must be received no later than 5:00 p.m., May 27, 2011.

7. 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.paarp.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 Private Alternative Adolescent Residential or Outdoor Programs, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdpap@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. Mary Tapper, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PRIVATE ALTERNATIVE
ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
DR. JOHN SANTA, CHAIRPERSON

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

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

Certified to the Secretary of State April 18, 2011

BEFORE THE PUBLIC EMPLOYEES' RETIREMENT BOARD
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 2.43.2105 pertaining to basic)
period of service)

TO: All Concerned Persons

1. On February 10, 2011, the Public Employees' Retirement Board (PER Board) published MAR Notice No. 2-43-449 pertaining to the proposed amendment of the above-stated rule at page 132 of the 2011 Montana Administrative Register, Issue Number 3.

2. The PER Board has amended the above-stated rule as proposed.

3. The PER Board has thoroughly considered the comment received. A summary of the comment and the PER Board's response are as follows:

COMMENT #1: The Montana Public Employee Retirement Administration (MPERA) received an e-mail from a program manager concerning employees in a work unit with a flexible work schedule. The schedule consists of regular nine-hour shifts and an eight-hour shift every two weeks with every other Friday as a day off. This results in a two-week pay period reflecting a 35-hour and a 45-hour work week. This flexible work schedule may result in employees being five hours short of either 160 hours in a calendar month or 2,080 hours in a calendar year. The program manager questions whether the employees will be treated as part-time employees under the proposed amended rule.

RESPONSE #1: The referenced employees currently receive less than a month's service credit for every month they work under 160 hours. The proposed amendment addresses this situation, resulting in the employees receiving a full month of service credit for calendar months during which they work under 160 hours, provided they work 2,080 hours during the relevant fiscal year (July 1 through June 30). Any employee who works less than 2,080 hours in a fiscal year will continue to have their service credit proportionately reduced.

/s/ Melanie A. Symons
Melanie A. Symons
Chief Legal Counsel and
Rule Reviewer

/s/ John Nielsen
John Nielsen
President
Public Employees' Retirement Board

/s/ Michael P. Manion
Michael P. Manion, Chief Legal Counsel
and Rule Reviewer
Department of Administration

Certified to the Secretary of State April 18, 2011.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rule I pertaining to the administration)
of the 2011-2012 Federal Community)
Development Block Grant (CDBG))
Program)

TO: All Concerned Persons

1. On November 26, 2010, the Department of Commerce published MAR Notice No. 8-94-86 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 2678 of the 2010 Montana Administrative Register, Issue Number 22.

2. The department has adopted the above-stated rule as proposed: New Rule I (8.94.3727).

3. No comments or testimony were received.

/s/ KELLY A. CASILLAS
KELLY A. CASILLAS
Rule Reviewer

/s/ DORE SCHWINDEN
DORE SCHWINDEN
Director
Department of Commerce

Certified to the Secretary of State April 18, 2011.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

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

Economic Affairs Interim Committee:

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

Education and Local Government Interim Committee:

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

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

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

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

Environmental Quality Council:

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

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

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

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

Definitions:

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

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

Use of the Administrative Rules of Montana (ARM):

Known
Subject

1. Consult ARM Topical Index.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued.

Statute

2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 2010. This table includes those rules adopted during the period January 1, 2011, through March 31, 2011, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 2010, 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 2011 Montana Administrative Register.

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

ADMINISTRATION, Department of, Title 2

- 2.59.1708 and other rule - Renewal Fees for Mortgage Brokers - Mortgage Lenders - Mortgage Loan Originators, p. 274
- 2.59.1718 and other rules - Exemptions Under 32-9-104, MCA, Determining the Amount of the Surety Bond Required for New Applicants - Date by Which the Montana Test Must Be Completed in Order to Be Licensed as a Mortgage Loan Originator in Montana - Temporary Licenses - Transition Fees, p. 2627, 2956

(Public Employees' Retirement Board)

- 2.43.2105 Basic Period of Service, p. 132
- 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. 1831, 2571
- 2.43.5104 Adoption by Reference of the Declaration of Trust- State of Montana Public Employees Pooled Trust, p. 1920, 2572

(State Compensation Insurance Fund)

- 2.55.320 Classifications of Employments, p. 2675, 142

AGRICULTURE, Department of, Title 4

- 4.12.102 and other rules - Apiculture, p. 2018, 2650

- 4.12.3503 and other rule - Certified Seed Potatoes, p. 2867, 232
- 4.14.303 Montana Agricultural Loan Authority, p. 2424, 2810
- 4.16.701 and other rules - Agricultural Marketing Development Program, p. 2633, 2957
- 4.17.103 and other rules - Organic Program, p. 1923, 2573

STATE AUDITOR, Title 6

- 6.6.2401 and other rules - Group Coordination of Benefits, p. 2426, 2958

COMMERCE, Department of, Title 8

- I Administration of the 2011-2012 Federal Community Development Block Grant (CDBG) Program, p. 2678
- 8.94.3726 Administration of the 2010-2011 Federal Community Development Block Grant (CDBG) Program, p. 1834, 2728
- 8.94.3726 Incorporation by Reference for the CDBG Program, p. 135, 566
- 8.99.901 and other rules - Award of Grants and Loans Under the Big Sky Economic Development Program, p. 2281, 2811

(Board of Housing)

- 8.111.602 Low Income Housing Tax Credit Program, p. 2792, 567

FISH, WILDLIFE AND PARKS, Department of, Title 12

- 12.10.103 and other rules - Shooting Range Development Grants, p. 2794, 101

(Fish, Wildlife and Parks Commission)

- 12.6.2201 and other rules, Exotic Species, p. 1643, 1928, 2812
- 12.11.805 and other rules - Recreational Use Rules in Montana, p. 83

ENVIRONMENTAL QUALITY, Department of, Title 17

- 17.50.213 (Motor Vehicle Recycling and Disposal) Reimbursement Payments for Abandoned Vehicle Removal, p. 91, 379
- 17.53.706 and other rules - Hazardous Waste and Underground Storage Tanks - Emergency Preparedness, Prevention, and Response at Transfer Facilities - Reporting of Suspected Releases - Reporting and Cleanup of Spills and Overfills - Reporting of Confirmed Releases, p. 25, 234
- 17.56.102 and other rules - Underground Storage Tanks - Applicability - Compliance Inspections - Petroleum UST Systems - Fee Schedule - Permit Issuance - Anti-Siphon Requirements, p. 2899, 145
- 17.74.301 and other rules - Incorporation by Reference - OSHA Preclusion - Asbestos Project Management, p. 493
- 17.80.201 and other rules - Tax Certification - Pollution Control Equipment - Energy Facilities - Certification of Certain Energy Production or Development Facilities or Equipment for Property Tax Classification or

Abatement - Monitoring of Compliance With Certification Criteria -
Revocation of Certification, p. 2886, 233

(Board of Environmental Review)

- 17.8.102 Incorporation by Reference of Current Federal Regulations and Other
Materials Into Air Quality Rules, p. 2636, 143
- 17.8.604 and other rules - Air Quality - Open Burning, p. 2880, 569
- 17.8.763 Air Quality - Revocation of Permit, p. 2878, 568
- 17.30.201 and other rule - Water Quality - Permit Application - Degradation
Authorization - Annual Permit Fees - General Permits, p. 2870
- 17.30.617 and other rule - Water Quality - Outstanding Resource Water
Designation for the Gallatin River, p. 2294, 328, 1398, 438, 1953, 162,
1324, 264, 1648, 89
- 17.36.922 and other rule - Local Variances - Variance Appeals to the
Department, p. 528
- 17.38.101 and other rules - Plans for Public Water Supply or Wastewater System
- Fees - Definitions - Water Supply - Chemical Treatment of Water, p.
521
- 17.38.204 Maximum Organic Chemical Contaminant Levels, p. 2639, 144

(Petroleum Tank Release Compensation Board)

- 17.58.201 and other rules - Procedural and Substantive Rules - Petroleum Tank
Release Compensation, p. 1, 377

TRANSPORTATION, Department of, Title 18

- 18.9.102 and other rules - Licensed Distributors - Special Fuel Users - Invoice
Errors - Multi-Distributor Invoice Requirements, p. 2454, 2814, 2961
- 18.9.111 and other rules - Gasohol and Alcohol Blended Fuel, p. 2460, 2815

CORRECTIONS, Department of, Title 20

- I & II Day Reporting Program, p. 29, 235
- I & II Satellite-Based Monitoring Program, p. 33, 236
- 20.9.602 and other rules - Prison Rape Elimination Act - Licensure of Youth
Detention Facilities, p. 183, 570
- 20.25.101 and other rules - Board of Pardons and Parole, p. 2816

JUSTICE, Department of, Title 23

(Gambling Control Division)

- 23.16.120 Loans and Other Forms of Financing, p. 2903, 146

LABOR AND INDUSTRY, Department of, Title 24

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

- I-XIII Approved Construction Techniques for Fire Mitigation, p. 980, 1966, 237, 319
- 24.7.301 and other rules - Board of Labor Appeals - Unemployment Insurance, p. 195, 573
- 24.16.7506 and other rules - Collective Bargaining Proceedings Heard by the Board of Personnel Appeals, p. 1652, 2841, 47
- 24.17.103 and other rules - Prevailing Wage Rates for Public Works Projects - Building Construction Services - Heavy Construction Services - Highway Construction Services - Nonconstruction Services, p. 2681, 102
- 24.21.401 and other rules - Apprenticeship Training Programs, p. 2466, 2962
- 24.29.1432 and other rules - Workers' Compensation Medical Fee Schedules, p. 2642
- 24.29.2701 and other rules - Silicosis Benefits - Subsequent Injury Fund, p. 2476, 2967

(Board of Athletic Trainers)

- 24.101.413 and other rules - Renewal Dates and Requirements - Fee Schedule - Licensure of Athletic Trainers, p. 94, 576

(Board of Chiropractors)

- 24.126.510 and other rules - Endorsement - Inactive Status and Conversion - Minimum Requirements for Impairment Evaluators - Prepaid Treatment Plans, p. 2284, 380

(Board of Labor Appeals)

- 24.7.301 and other rules - Renewal Dates - Requirements - Fee Schedule - Licensure of Athletic Trainers, p. 195, 573

(Board of Medical Examiners)

- I Qualification Criteria for Evaluation and Treatment Providers, p. 1467, 2729

(Board of Nursing)

- 24.159.301 and other rules - Definitions - Fees - Nursing Education Programs - LPN Practice Permit - LPN Licensure - LPN Foreign Requirements - RN Practice Permit - RN Licensure - RN Foreign Requirements - Delegation Practices - Nondisciplinary Track - Conduct of Nurses - Program Standards - Continuing Education - Clinical Practice Settings, p. 1930, 2651

(Board of Pharmacy)

- 24.174.303 and other rules - Definitions - Examination for Licensure - Administration of Vaccines - Prescription Requirements - Internship Requirements - Preceptor Requirements - Registered Pharmacist Continuing Education - Disciplinary Action, p. 277

24.174.401 and other rules - Fee Schedule - Change in Address - Change of Pharmacist-in-Charge - Class IV Facility - Identification of Pharmacist-in-Charge - Wholesale Drug Distributor - Telepharmacy Operations - Dangerous Drugs - Cancer Drug Repository - Clinical Pharmacist Practitioner, p. 2041, 2968

(Board of Professional Engineers and Professional Land Surveyors)

I-IV Professional Land Surveyor Scope of Practice Activities, p. 2288, 385
24.183.502 and other rule - Application Processes for Professional Engineers and Professional Land Surveyors, p. 286

(Board of Public Accountants)

24.201.301 and other rules - Definitions - Fee Schedule - CPA/LPA Designation - Licensing Examinations - Professional Conduct Rules - Profession Monitoring Rules - Renewal and Continuing Education - Complaint Procedures - Exercise of Practice Privilege in Other Jurisdictions - Profession Monitoring of Holders of Special Practice Permit - Compliance With Continuing Education for Nonresidents - Renewal and Continuing Education, p. 1836, 2574

(Board of Real Estate Appraisers)

24.207.401 and other rules - Fees - Application Requirements - Qualifying Education Requirements - Qualifying Experience - Inactive License or Certification - Inactive to Active License - Trainee Requirements - Mentor Requirements - Continuing Education, p. 2905, 577

(Board of Social Work Examiners and Professional Counselors)

I-XII Qualification of Social Workers and Professional Counselors to Perform Psychological Testing, Evaluation, and Assessment, p. 533
24.102.413 Renewal Dates - Requirements - Licensure - Regulation of Marriage and Family Therapists, p. 550
24.219.301 and other rules - Definitions - Application Procedures - Supervisor Qualifications - Parenting Plan Evaluations, p. 540

(Board of Sanitarians)

24.216.402 and other rules - Fee Schedule - Applications - Minimum Licensure Standards - Examination - Continuing Education - Sanitarian-in-Training - Inactive Status Licensure, p. 364

(Board of Veterinary Medicine)

24.225.401 and other rules - Fees - Examination Application Requirements - Examination for Licensure - Board-Approved Training Program Criteria - Euthanasia Technician Test Criteria - Certified Euthanasia Agency Inspection Criteria, p. 371

LIVESTOCK, Department of, Title 32

- 32.3.108 and other rules - Game Farm Regulations - Deputy State Veterinarians, p. 2492, 2974
- 32.3.220 and other rules - Semen Shipped Into Montana - Brucellosis Definitions - Designated Surveillance Area - Penalties, p. 2485, 2797, 147
- 32.6.712 Food Safety - Inspection Service - Meat - Poultry, p. 2483, 2973
- 32.8.101 and other rule - Grade A Pasteurized Milk - Time From Processing That Fluid Milk May Be Sold for Public Consumption, p. 289

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

(Board of Land Commissioners)

- 36.11.402 and other rules - Forest Management Rules for Implementing Conservation Easements - Habitat Conservation Plans, p. 2687, 320

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I-VI Medicaid for Workers with Disabilities, p. 1271, 2733
- 37.27.128 and other rules - Emergency Care - Inpatient and Transitional Living Chemical Dependency Programs, p. 2053, 2975
- 37.34.206 and other rules - Developmental Disabilities Eligibility Rules for Medicaid Only, p. 312
- 37.50.901 Interstate Compact on the Placement of Children, p. 2297, 106
- 37.70.115 and other rules - Low Income Energy Assistance Program (LIEAP), p. 2700, 108
- 37.78.102 and other rule - Temporary Assistance for Needy Families (TANF), p. 2515, 107
- 37.78.102 Temporary Assistance for Needy Families (TANF), p. 561
- 37.79.102 and other rules - Healthy Montana Kids, p. 2521, 2845, 70
- 37.80.101 and other rule - Child Care Assistance, p. 2171, 2661, 2743
- 37.80.101 and other rules - Child Care Assistance, p. 2925, 323
- 37.81.304 and other rules - Big Sky RX Benefit - Medicaid Dental Services - Outpatient Drugs - Prescriptions for Durable Medical Equipment - Prosthetics and Orthotics (DMEPOS) - Early and Periodic Screening - Diagnostic and Treatment (EPSDT) - Qualified Medicare Beneficiaries Chiropractic Services, p. 2528, 2986
- 37.86.2206 and other rules - Provider Requirements - Reimbursement for Therapeutic Group Homes (TGH) - Therapeutic Family Care (TFC) - Therapeutic Foster Care (TFOC), p. 2085, 49
- 37.86.3515 Case Management Services for Adults With Severe Disabling Mental Illness - Reimbursement, p. 2807, 449
- 37.87.903 and other rules - Psychiatric Residential Treatment Facility Reimbursement, p. 293
- 37.87.1331 Home and Community-based Services (HCBS) for Youth With Serious Emotional Disturbance (SED), p. 2512, 2983

- 37.89.103 and other rules - Provider Reimbursement Under the Mental Health Services Plan, p. 2799, 322
- 37.97.101 and other rules - Youth Care Facility (YCF) Licensure, p. 2108, 138, 387
- 37.104.101 and other rule - Emergency Medical Services (EMS), p. 2915
- 37.106.1130 and other rules - Licensing Requirements for Outpatient Facilities for Primary Care, p. 2690, 578
- 37.108.507 Components of Quality Assessment Activities, p. 36, 333

PUBLIC SERVICE REGULATION, Department of, Title 38

- I Motor Carrier Authority Recognition, p. 2179, 2989
- 38.5.2202 and other rule - Pipeline Safety, p. 2537, 2992

REVENUE, Department of, Title 42

- I-III Functions and Operation of the Office of Taxpayer Assistance, p. 2309, 2759
- I-IV Telecommunication Services for Corporation License Taxes, p. 1968, 2540, 582
- I-XI Rental Vehicle Sales and Use Tax, p. 2200, 2755
- 42.2.325 Confidentiality of Tax Records, p. 1398, 2744
- 42.11.104 and other rules - Liquor Vendors, p. 2563, 451
- 42.12.206 and other rules - Liquor License Transfers, Suspension, and Revocation, p. 2303, 165
- 42.14.101 and other rules - Lodging Facility Use Taxes - Sales Taxes, p. 2184, 2751
- 42.14.101 and other rule - Lodging Facility Use Tax, p. 44, 461
- 42.14.1002 and other rule - Rental Vehicle Tax, p. 41, 460
- 42.15.315 and other rules - Dependents Credits and Refunds, p. 2559, 3026
- 42.15.802 Family Education Savings Program, p. 2181, 2748
- 42.19.401 and other rules - Property Tax Assistance Programs for the Disabled Veterans and Elderly Homeowners, p. 2546, 336
- 42.20.107 Valuation Methods for Commercial Properties, p. 2544, 334
- 42.21.113 and other rules - Property Taxes - Trend Tables for Valuing Property, p. 2314, 3022
- 42.21.140 and other rules - Property Taxes, p. 2554, 345
- 42.22.101 and other rules - Centrally Assessed Property, p. 1977, 2542, 2993
- 42.25.1801 and other rules - Oil and Gas Taxes, p. 1872, 2580
- 42.31.1002 Hospital Utilization Fee, p. 2301, 2847

SECRETARY OF STATE, Office of, Title 44

(Commissioner of Political Practices)

- 44.12.204 Payment Threshold - Inflation Adjustment for Lobbyists, p. 2726

BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in March 2011 appear. Vacancies scheduled to appear from May 1, 2011, through July 31, 2011, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of April 1, 2011.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

BOARD AND COUNCIL APPOINTEES FROM MARCH, 2011

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Air Pollution Control Advisory Council (Environmental Quality)			
Mr. Lei John Lame Deer Qualifications (if required): labor representative	Governor	McFerrin	3/7/2011 0/0/0
Mr. Edward Madler Whitefish Qualifications (if required): physician	Governor	Bauer	3/7/2011 0/0/0
Mr. Dyrck Van Hyning Great Falls Qualifications (if required): conservationist	Governor	Tiberi	3/7/2011 0/0/0
Board of Aeronautics (Transportation)			
Mr. Robert Buckles Bozeman Qualifications (if required): commercial airlines representative	Governor	reappointed	3/7/2011 1/1/2015
Mr. Alexander C. Edwards Billings Qualifications (if required): official of a fixed base operator	Governor	reappointed	3/7/2011 1/1/2015
Mr. Fred Lark Lewistown Qualifications (if required): public representative	Governor	reappointed	3/7/2011 1/1/2015

BOARD AND COUNCIL APPOINTEES FROM MARCH, 2011

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Aeronautics (Transportation) cont.			
Mr. Charles Manning Lakeside	Governor	reappointed	3/7/2011 1/1/2015
Qualifications (if required): aviation education representative			
Board of Architects and Landscape Architects (Labor and Industry)			
Mr. Bayliss Ward Bozeman	Governor	reappointed	3/27/2011 3/27/2014
Qualifications (if required): registered architect with three years continuous practice			
Board of Banking (Administration)			
Dr. Maureen J. Fleming Missoula	Governor	Colman	3/29/2011 7/1/2011
Qualifications (if required): public representative			
Board of Dentistry (Labor and Industry)			
Dr. Terry Klise Missoula	Governor	Colonna	3/29/2011 3/29/2016
Qualifications (if required): dentist			
Ms. Luella Vogel Great Falls	Governor	reappointed	3/29/2011 3/29/2016
Qualifications (if required): public representative			
Board of Environmental Review (Environmental Quality)			
Ms. Heidi Kaiser Park City	Governor	reappointed	3/2/2011 1/1/2015
Qualifications (if required): public member			

BOARD AND COUNCIL APPOINTEES FROM MARCH, 2011

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Environmental Review (Environmental Quality) cont.			
Mr. Larry Mires Glasgow Qualifications (if required): public member	Governor	reappointed	3/2/2011 1/1/2015
Mr. Joseph Russell Kalispell Qualifications (if required): county health officer	Governor	reappointed	3/2/2011 1/1/2015
Board of Hail Insurance (Agriculture)			
Mr. Gary Gollehon Brady Qualifications (if required): public member	Governor	reappointed	3/21/2011 4/18/2014
Board of Horseracing (Livestock)			
Mr. Cody Drew Circle Qualifications (if required): resident of district 1	Governor	Lambert	3/29/2011 1/20/2012
Board of Investments (Commerce)			
Mr. Gary Buchanan Billings Qualifications (if required): financial representative	Governor	Moore	3/3/2011 1/1/2015
Mr. Karl Englund Missoula Qualifications (if required): attorney	Governor	reappointed	3/3/2011 1/1/2015

BOARD AND COUNCIL APPOINTEES FROM MARCH, 2011

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Investments (Commerce) cont.			
Mr. Quint Nyman Helena Qualifications (if required): labor representative	Governor	Fleming	3/3/2011 1/1/2015
Mr. Jon Satre Helena Qualifications (if required): business person	Governor	reappointed	3/3/2011 1/1/2015
Board of Labor Appeals (Labor and Industry)			
Rep. Jennifer "JP" Pomnichowski Bozeman Qualifications (if required): public representative	Governor	Calhoun	3/3/2011 1/1/2015
Board of Livestock (Livestock)			
Mr. Jeffery Lewis Corvallis Qualifications (if required): dairy producer	Governor	reappointed	3/1/2011 3/1/2017
Ms. Linda Nielsen Nashua Qualifications (if required): cattle producer	Governor	reappointed	3/1/2011 3/1/2017
Mr. Ed Waldner Chester Qualifications (if required): swine producer	Governor	reappointed	3/1/2011 3/1/2017

BOARD AND COUNCIL APPOINTEES FROM MARCH, 2011

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Occupational Therapy Practice (Labor and Industry)			
Mr. Nate Naprstek Bozeman Qualifications (if required): occupational therapist	Governor	Tracy	3/15/2011 12/31/2014
Ms. Cindy Stergar Butte Qualifications (if required): public representative	Governor	reappointed	3/15/2011 12/31/2014
Board of Oil and Gas Conservation (Natural Resources and Conservation)			
Mr. Ronald Efta Wibaux Qualifications (if required): public member/attorney	Governor	reappointed	3/29/2011 1/1/2015
Mr. Jack King Billings Qualifications (if required): industry representative	Governor	reappointed	3/29/2011 1/1/2015
Mr. Bret Smelser Sidney Qualifications (if required): landowner without minerals	Governor	reappointed	3/29/2011 1/1/2015
Board of Pardons and Parole (Corrections)			
Mr. Michael E. McKee Hamilton Qualifications (if required): education or experience in criminology, psychiatry, psychology, law, social work, etc.	Governor	reappointed	3/21/2011 1/1/2015

BOARD AND COUNCIL APPOINTEES FROM MARCH, 2011

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Pardons and Parole (Corrections) cont.			
Mr. John Rex Miles City	Governor	reappointed	3/21/2011 1/1/2015
Qualifications (if required): education or experience in criminology, psychiatry, psychology, law, social work, etc.			
Board of Radiologic Technologists (Labor and Industry)			
Dr. Jesse Cole Butte	Governor	Cecil	3/29/2011 7/1/2014
Qualifications (if required): radiologist			
Ms. Sharon Dinstel Colstrip	Governor	Kelley	3/29/2011 7/1/2014
Qualifications (if required): public representative			
Ms. Anna L. Hazen Fort Benton	Governor	reappointed	3/29/2011 7/1/2014
Qualifications (if required): permit holder			
Mr. Charles L. McCubbins Shelby	Governor	reappointed	3/29/2011 7/1/2014
Qualifications (if required): radiologic technician			
Fish, Wildlife and Parks Commission (Fish, Wildlife and Parks)			
Mr. A.T. "Rusty" Stafne Wolf Point	Governor	Doll	3/17/2011 1/1/2015
Qualifications (if required): District 4 and experience with domestic livestock			

BOARD AND COUNCIL APPOINTEES FROM MARCH, 2011

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Fish, Wildlife and Parks Commission (Fish, Wildlife and Parks) cont.			
Mr. Dan Vermillion Livingston Qualifications (if required): District 2	Governor	reappointed	3/17/2011 1/1/2015
Flathead Reservation Fish and Wildlife Board (Fish, Wildlife and Parks)			
Commissioner Joe Brenneman Kalispell Qualifications (if required): public representative	Governor	Johnson	3/11/2011 0/0/0
Ms. Diane Conradi Whitefish Qualifications (if required): public representative	Governor	Rundell	3/11/2011 0/0/0
Mr. Michael Jamison Whitefish Qualifications (if required): public representative	Governor	Aylesworth	3/11/2011 0/0/0
Hard Rock Mining Impact Board (Commerce)			
Commissioner Marianne Roose Eureka Qualifications (if required): elected county commissioner and resident of district 1/impact area	Governor	reappointed	3/3/2011 1/1/2015
Ms. Donna von Nieda Nye Qualifications (if required): elected school trustee and resident of district 1/impact area	Governor	Wolstein	3/3/2011 1/1/2015

BOARD AND COUNCIL APPOINTEES FROM MARCH, 2011

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Alfalfa Seed Committee (Agriculture)			
Mr. Tom Matchett Billings	Governor	reappointed	3/21/2011 12/21/2013
Qualifications (if required): alfalfa seed grower			
Mr. Tom Neibur Malta	Governor	reappointed	3/21/2011 12/21/2013
Qualifications (if required): alfalfa seed grower (alfalfa Leaf-cutting bees)			
Montana Grass Conservation Commission (Natural Resources and Conservation)			
Mr. Steve Barnard Hinsdale	Governor	reappointed	3/22/2011 1/1/2014
Qualifications (if required): grazing district director			
Mr. Dan Teigen Teigen	Governor	reappointed	3/22/2011 1/1/2014
Qualifications (if required): grazing district preference holder			
Small Business Health Insurance Pool Board (State Auditor)			
Ms. Amanda Harrow Helena	Governor	Marsenich	3/3/2011 1/1/2014
Qualifications (if required): consumer representing small business			

BOARD AND COUNCIL APPOINTEES FROM MARCH, 2011

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Transportation Commission (Transportation)			
Mr. S. Kevin Howlett	Governor	reappointed	3/29/2011
Arlee			1/1/2015
Qualifications (if required):	resident of District 1 (Democrat)		
Rep. Carol Lambert	Governor	Espy	3/29/2011
Broadus			1/1/2015
Qualifications (if required):	resident of District 4 (Republican)		

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Ageing Advisory Council (Public Health and Human Services) Rep. Beverly Barnhart, Bozeman Qualifications (if required): public representative	Governor	7/18/2011
Mrs. Jessie James-Hawley, Harlem Qualifications (if required): public representative	Governor	7/18/2011
Ms. Lauren Lynch, Butte Qualifications (if required): public representative	Governor	7/18/2011
Ms. Toni Hagener, Havre Qualifications (if required): public representative	Governor	7/18/2011
Mr. Marvin Carter, Laurel Qualifications (if required): public representative	Governor	7/18/2011
Mr. Alex Ward, Helena Qualifications (if required): public representative	Governor	7/18/2011
Agriculture Development Council (Agriculture) Mr. Bill Koenig, Kalispell Qualifications (if required): agriculture producer	Governor	7/1/2011
Ms. Patricia Quisno, Harlem Qualifications (if required): agriculture producer	Governor	7/1/2011
Mr. David Tyler, Belgrade Qualifications (if required): agriculture producer	Governor	7/1/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of Banking (Administration) Mr. John King, Kalispell Qualifications (if required): state bank officer of a small size bank</p>	Governor	7/1/2011
<p>Board of Hearing Aid Dispensers (Labor and Industry) Ms. Lee Frantz Oines, Missoula Qualifications (if required): dispenser with master's degree and national certification</p>	Governor	7/1/2011
<p>Mr. Jim Lieberg, Helena Qualifications (if required): public representative with a hearing aid</p>	Governor	7/1/2011
<p>Board of Massage Therapists (Labor and Industry) Mr. Michael Eayrs, Kalispell Qualifications (if required): massage therapist</p>	Governor	5/6/2011
<p>Board of Nursing (Labor and Industry) Ms. Sharon L. Dschaak, Wolf Point Qualifications (if required): licensed practical nurse</p>	Governor	7/1/2011
<p>Ms. Laura Weiss, Great Falls Qualifications (if required): registered nurse</p>	Governor	7/1/2011
<p>Board of Nursing Home Administrators (Labor and Industry) Ms. Polly Nikolaisen, Kalispell Qualifications (if required): public representative 55 years of age or older</p>	Governor	5/28/2011
<p>Mr. Ken Chase, Billings Qualifications (if required): public representative</p>	Governor	5/28/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Pharmacy (Labor and Industry) Mr. William D. Burton, Helena Qualifications (if required): licensed pharmacist	Governor	7/1/2011
Board of Physical Therapy Examiners (Labor and Industry) Mr. Richard Smith, Missoula Qualifications (if required): physical therapist	Governor	7/1/2011
Board of Plumbers (Labor and Industry) Mr. Marcus J. Golz, Helena Qualifications (if required): representative of the Department of Environmental Quality	Governor	5/4/2011
Mr. Scott Lemert, Livingston Qualifications (if required): master plumber	Governor	5/4/2011
Mr. David Lindeen, Helena Qualifications (if required): public representative	Governor	5/4/2011
Ms. Debi Friede, Havre Qualifications (if required): public representative	Governor	5/4/2011
Mr. Steve Carey, Frenchtown Qualifications (if required): journeyman plumber	Governor	5/4/2011
Board of Professional Engineers and Land Surveyors (Labor and Industry) Ms. Ingrid Clare Lovitt-Abramson, Missoula Qualifications (if required): public representative	Governor	7/1/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Radiologic Technologists (Labor and Industry) Ms. Anna L. Hazen, Fort Benton Qualifications (if required): permit holder	Governor	7/1/2011
Mr. Charles L. McCubbins, Shelby Qualifications (if required): radiologic technician	Governor	7/1/2011
Board of Real Estate Appraisers (Labor and Industry) Mr. Peter Fontana, Great Falls Qualifications (if required): real estate appraiser	Governor	5/1/2011
Mr. Kraig Kosena, Missoula Qualifications (if required): real estate appraiser	Governor	5/1/2011
Board of Realty Regulation (Labor and Industry) Mr. C.E. Abe Abramson, Missoula Qualifications (if required): real estate salesperson and identifies himself as a Democrat	Governor	5/9/2011
Ms. Shirley McDermott, Laurel Qualifications (if required): public representative and identifies herself as a Republican	Governor	5/9/2011
Ms. Connie Wardell, Billings Qualifications (if required): Democrat	Governor	5/9/2011
Mr. Larry Milless, Stevensville Qualifications (if required): Republican	Governor	5/9/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Regents (Governor) Ms. Teresa Snyder, Bozeman Qualifications (if required): university student	Governor	6/30/2011
Board of Sanitarians (Labor and Industry) Ms. Kathleen Driscoll, Hamilton Qualifications (if required): public representative	Governor	7/1/2011
Mayor Gene Townsend, Three Forks Qualifications (if required): public representative	Governor	7/1/2011
Mr. Gerald Cormier, Billings Qualifications (if required): sanitarian	Governor	7/1/2011
Ms. Susan K. Brueggeman, Polson Qualifications (if required): sanitarian	Governor	7/1/2011
Board of Veterinary Medicine (Labor and Industry) Dr. Bob Sager, Wilsall Qualifications (if required): veterinarian	Governor	7/31/2011
Community Health Center Advisory Group (Governor) Mr. David Herrera, Missoula Qualifications (if required): public representative	Governor	7/1/2011
Ms. Laurie Francis, Livingston Qualifications (if required): executive employee of a community health center	Governor	7/1/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Community Health Center Advisory Group (Governor) cont. Ms. Jill Baker, Great Falls Qualifications (if required): public representative	Governor	7/1/2011
Ms. Marge Levine, Helena Qualifications (if required): representative of the Montana Primary Care Association	Governor	7/1/2011
Ms. Devri Rockwood, Libby Qualifications (if required): chief financial officer of a community health center	Governor	7/1/2011
Community Service Commission (Labor and Industry) Mr. Robert E. Harris, Great Falls Qualifications (if required): public representative	Governor	7/1/2011
Mr. James B. Corson, Billings Qualifications (if required): public representative	Governor	7/1/2011
Mr. James Steele, Pablo Qualifications (if required): representative of Tribal government	Governor	7/1/2011
Mr. Jack Chambers, Missoula Qualifications (if required): representative of the disabilities community	Governor	7/1/2011
District Court Council (Justice) Mr. Jim Reno, Billings Qualifications (if required): none specified	District Court	6/30/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>District Court Council (Justice) cont. Judge John C. McKeon, Malta Qualifications (if required): none specified</p>	District Court	6/30/2011
<p>Judge Katherine "Kitty" Curtis, Columbia Falls Qualifications (if required): none specified</p>	District Court	6/30/2011
<p>Ms. Glenda Travitz, no city listed Qualifications (if required): none specified</p>	District Court	6/30/2011
<p>Economic Development Advisory Council (Commerce) Ms. Sheila Hogan, Butte Qualifications (if required): public representative</p>	Governor	7/23/2011
<p>Mr. Curt Starr, Billings Qualifications (if required): public representative</p>	Governor	7/23/2011
<p>Ms. Kathie Bailey, Lewistown Qualifications (if required): public representative</p>	Governor	7/23/2011
<p>Ms. Linda Twitchell, Wolf Point Qualifications (if required): public representative</p>	Governor	7/23/2011
<p>Ms. Estelle Tafoya, Red Lodge Qualifications (if required): public representative</p>	Governor	7/23/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Electrical Board (Labor and Industry) Ms. Dawn Achten, Billings Qualifications (if required): public representative</p>	Governor	7/1/2011
<p>Electronic Government Advisory Council (Administration) Director Mary Sexton, Helena Qualifications (if required): agency representative</p>	Governor	6/18/2011
<p>Mr. Tim Christensen, Missoula Qualifications (if required): public representative</p>	Governor	6/18/2011
<p>Mr. Christian Mackay, Helena Qualifications (if required): agency representative</p>	Governor	6/18/2011
<p>Ms. Karen Harrison, Lolo Qualifications (if required): public representative</p>	Governor	6/18/2011
<p>Commissioner Andy Hunthausen, Helena Qualifications (if required): local government official</p>	Governor	6/18/2011
<p>Family Education Savings Oversight Committee (Higher Education) Mr. John Driscoll, Helena Qualifications (if required): public representative</p>	Governor	7/1/2011
<p>Flathead Basin Commission (Natural Resources and Conservation) Mr. Clinton Whitney, Polson Qualifications (if required): public representative</p>	Governor	6/30/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Flathead Basin Commission (Natural Resources and Conservation) cont. Mr. Ed Heger, Kalispell Qualifications (if required): public representative	Governor	6/30/2011
Mr. Donald Loranger, Bigfork Qualifications (if required): public representative	Governor	6/30/2011
Judicial Standards Commission (Justice) Ms. Sue Schleif, Valier Qualifications (if required): public representative	Governor	7/1/2011
Land Information Advisory Council (Administration) Director Dan R. Bucks, Helena Qualifications (if required): agency representative	Governor	6/30/2011
Mr. Lance Clampitt, Bozeman Qualifications (if required): U.S. Interior Department representative	Governor	6/30/2011
Mr. Art Pembroke, Helena Qualifications (if required): local government representative	Governor	6/30/2011
Mr. Alex Philip, Missoula Qualifications (if required): private sector representative	Governor	6/30/2011
Director Richard Opper, Helena Qualifications (if required): agency representative	Governor	6/30/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Land Information Advisory Council (Administration) cont. Director Jim Lynch, Helena Qualifications (if required): agency representative</p>	Governor	6/30/2011
<p>Ms. Catherine Maynard, Bozeman Qualifications (if required): U.S. Agriculture Department representative</p>	Governor	6/30/2011
<p>Mr. Don Patterson, Missoula Qualifications (if required): U.S. Agriculture Department representative</p>	Governor	6/30/2011
<p>Mr. Lorin Peterson, Pablo Qualifications (if required): tribal government representative</p>	Governor	6/30/2011
<p>Mr. Ed Madej, Helena Qualifications (if required): private sector representative</p>	Governor	6/30/2011
<p>Ms. Annette Cabrera, Billings Qualifications (if required): local government representative</p>	Governor	6/30/2011
<p>Ms. Christiane von Reichert, Missoula Qualifications (if required): land surveyor</p>	Governor	6/30/2011
<p>Commissioner Joe Brenneman, Kalispell Qualifications (if required): Local government agency representative</p>	Governor	6/30/2011
<p>Mr. Rudy Cicon, Chester Qualifications (if required): land surveyor</p>	Governor	6/30/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Land Information Advisory Council (Administration) cont. Mr. Joe Maurier, Helena Qualifications (if required): agency representative	Governor	6/30/2011
Ms. Kris Larson, Helena Qualifications (if required): GIS professional	Governor	6/30/2011
Ms. Erin Geraghty, Helena Qualifications (if required): GIS professional	Governor	6/30/2011
Ms. Janet Hess-Herbert, Helena Qualifications (if required): designee	Director	6/30/2011
Mr. James D. Claflin, Billings Qualifications (if required): representative of the U.S. Interior Department	Governor	6/30/2011
Library Commission (State Library) Ms. Nora Smith, Bozeman Qualifications (if required): public representative	Governor	5/22/2011
Ms. Joyce Funda, Rollins Qualifications (if required): public representative	Governor	5/22/2011
Mr. Richard Quillin, Whitefish Qualifications (if required): public representative	Governor	5/22/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Library Commission (State Library) cont. Ms. Lee Phillips, Butte Qualifications (if required): public representative</p>	Governor	5/22/2011
<p>Mental Disabilities Board of Visitors (Governor) Mr. Patrick Wayne, Missoula Qualifications (if required): consumer of mental health services</p>	Governor	7/1/2011
<p>Ms. Lin Olson, Helena Qualifications (if required): consumer of developmental disability services</p>	Governor	7/1/2011
<p>Ms. Betty N. Cooper, Heart Butte Qualifications (if required): public representative</p>	Governor	7/1/2011
<p>Ms. Patricia Harant, Helena Qualifications (if required): consumer of mental health services</p>	Governor	7/1/2011
<p>Montana Heritage Preservation and Development Commission (Commerce) Rep. Bob Lawson, Whitefish Qualifications (if required): public representative</p>	Governor	5/23/2011
<p>Mr. Paul Tuss, Havre Qualifications (if required): Tourism Advisory Council representative</p>	Governor	5/23/2011
<p>General James Womack, Dillon Qualifications (if required): Montana historian</p>	Governor	5/23/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Montana Heritage Preservation and Development Commission (Commerce) cont. Ms. Carol Swanson, Glendive Qualifications (if required): public representative</p>	Governor	5/23/2011
<p>Montana Historical Society Board of Trustees (Historical Society) Secretary Bob Brown, Whitefish Qualifications (if required): public member</p>	Governor	7/1/2011
<p>Mr. George Horse Capture, Great Falls Qualifications (if required): public representative</p>	Governor	7/1/2011
<p>Mr. Thomas Nygard, Bozeman Qualifications (if required): public representative</p>	Governor	7/1/2011
<p>Ms. Crystal Wong Shors, Helena Qualifications (if required): public representative</p>	Governor	7/1/2011
<p>Montana Noxious Weed Management Advisory Council (Agriculture) Mr. Terry Turner, Havre Qualifications (if required): representative of the Montana Weed Control Association</p>	Director	6/30/2011
<p>Mr. Gary Olsen, Harlowton Qualifications (if required): representative of eastern counties</p>	Director	6/30/2011
<p>Mr. Todd Wagner, Glasgow Qualifications (if required): representative of agriculture crop production</p>	Director	6/30/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Noxious Weed Management Advisory Council (Agriculture) cont.		
Mr. Jim Story, Corvallis Qualifications (if required): representative of biological research and control	Director	6/30/2011
Mr. Jim Gordon, Huntley Qualifications (if required): representative of herbicide dealers and applicators	Director	6/30/2011
Ms. Margie Edsall, Sheridan Qualifications (if required): representative of western counties	Director	6/30/2011
Mr. Brent Roeder, Fort Shaw Qualifications (if required): representative of a consumer group	Director	6/30/2011
Mr. Kurt Myllymaki, Stanford Qualifications (if required): representative of consumer group	Director	6/30/2011
Motorcycle Safety Advisory Commission (Commissioner of Higher Education)		
Mr. Dal Smilie, Helena Qualifications (if required): cycle group member	Governor	7/1/2011
Captain Clancy King, Kalispell Qualifications (if required): peace officer	Governor	7/1/2011
Mr. Randy Baldwin, Glendive Qualifications (if required): cycle group member	Governor	7/1/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Petroleum Tank Release Compensation Board (Environmental Quality) Ms. Theresa Blazicevich, Stevensville Qualifications (if required): environmental regulatory experience</p>	Director	6/30/2011
<p>Mr. Steve Sendon, Bozeman Qualifications (if required): banker</p>	Director	6/30/2011
<p>Postsecondary Scholarship Advisory Council (Higher Education) Ms. Margaret Bird, Browning Qualifications (if required): experience in financial aid at a postsecondary institution</p>	Governor	6/20/2011
<p>Private Lands/Public Wildlife Council (Fish, Wildlife and Parks) Mr. Brenden Nichols, Bozeman Qualifications (if required): sportsperson</p>	Governor	7/30/2011
<p>Mr. Mike Penfold, Billings Qualifications (if required): sportsperson</p>	Governor	7/30/2011
<p>Rep. Bob Ream, Helena Qualifications (if required): Fish, Wildlife and Parks Commissioner</p>	Governor	7/30/2011
<p>Mr. Jack Billingsley, Glasgow Qualifications (if required): outfitter</p>	Governor	7/30/2011
<p>Mr. Rick Miller, Colstrip Qualifications (if required): sportsperson</p>	Governor	7/30/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Private Lands/Public Wildlife Council (Fish, Wildlife and Parks) cont. Commissioner Chris King, Winnett Qualifications (if required): landowner	Governor	7/30/2011
Ms. Kathy Hadley, Deer Lodge Qualifications (if required): landowner	Governor	7/30/2011
Sen. Steve Gallus, Butte Qualifications (if required): legislator	Governor	7/30/2011
Mr. Mike Penfold, Billings Qualifications (if required): sportsperson	Governor	7/30/2011
Mr. Jack Rich, Seeley Lake Qualifications (if required): outfitter	Governor	7/30/2011
Mr. Land Tawney, Missoula Qualifications (if required): sportsperson	Governor	7/30/2011
Mr. Richard Iverson, Culbertson Qualifications (if required): landowner	Governor	7/30/2011
Ms. Lindsay A. Giem-Seidensticker, Twin Bridges Qualifications (if required): landowner	Governor	7/30/2011
Mr. Brett Todd, Big Timber Qualifications (if required): outfitter	Governor	7/30/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Private Lands/Public Wildlife Council (Fish, Wildlife and Parks) cont. Rep. Jeff Welborn, Dillon Qualifications (if required): legislator	Governor	7/30/2011
Mr. Joe Cohenour, East Helena Qualifications (if required): sportsperson	Governor	7/30/2011
Mr. Wagner Harmon, Bainville Qualifications (if required): outfitter	Governor	7/30/2011
Professional Engineers and Land Surveyors (Labor and Industry) Mr. James Hahn, Billings Qualifications (if required): licensed land surveyor	Governor	7/1/2011
Mr. Casey E. Johnston, Butte Qualifications (if required): licensed electrical engineer	Governor	7/1/2011
Mr. Mohammad Ruhul Amin, Bozeman Qualifications (if required): licensed mechanical engineer and an instructor	Governor	7/1/2011
Public Defender Commission (Administration) Ms. Caroline Fleming, Miles City Qualifications (if required): public representative nominated by the Speaker of the House	Governor	7/1/2011
Ms. Jennifer L. Hensley, Butte Qualifications (if required): member of organization advocating on behalf of people with mental illness	Governor	7/1/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Public Defender Commission (Administration) cont. Mr. James Park Taylor, Pablo Qualifications (if required): attorney nominated by the State Bar	Governor	7/1/2011
Mr. Kenneth R. Olson, Great Falls Qualifications (if required): attorney nominated by the Montana Supreme Court	Governor	7/1/2011
Research and Commercialization Technology Board (Commerce) Mr. Jim Davison, Anaconda Qualifications (if required): public representative	Governor	7/1/2011
Reserved Water Rights Compact Commission (Natural Resources and Conservation) Rep. Dorothy Bradley, Bozeman Qualifications (if required): public representative	Governor	6/1/2011
Mr. Gene Etchart, Glasgow Qualifications (if required): public representative	Governor	6/1/2011
Mr. Richard Kirn, Poplar Qualifications (if required): public representative	Governor	6/1/2011
Mr. Mark DeBruycker, Bynum Qualifications (if required): public representative	Governor	6/1/2011
State Workforce Investment Board (Labor and Industry) Mr. Michael Grove, White Sulphur Springs Qualifications (if required): private sector representative	Governor	7/1/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Workforce Investment Board (Labor and Industry) cont.		
Director Keith Kelly, Helena Qualifications (if required): public sector representative (Department of Labor and Industry Director)	Governor	7/1/2011
Commissioner Connie Eissinger, Brockway Qualifications (if required): private sector representative	Governor	7/1/2011
Mr. Evan Barrett, Butte Qualifications (if required): governor's representative	Governor	7/1/2011
Mr. Michael McGinley, Dillon Qualifications (if required): county commissioner	Governor	7/1/2011
Ms. Linda Woods, Darby Qualifications (if required): public sector representative (job corps)	Governor	7/1/2011
Director Anthony Preite, Helena Qualifications (if required): public sector representative (Department of Commerce Director)	Governor	7/1/2011
Mr. Jeff Rupp, Bozeman Qualifications (if required): public sector representative (nonprofit organization)	Governor	7/1/2011
Mr. Dave Crum, Great Falls Qualifications (if required): private sector representative	Governor	7/1/2011
Ms. Martina Copps, Broadus Qualifications (if required): private sector representative	Governor	7/1/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Workforce Investment Board (Labor and Industry) cont. Mr. Thomas Curry, Billings Qualifications (if required): labor representative	Governor	7/1/2011
Mr. Michael DesRosier, Browning Qualifications (if required): county commissioner	Governor	7/1/2011
Mr. Kirk Hammerquist, Kalispell Qualifications (if required): private sector representative	Governor	7/1/2011
Ms. Jacquie Helt, Missoula Qualifications (if required): labor representative	Governor	7/1/2011
Ms. Maureen Kenneally, Butte Qualifications (if required): private sector representative	Governor	7/1/2011
Mr. Robbe Lindsay, Missoula Qualifications (if required): private sector representative	Governor	7/1/2011
Mr. Rodney Miller, Wolf Point Qualifications (if required): Section 166 representative	Governor	7/1/2011
Mr. Alan Skari, Chester Qualifications (if required): private sector representative	Governor	7/1/2011
Mrs. Sandi Miller, Helena Qualifications (if required): private sector representative	Governor	7/1/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Workforce Investment Board (Labor and Industry) cont. Ms. Georgia Gibbs-Atkinson, Poplar Qualifications (if required): private sector representative	Governor	7/1/2011
Mr. Thomas McKenna, Lewistown Qualifications (if required): private sector representative	Governor	7/1/2011
Ms. Anna Whiting-Sorrell, Helena Qualifications (if required): public sector representative (Public Health and Human Services Director)	Governor	7/1/2011
Mr. Major Robinson, Billings Qualifications (if required): private sector representative	Governor	7/1/2011
Mr. George Kipp, Browning Qualifications (if required): Section 166 representative	Governor	7/1/2011
Mr. Brian Sheridan, Missoula Qualifications (if required): private sector representative	Governor	7/1/2011
Superintendent Denise Juneau, Helena Qualifications (if required): public sector representative (Superintendent of Public Instruction)	Governor	7/1/2011
Mr. Brad Eldridge, Helena Qualifications (if required): public sector representative (Higher Education)	Governor	7/1/2011
Ms. Vicki Judd, Missoula Qualifications (if required): private sector representative	Governor	7/1/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Workforce Investment Board (Labor and Industry) cont. Mr. Henry Dykema, Red Lodge Qualifications (if required): private sector representative	Governor	7/1/2011
Mr. Jim Paquette, Billings Qualifications (if required): private sector representative	Governor	7/1/2011
Mr. John DeMichiei, Roundup Qualifications (if required): private sector representative	Governor	7/1/2011
Ms. Mary Moe, Helena Qualifications (if required): public sector representative (Higher Education)	Governor	7/1/2011
State-Tribal Economic Development Commission (Commerce) Mr. Joseph Durglo, Pablo Qualifications (if required): representative of the Confederated Salish & Kootenai Tribes	Governor	6/30/2011
Mr. Richard Sangrey, Box Elder Qualifications (if required): representative of the Chippewa Cree Tribe of the Rocky Boy's Reservation	Governor	6/30/2011
Mr. Bud Moran, Pablo Qualifications (if required): alternate representative of the Confederated Salish & Kootenai Tribes	Governor	6/30/2011
Mr. Joe Fox Jr., Lame Deer Qualifications (if required): representative of the Northern Cheyenne Tribe	Governor	6/30/2011
Mr. Allen Fisher, Lame Deer Qualifications (if required): alternate representative of the Northern Cheyenne Tribe	Governor	6/30/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Teachers' Retirement Board (Administration)		
Ms. Mona Bilden, Miles City Qualifications (if required): teacher	Governor	7/1/2011
Mr. Darrell Layman, Glendive Qualifications (if required): retired teacher	Governor	7/1/2011
Mr. Jeff Greenfield, Shepherd Qualifications (if required): teacher	Governor	7/1/2011
Telecommunications Access Services for Persons with Disabilities (Public Health and Human Services)		
Mr. Drew Arnot, Missoula Qualifications (if required): independent local exchange company representative	Governor	7/1/2011
Ms. Susan Kalarchik, Butte Qualifications (if required): audiologist	Governor	7/1/2011
Ms. Char Harasymczuk, Billings Qualifications (if required): having a hearing disability	Governor	7/1/2011
Ms. Colette Custer, Plentywood Qualifications (if required): independent local exchange company representative	Governor	7/1/2011
Ms. Kristen Bruner-Kober, Billings Qualifications (if required): audiologist	Governor	7/1/2011
Mr. Charles Charette, Lame Deer Qualifications (if required): having a hearing disability	Governor	7/1/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Tourism Advisory Council (Commerce)		
Mr. Paul Tuss, Havre Qualifications (if required): resident of Russell Country	Governor	7/1/2011
Ms. Ramona Holt, Lolo Qualifications (if required): resident of Glacier Country	Governor	7/1/2011
Mr. Ed DesRosier, East Glacier Park Qualifications (if required): resident of Glacier Country	Governor	7/1/2011
Commissioner Dolores Plumage, Chinook Qualifications (if required): resident of Russell Country	Governor	7/1/2011
Ms. Gail Richardson, Bozeman Qualifications (if required): resident of Yellowstone Country	Governor	7/1/2011
Ms. Sandra Cahill, Livingston Qualifications (if required): resident of Yellowstone Country	Governor	7/1/2011
Ms. Amber Woods-Jensen, Butte Qualifications (if required): resident of Goldwest Country	Governor	7/1/2011
Ms. Meg O'Leary, Big Sky Qualifications (if required): resident of Yellowstone County	Governor	7/1/2011
Upper Clark Fork River Basin Remediation and Restoration Advisory Council (Justice)		
Mr. Jim Kambich, Butte Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Upper Clark Fork River Basin Remediation and Restoration Advisory Council (Justice) cont.		
Mr. Jon A. Krutar, Helena Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2011
Director Mary Sexton, Helena Qualifications (if required): Director of the Department of Natural Resources and Conservation	Governor	7/31/2011
Director Richard Opper, Helena Qualifications (if required): Director of the Department of Environmental Quality	Governor	7/31/2011
Mr. William Rossbach, Missoula Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2011
Mr. Joe Maurier, Helena Qualifications (if required): Director of the Department of Fish, Wildlife and Parks	Governor	7/31/2011
Mr. Roy O'Connor, Missoula Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2011
Mr. Elton Ringsak, Butte Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2011
Ms. Katherine Eccleston, Anaconda Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2011
Mr. Michael McLean, Anaconda Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2011

VACANCIES ON BOARDS AND COUNCILS -- MAY 1, 2011 THROUGH JULY 31, 2011

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Upper Clark Fork River Basin Remediation and Restoration Advisory Council (Justice) cont. Ms. Maureen Connor, Philipsburg Qualifications (if required): resident of the Upper Clark Fork River Basin	Governor	7/31/2011
Western Interstate Commissioner for Higher Education (Governor) Mr. Clayton Christian, Missoula Qualifications (if required): public representative	Governor	6/19/2011