

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 6

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

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BEFORE THE MONTANA LOTTERY COMMISSION
DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PUBLIC HEARING ON
2.63.201, 2.63.203, 2.63.407, 2.63.607,) PROPOSED AMENDMENT AND
and 2.63.1201 and the repeal of ARM) REPEAL
2.63.601, 2.63.602, 2.63.608, 2.63.613,)
and 2.63.1001 pertaining to procedural)
rules, definitions, retailer commissions,)
business changes, prizes, license)
requirements and endorsements, and)
sale of scratch tickets)

TO: All Concerned Persons

1. On April 18, 2014, at 9:00 a.m., the Montana Lottery Commission (commission) will hold a public hearing in the Conference Room of the Montana Lottery, at 2525 North Montana Avenue, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The commission 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 the commission no later than 5:00 p.m. on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Denise Blankenship, Montana Lottery, 2525 North Montana Avenue, P.O. Box 200544, Helena, Montana 59601; telephone (406) 444-5801; fax (406) 444-5830; TDD/Montana Relay Service (406) 444-9642; or by e-mail at dblankenship@mt.gov.

3. This notice reflects rule changes proposed by the commission in MAR Notice No. 2-63-503 published on December 26, 2013, at page 2358 of the 2013 Montana Administrative Register, Issue Number 24. Because requests were made for a hearing, and conversations with the Legislative Services Division resulted in changes to the original proposal, the commission is restarting the rulemaking process. The commission has no intention of instituting Internet gambling and none of the proposed changes in this notice are intended to effect such a change.

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

2.63.201 PROCEDURAL RULES (1) The commission adopts and incorporates by reference ~~rules 1 through 28 of the Attorney General's Model Procedural Rules found in ARM 1.3.102 through 1.3.210, except for the Attorney General's sample rule notice forms.~~ A copy of these rules may be obtained by contacting the Attorney General's Office, Justice Building, 215 North Sanders, P.O.

Box 201401, Helena, MT 59620-1401, telephone (406) 444-2026. the following model rules, which may be found at <http://sos.mt.gov/>:

(a) the Attorney General's model procedural rules ARM 1.3.201, 1.3.202, 1.3.211 through 1.3.224, and 1.3.226 through 1.3.233, including the appendix of sample forms in effect March 3, 2014. These rules provide model rules of practice for contested case hearings and declaratory rulings; and

(b) the Secretary of State's model rules ARM 1.3.101, 1.3.102, 1.3.301, 1.3.302, 1.3.304, 1.3.305, 1.3.307 through 1.3.309, and 1.3.311 through 1.3.313 in effect March 3, 2014. These rules define model requirements for rulemaking under the Montana Administrative Procedure Act.

AUTH: 2-4-201, 23-7-202, MCA

IMP: 2-4-201, 23-7-101, 23-7-102, 23-7-103, 23-7-110, MCA

STATEMENT OF REASONABLE NECESSITY: The commission is proposing to amend the above-stated rule to reflect recent updates to the Attorney General's and Secretary of State's Model Rules so that the current model rules are reflected in the rule. As an alternative, the commission could have crafted its own updates to the model rules. However, since the commission already follows the model rules, the commission believes it makes sense to adopt the Attorney General's and Secretary of State's updates. The commission proposes to add 2-4-201, MCA, to the citation of authority because it is this section that requires agencies to adopt rules describing agency organization and procedures. The commission proposes deleting 23-7-101, 23-7-102, 23-7-103, and 23-7-110, MCA, from the listed implemented citations because these citations do not apply to the commission's organization and procedural rules.

2.63.203 DEFINITIONS In addition to the definitions found in 32-7-103, MCA, the following definitions apply to this chapter:

(1) remains the same.

~~(2) "Commission" means the State Lottery Commission created by 23-7-201, MCA.~~

~~(3) "Director" means the director of the Montana State Lottery appointed by the governor under 23-7-210, MCA.~~

~~(4) "Endorsement" means the seal attached to the license which authorizes a retailer to sell lottery on-line tickets at a fixed place of business.~~

(5) remains the same, but is renumbered (2).

~~(6) "Lottery" means the Montana State Lottery created by Ch. 669, L. 1985.~~

(7) through (9) remain the same, but are renumbered (3) through (5).

~~(10)(6) "Terminal-issued game ticket" means a lottery ticket printed by a lottery terminal connected to a computer.~~

(11)(7) "Ticket" means a lottery scratch ticket that has a removable coating covering symbols that determine the amount of prize a player can win a ticket or other tangible evidence of participation used in lottery games authorized by law.

AUTH: 23-7-202, MCA

IMP: 23-7-301, MCA

STATEMENT OF REASONABLE NECESSITY: Section 2-4-305(2), MCA, states that rules may not unnecessarily repeat statutory language. The commission proposes deletion of (2) through (4) and (6) because they add nothing substantive to the statutory language.

The marketplace and procedures adopted for the sale of lottery products have changed since the original draft of the rule. These rules were adopted when scratch tickets were the predominant tickets that retailers sold. Now, retailers sell a variety of tickets beyond scratch tickets. Specifically, an endorsement applied to "scratch only" retailers. Since such retailers no longer exist, the lottery does not require an endorsement. The proposed amendments to "terminal-issued ticket" are needed to remove outdated language, i.e., terminals are no longer connected to a computer, and to match the text used in ARM 2.63.204. Finally, the commission proposes amending the definition of "ticket" to reflect that retailers now sell more than just scratch tickets. In sum, keeping the current definitions would inaccurately portray how retailers sell lottery tickets to the public.

2.63.407 RETAILER COMMISSION (1) ~~Each retailer is entitled to a base commission of 5% of the face value of scratch tickets activated and not returned. Retailers who sell terminal-issued tickets are entitled to a 5 percent base commission of the face value of terminal-issued tickets printed sold. However, to further the sale of lottery products, the lottery commission may adopt rules providing additional commissions to sales agents based on incremental sales.~~

(a) through (e) remain the same.

AUTH: 23-7-202, 23-7-301, MCA

IMP: 23-7-202, 23-7-301, MCA

STATEMENT OF REASONABLE NECESSITY: The commission proposes clarifying that retailers will receive a minimum of a 5 percent base commission. This change will give the retailers assurance that they will receive at least a 5 percent commission, but will also give the lottery additional flexibility in developing programs to promote sales of lottery tickets. Section 23-7-301(10), MCA, provides that sales agents are entitled to a commission of no more than 10 percent of the face value of tickets. The commission believes that flexibility is needed in determining the commission amount. For example, to promote the sale of higher-priced tickets, it may be appropriate to pay a higher commission for these tickets than lower-priced tickets. In some cases, it may also be appropriate to pay a 10 percent commission for the sale of high-value tickets.

Section 2-4-305(2), MCA, states that rules may not unnecessarily repeat statutory language. The commission proposes deletion of the first and third sentences because they add nothing substantive to the statutory language.

2.63.607 BUSINESS CHANGES (1) A licensee ~~must~~ shall notify the director of any of the following changes in the licensed business:

(a) through (f) remain the same.

(2) Pursuant to the licensee's contract, a licensee shall notify the director of any change, move, or removal of lottery terminal, equipment, and/or peripherals.

AUTH: 23-7-202, MCA

IMP: 23-7-301, MCA

STATEMENT OF REASONABLE NECESSITY: The purpose of this proposed change is to alert the lottery to the specified changes so that the lottery may help the retailer avoid problems in the future.

History has shown that misplacement of lottery equipment can have a significant negative effect on a retailer's sales. Moving a terminal from a visible location to a location with minimal access for customers will decrease sales and commissions for lottery retailers. Also, removal, moving, and reinstallation of equipment by someone other than a qualified system vendor may cause damage and significant delays to the retailer's sales. The proposed change from "must" to "shall" is consistent with legislative drafting convention.

2.63.1201 PRIZES (1) through (4) remain the same.

(5) The lottery may deny a claim for a winning ~~scratch or terminal issued~~ ticket if the ticket:

(a) ~~the ticket~~ was not legally issued;

(b) ~~the ticket~~ was stolen;

(c) ~~the ticket~~ is altered, or forged, or so mutilated that its authenticity cannot reasonably be determined.

(6) through (13) remain the same.

(14) An owner or employee of a licensed lottery retailer shall identify themselves as such to lottery officials when claiming a prize. This information must be recorded on the claim form presented to the lottery.

AUTH: 23-7-202, MCA

IMP: 23-7-202, 23-7-211, MCA

STATEMENT OF REASONABLE NECESSITY: The proposed changes to (5) clarify that a claim for any type of ticket may be denied if fraudulently obtained or significantly damaged. The proposed addition of (14) will satisfy the 2012 Montana Lottery Security Audit finding and provide justification for requesting employment information from a claimant. The finding requires retailer owners and employees to identify themselves as such when making a claim as an added security measure. This is currently done in other states, and the auditors thought it was appropriate for the Montana lottery to do the same. The commission agrees with the auditors' recommendation.

5. The commission proposes to repeal the following rules:

2.63.601 LICENSE APPLICATION FEE, found on ARM page 2-6525.

AUTH: 23-7-202, MCA

IMP: 23-7-301, MCA

STATEMENT OF REASONABLE NECESSITY: Section 2-4-305(2), MCA, states that rules may not unnecessarily repeat statutory language. The commission proposes deletion of this rule because it adds nothing substantive to the statutory language.

2.63.602 PROVISIONAL LICENSE, found on ARM page 2-6525.

AUTH: 23-7-202, 23-7-211, MCA

IMP: 23-7-211, 23-7-301, MCA

STATEMENT OF REASONABLE NECESSITY: Section 2-4-305(2), MCA, states that rules may not unnecessarily repeat statutory language. The commission proposes deletion of this rule because it adds nothing substantive to the statutory language.

2.63.608 ASSIGNMENT OR TRANSFER OF LICENSE PROHIBITED, found on ARM page 2-6526.

AUTH: 23-7-202, MCA

IMP: 23-7-301, MCA

STATEMENT OF REASONABLE NECESSITY: Section 2-4-305(2), MCA, states that rules may not unnecessarily repeat statutory language. The commission proposes deletion of this rule because it adds nothing substantive to the statutory language.

2.63.613 ENDORSEMENT, found on ARM page 2-6528.

AUTH: 23-7-202, MCA

IMP: 23-7-202, 23-7-301, MCA

STATEMENT OF REASONABLE NECESSITY: As noted in the reasonable necessity statement for ARM 2.63.203, the endorsement requirement applied when retailers sold only scratch tickets. The commission no longer requires an endorsement because "scratch only" retailers no longer exist.

2.63.1001 SALE OF SCRATCH TICKETS, found on ARM page 2-6541.

AUTH: 23-7-202, MCA

IMP: 23-7-202, MCA

STATEMENT OF REASONABLE NECESSITY: This rule applied when the lottery had "scratch only" retailers. As explained, this is no longer the case.

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 John Tarr, Security Director for the Montana Lottery at 2525 North Montana Avenue, Helena, Montana 59601; telephone (406) 444-5804; fax (406) 444-5830; or by e-mail to JTarr@mt.gov, and must be received no later than 5:00 p.m. on April 24, 2014.

7. Wilbur Rehmann, Chair of the Montana Lottery Commission, has been designated to preside over and conduct this hearing.

8. The Montana Lottery Commission maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the commission.

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

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

11. With regard to the requirements of 2-4-111, MCA, the commission has determined that the proposed rule amendments and repeals will not significantly and directly impact small businesses.

By: /s/ Wilbur Rehmann
Wilbur Rehmann, Chair
Montana Lottery Commission

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

Certified to the Secretary of State March 17, 2014.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I pertaining to Seed Licensing Fees and the amendment of ARM 4.12.3009 pertaining to Reporting and Assessment of Seed Sales) NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION AND AMENDMENT)

TO: All Concerned Persons

1. On April 16, 2014, at 11:00 a.m., the Department of Agriculture will hold a public hearing in Room 220 of the Scott Hart Building, 302 N. Roberts, Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

2. The Department of Agriculture 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 Agriculture no later than 5:00 p.m. on April 10, 2014, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen, Department of Agriculture, P. O. Box 200201, Helena, Montana, 59620; telephone (406) 444-3144; fax (406) 444-5409; or e-mail cojensen@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I SEED LICENSING FEES (1) The requirements for seed licensing fees are as follows:

- (a) a Montana grower who sells and/or labels seed: \$75 a year license fee;
- (b) a Montana seed dealer: \$75 a year license fee;
- (c) a Montana seed conditioner: \$75 a year license fee;
- (d) a Montana seed labeler: \$75 a year license fee;
- (e) a nonresident seed labeler: \$75 a year license fee; and
- (f) a nonresident dealer selling seed into Montana: \$130 a year license fee.

AUTH: 80-5-130, MCA

IMP: 80-5-130, MCA

REASON: The department's seed program cost of providing service has steadily increased in recent years. Expenditures now exceed revenue and a fee increase is needed to maintain the basic service provided to the industry. Current seed license and assessment fees were set in 2003 by statute with the allowance for the department to adjust by administrative rule to maintain adequate funding. License and assessment fees have not increased since 2003. Legislation established maximum licensing and assessment fees and authorized the Montana Department of Agriculture to adjust these fees by rule as noted in 80-5-130 and 80-5-131, MCA.

ECONOMIC IMPACT: The proposed adjustment in fees will impact three fees currently established. All license types currently paying \$55 will be increased to \$75. This fee increase will impact an estimated 529 licensees resulting in an increase of revenue of approximately \$10,580 annually. The fee for licensees currently paying \$110 will be increased to \$130. This fee increase will impact an estimated 67 licensees resulting in an increase of revenue of approximately \$1,340 annually.

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

4.12.3009 REPORTING AND ASSESSMENT OF SEED SALES (1) and (2) remain the same.

(3) These reports and the fee of ~~20~~ 25 cents per \$100 in gross sales shall be due not later than July 31 of each year for the preceding 12-month period.

(4) An additional collection fee of 10% percent of the amount due but not less than \$10 shall be assessed to any seed labeler whose report and assessment is not received by the department by the July 31 deadline.

AUTH: 80-5-131, MCA
IMP: 80-5-131, MCA

REASON: The annual reporting and assessment fees will increase from 20 cents to 25 cents per \$100 in gross annual sales of agricultural seed. This increase will impact all out of state seed labelers selling agricultural seed into Montana.

ECONOMIC IMPACT: The increase will result in an increase of revenue of approximately \$14,201 annually. The overall financial impact of the proposed fee increase will result in an increase of revenue of approximately \$26,121 annually.

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: Cort Jensen, Department of Agriculture, P. O. Box 200201, Helena, Montana, 59620; telephone (406) 444-3144; fax (406) 444-5409; or e-mail cojensen@mt.gov, and must be received no later than 5:00 p.m., April 24, 2014.

6. Cort Jensen, Department of Agriculture, has been designated to preside over and conduct this hearing.

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 and e-mail 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 5 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 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.

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

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

/s/ Cort Jensen
Cort Jensen
Rule Reviewer

/s/ Ron de Yong
Ron de Yong
Director
Department of Agriculture

Certified to the Secretary of State March 17, 2014.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 8.2.503 and the repeal of ARM) PROPOSED AMENDMENT AND
8.2.504 pertaining to the) REPEAL
administration of the Quality Schools)
Grant Program)

TO: All Concerned Persons

1. On April 17, 2014, at 1:00 p.m., the Department of Commerce will hold a public hearing in Room 504 of the Park Avenue Building at 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Commerce no later than 5:00 p.m., April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Amy Alton, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2770; TDD 841-2702; fax (406) 841-2771; or e-mail DOCQS@mt.gov.

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

8.2.503 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE QUALITY SCHOOLS GRANT PROGRAM – PROJECT GRANTS (1) The Department of Commerce adopts and incorporates by reference the 2017 Biennium Quality Schools Grant Program Application Guidelines and Administration Manual as rules for the Quality Schools Grant Program - Projects Grants program (March 2014 Draft) (~~December 2014 Draft~~).

(2) The rules incorporated by reference in (1) relate to the scope and procedures for the application, award, administration, monitoring, and close-out of school facility and technology project grants to public school districts.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, Quality Schools Grant Program, 301 South Park Avenue, P.O. Box ~~200549~~ 200523, Helena, Montana ~~59620-0549~~ 0523, or on the Quality Schools Grant Program web site at <http://commerce.mt.gov/QualitySchools>.

AUTH: 90-6-819, MCA
IMP: 90-6-819, MCA

REASON: It is reasonably necessary to amend these rules to initiate the department's administration of the project grant components of the Quality Schools

Grant Program, 90-6-801, et seq., MCA. Public school districts must have these guidelines available before the entities may apply to the department for financial assistance under the 2017 Biennium Quality Schools program. The guidelines describe the department requirements with which public school districts must comply in order to apply for, receive, and administer Quality School project grant funds.

4. The department proposes to repeal the following rule:

8.2.504 INCORPORATION BY REFERENCE OF RULES FOR THE
ADMINISTRATION OF THE QUALITY SCHOOLS GRANT PROGRAM –
PLANNING GRANTS

AUTH: 90-6-819, MCA

IMP: 90-6-819, MCA

REASON: This rule is proposed to be repealed because it has been replaced in its entirety by ARM 8.2.501.

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 the Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2770; TDD 841-2702; fax (406) 841-2771; or e-mail DOCQS@mt.gov, and must be received no later than 5:00 p.m., April 25, 2014.

6. Ethan Stapp, Quality Schools Program Manager, Department of Commerce, has been designated to preside over and conduct this hearing.

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 listed in 5 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 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.

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

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

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

/s/ DOUGLAS MITCHELL
DOUGLAS MITCHELL
Director
Department of Commerce

Certified to the Secretary of State March 17, 2014.

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 8.119.101 pertaining to the) AMENDMENT
Tourism Advisory Council)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On April 26, 2014, the Department of Commerce proposes to amend the above-stated rule.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Commerce no later than 5:00 p.m. on April 23, 2014, to advise us of the nature of the accommodation that you need. Please contact Barbara Sanem, Department of Commerce, Montana Office of Tourism, 301 South Park Avenue, P.O. Box 200533, Helena, Montana 59620-0533; telephone (406) 841-2769; fax (406) 841-2871; TDD (406) 841-2702; or e-mail bsanem@mt.gov.

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

8.119.101 TOURISM ADVISORY COUNCIL (1) remains the same.

(2) The Tourism Advisory Council incorporates by reference the guide entitled "Regulations and Procedures for Regional/CVB Tourism Organizations, ~~2014 June 2009, as amended June 2011,~~" setting forth the regulations and procedures pertaining to the distribution of lodging facility use tax revenue. The guide is available for public inspection during normal business hours at the Montana Office of Tourism, Department of Commerce, 301 South Park Avenue, Helena, Montana 59620. ~~Copies of the guide are available on request, or on the Montana Office of Tourism web site at~~ <http://www.travelmontana.mt.gov/forms/February%202014%20Final.pdf>.

(3) Distribution of funds to regional nonprofit tourism corporations and to nonprofit convention and visitors' bureaus is contingent upon compliance with the "Regulations and Procedures for Regional/CVB Tourism Organizations, ~~June 2009, as amended June 2011~~ 2014."

AUTH: 2-15-1816, MCA
IMP: 2-15-1816, MCA

REASON: It is reasonably necessary to amend this rule because the "Regulations and Procedures for the Regional/CVB Tourism Organizations, June 2011" were

amended by the Tourism Advisory Council in February 2014 to include the changes to the way the Region and CVB annual Marketing Plans are developed.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Barbara Sanem, Department of Commerce, Montana Office of Tourism, 301 South Park Avenue, P.O. Box 200533, Helena, Montana 59620-0533; telephone (406) 841-2769; fax (406) 841-2871; TDD (406) 841-2702; or e-mail bsanem@mt.gov, and must be received no later than 5:00 p.m., April 24, 2014.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Barbara Sanem at the above address no later than 5:00 p.m., April 24, 2014.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 20 persons based on 12 convention and visitor bureaus, 6 tourism regions, 14 TAC members, and at least 182 potential applicants for grants of accommodation tax funds.

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.

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

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

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

Certified to the Secretary of State March 17, 2014.

BEFORE THE BOARD OF FUNERAL SERVICE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PUBLIC HEARING ON
ARM 24.147.1101 crematory)	PROPOSED AMENDMENT,
operation standards, 24.147.1102)	ADOPTION, AND REPEAL
casket/containers, 24.147.1110)	
integrity of identification process,)	
24.147.1111 cremation procedures,)	
24.147.1112 crematory prohibitions,)	
the adoption of New Rule I)	
transportation and custody of human)	
remains, II crematory records, III)	
cremation authorizations, IV military)	
training or experience, and the repeal)	
of ARM 24.147.1103 shipping)	
cremated human remains)	

TO: All Concerned Persons

1. On April 18, 2014, at 2:00 p.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment, adoption, 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 Funeral Service (board) no later than 5:00 p.m., on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Board of Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; dlibsdfnr@mt.gov (board's e-mail).

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

24.147.1101 CREMATORY OPERATION STANDARDS FACILITY
~~REGULATION~~ (1) ~~Each location of a crematory facility is considered a separate location and must be licensed separately from a mortuary, even though they may share the same common building.~~

(2) (1) The All crematory facility facilities shall:

(a) comply with all applicable local, state, and federal laws and rules pertaining to the operation of a crematory, and maintain for inspection permits relating to business, zoning, building codes (including plumbing, electrical, and mechanical), fire codes, air quality, and water quality;-

(b) notify the board in writing of any changes in equipment from that reported on the application and maintain for inspection maintenance and repair schedules of equipment;

~~(3) (c) A licensed crematory shall designate a crematory operator-in-charge and notify the board office promptly, in writing, within ten days of any change of crematory operator. in that designation;~~

~~(4) (d) The telephone number of the fire department or rural fire district serving the crematory facility shall be posted in large bold numbers in a conspicuous place near all telephones in the crematory facility as well as in the office, if attached to a mortuary facility. post signs near telephones and in the vicinity of the retort to direct staff to call 911 in a fire or other emergency;~~

~~(e) display the facility and personal licenses of licensed staff in plain view for members of the public to view. Personal addresses on licenses may be covered;~~

~~(5) (f) The crematory operator is responsible for the conduct appropriate maintenance and safe operation of equipment used in cremations.;~~

~~(6) (g) All crematory facilities shall be kept and maintained maintain the crematory and all related cremation equipment after each use in a clean and sanitary condition; and all appliances used in the cremation process of dead human bodies shall be thoroughly cleansed and disinfected.~~

~~(7) (h) Floors have floors and walls shall be constructed of an impervious material to allow cleaning and disinfection of these surfaces.;~~

~~(i) have procedures to identify remains awaiting cremation, remains in the cremation chamber, cremated remains in the processing station, and the urns or containers holding the cremated remains; and~~

~~(j) have procedures to ensure the proper authorization to cremate exists.~~

(2) All crematory facilities shall comply with the requirements of ARM 24.147.403 that are applicable to mortuaries regarding transfers, inspections, and eligibility for a temporary permit to operate a crematory, and ARM 24.147.903 regarding name change, closure, or sale of a crematory facility.

~~(8) Used caskets or casket parts shall be placed in a storage room not available to the public view.~~

~~(9) When the crematory facility is unable to cremate human remains immediately upon taking custody, the human remains shall be placed in a holding area which shall be marked "private" or "authorized personnel only."~~

~~(10) Prior to beginning the cremation process, the crematory must have in its possession, written authorization(s) bearing the original, photocopied, or facsimile signatures of the authorizing agent and, if the death occurred in Montana, the coroner having jurisdiction or the state medical examiner. In addition, the following information must be included in the authorization and kept on record:~~

~~(a) identification of the decedent;~~

~~(b) identification and relationship of the authorizing agent;~~

~~(c) hazardous implants or other medical devices;~~

~~(d) personal property and disposition thereof;~~

~~(e) disposition of cremated remains;~~

~~(f) a description of the cremation process;~~

~~(g) a release from liability per 37-19-707, MCA; and~~

~~(h) any other information pertinent to the individual cremation.~~

~~(11) Unauthorized persons may not be permitted in the cremation chamber area while any human remains are being placed within the cremation chamber, being cremated, or being removed from the cremation chamber. For this purpose authorization may be provided by the licensee performing the cremation or the authorizing agent.~~

AUTH: 37-1-131, 37-19-202, 37-19-703, MCA

IMP: 37-19-702, 37-19-703, 37-19-704, 37-19-705, MCA

REASON: In this rule and throughout this notice, the board determined it is reasonably necessary to eliminate wordiness and redundancy, eliminate passive voice, and better organize and make easier to understand and enforce the board's regulations. The board is also amending (1) to eliminate language that unnecessarily repeats the statute and is incongruent in its substance to the operating standards in the remainder of the rule.

The board is amending (1)(a) to clarify the vague requirement to comply with "applicable" regulations by specifying the particular health and safety standards and requiring the facility to show proof of compliance by means of a permit where applicable. Crematory license applicants are required by 37-19-703, MCA, to provide a description of the type of structure and equipment to be used in the crematory, which helps the board ensure that equipment is approved for human disposal and that maintenance occurs as directed to reduce fire hazards and environmental concerns related to air quality. The board is amending (1)(b) to clarify the reason the information has historically been requested on the initial application and logically carry through to track any changes to that equipment.

The board is amending (1)(c) to specify that crematory facilities must notify the board when the crematory operator in charge of the facility changes. This amendment will further implement 37-19-702, MCA, ensure that crematories are operated only by licensed crematory operators, and establish a contact person who is knowledgeable of the operations and will act as a proper liaison to the board.

It is reasonably necessary to amend (1)(d) to acknowledge that 911 has replaced posting of telephone numbers as the best practice regarding potential fire or other emergencies. Because the same requirement exists for mortuaries, the board is adding (1)(e) to require that crematories display licenses for public view. This language repeats the concept in 37-19-702, MCA, but also defines what "conspicuous" means in the statute and clarifies that both crematory operator and technician licenses must be posted. Placing these requirements in rule as well as statute serves to create a complete inspection "checklist."

The board is deleting from (1)(f) the reference to "crematory operator" to further the concept that the facility license, as well as any given operator or technician, may be held accountable for safety. It is reasonably necessary to amend (1)(g) and (h) to clarify the requirements necessary to maintain sanitary conditions, including avoiding the commingling of cremated remains. The board is adding (1)(i) and (j) to specify crematory procedures that are necessary to effectuate the major purposes behind cremation industry regulation: ensuring the appropriate identity of persons cremated and that cremated remains are returned to their next of kin, and

identifying each stage of the cremation process as a point when identification errors may occur.

It is reasonably necessary to add (2) and apply the same requirements for crematories as mortuaries regarding inspections, temporary permits, name changes, ownership transfer, or closure of the facility.

The board is relocating the substance of (9) and (11) to ARM 24.147.1111. The board is incorporating (10) into New Rule III, "Cremation Authorizations."

24.147.1102 CASKET/CONTAINERS (1) All caskets and alternative containers holding human remains presented at a crematory for cremation shall meet the following standards:

(a) ~~be able to~~ be closed to provide a complete covering for the human remains;

(b) and (c) remain the same.

(d) ~~be sufficient~~ sufficiently rigid for handling with ease;

(e) ~~be able to~~ provide protection for the health and safety of crematory personnel; and

(f) have the name of the deceased affixed to it in a permanent, plainly visible manner.

(2) The crematory facility, ~~at its discretion, has the right to~~ may, as notified or disclosed on a cremation authorization form, remove noncombustible materials such as handles or rails from caskets or containers prior to cremation and ~~to discard them with similar materials from other cremations and other refuse~~ in a nonrecoverable manner.

(3) A crematory that sells urns and combustible containers directly to the public is deemed to be providing "funeral services" and "funeral goods" and must comply with the funeral rule referenced at ARM 24.147.406.

AUTH: 37-19-202, 37-19-703, MCA

IMP: 37-19-705, MCA

REASON: The board determined it is reasonably necessary to add (1)(f) to clarify that containers must come to the crematory with identification already affixed, and must be closed, rather than just having the ability to be closed. The quality that enables a container to be handled is its rigidity, therefore the board is adding that term to (1)(d) for clarity.

The board is amending (2) to clarify that crematories may remove noncombustible materials, such as handles and rails, only if properly notified or disclosed on a cremation authorization form. The board is further amending (2) to clarify the intent that these materials be removed before cremation takes place.

The board is adding (3) to clarify an ambiguity the board has dealt with previously regarding the applicability of the Federal Trade Commission's "funeral rule" to independent crematories and is necessary to be compliant with federal law.

24.147.1110 INTEGRITY OF IDENTIFICATION PROCESS IDENTIFYING METAL DISC (1) ~~It shall be the responsibility of the crematory operator, crematory technician or mortician to see that an identifying metal disc is attached to each~~

~~receptacle containing human remains. When remains are to be cremated, the disc initially shall be secured to the top of the head end of the casket or alternate container. During the cremation process the disc shall be placed on the control panel, outside the retort.~~

~~(2) The identifying metal disc shall be held on the outside control panel of the retort. The disc shall then be placed with the cremated remains inside the urn and the plastic liner.~~

~~(3) The number of the identifying metal disc shall be written plainly and permanently on the outside of each receptacle containing human remains when the remains are delivered to a cemetery, columbarium or mausoleum.~~

(1) A crematory may not accept or cremate human remains until it has received warranties of truthfulness regarding the identity of the remains to be cremated and regarding the authority of the signer to order cremation. A cremation authorization form provided by the board, properly executed, shall satisfy these warranties.

(2) A crematory operator must develop and require crematory staff to strictly follow procedures to accurately maintain the identification of the remains throughout the cremation process, including, at a minimum, the following:

(a) Upon receipt of the remains in a container described at ARM 24.147.1102, staff shall examine the cremation authorization, any preneed cremation authorization, and the ART forms, and maintain them together with the container.

(b) Prior to the cremation, using sequentially numbered metal tags, staff shall assign a number to the human remains and record the number on the cremation documents, a separate log, or both.

(c) Staff shall place the metal tag on the outside of the retort during the cremation process. During final processing, staff shall place the metal tag on the container or tray containing the human remains.

(d) After the cremation process, staff shall either place the metal tag with the cremated remains in a securely fastened plastic bag or securely fasten the tag to the exterior of the bag.

(e) Staff shall affix an identification label to the sealed urn or container in a permanent manner that ensures the integrity of the identification of the remains.

~~(4) (3) In the case of scattering of~~ When directed by the cremation authorization, and agreed to by the crematory to scatter cremated remains, the licensee, shall maintain the identifying metal disc shall be made tag as a part of the licensee's permanent record of the facility.

AUTH: 37-19-202, 37-19-703, MCA

IMP: 37-19-703, 37-19-704, 37-19-705, 37-19-707, 37-19-708, MCA

REASON: The board determined it is reasonably necessary to amend this rule to reflect best practices that have developed in the industry since the rule was adopted in 1993. The board has received complaints about wrongful cremations and is amending this rule to clearly establish the acceptable means of identification of human remains for licensees, staff, and the public. The rule incorporates specific statutory language regarding the authority on which the cremation is premised and

describes the cremation process in chronological detail, concentrating attention on the procedures for ensuring proper identification of human remains.

The board is amending new (3) to clearly establish that scattering remains is subject to both written authorization by the authorizing agent and agreement by the crematory operator. Implementation citations are amended to accurately reflect all statutes implemented through the rule.

24.147.1111 CREMATION PROCEDURES PROCESSING OF CREMATED REMAINS (1) ~~Upon completion of the cremation process, the recoverable residual of the cremation process shall be removed from the cremation chamber and the cremation chamber swept clean. All nonhuman residue shall be separated from the residue of human remains and placed in an enclosed, puncture-resistant container, and securely taped or capped to prevent the loss or exposure of contents during waste disposal. The residual cremated human remains shall be placed within a container or tray in such a way that will ensure against commingling with other cremated remains. The identifying metal disc shall be removed from the control panel area and attached to the container or tray of cremated human remains to await final processing.~~

~~(a) The authorizing agent may specify that recoverable nonhuman residue that can be identified, in a manner satisfactory to the crematory operator in charge, as being related to that cremation may be returned to the custody of the authorizing agent.~~

~~(2) The recoverable residual of the cremation process shall undergo final processing.~~

(1) As set forth in 37-19-704 through 37-19-706, MCA, a crematory shall comply with the procedures further described in this rule.

(2) Prior to the beginning of the cremation process, the crematory must have in its possession written authorizations to cremate bearing the original, photocopied, electronic, or facsimile signatures from:

(a) the authorizing agent; or

(b) the coroner having jurisdiction or the state medical examiner, if the death occurred in Montana.

(3) Whenever a crematory is unable to cremate human remains immediately upon taking custody, but in no case less than 24 hours after the time of death, the crematory shall hold human remains in a holding area marked "private" or "authorized personnel only," that is secure from access by unauthorized persons.

(4) A crematory may not hold unembalmed human remains longer than 48 hours after the time of death outside of a refrigerated facility. Individual circumstances, however, may dictate that refrigeration at approximately 35 degrees Fahrenheit or less begins sooner than 48 hours after the time of death.

(5) Except for persons having the right of disposition who request to witness the crematory procedure, board inspectors, or persons authorized by the crematory operator-in-charge to be present, unauthorized persons may not be permitted in the cremation chamber area while any human remains are being placed within the cremation chamber, being cremated, or being removed from the cremation chamber. This section may not be construed to allow a crematory that is not attached to a mortuary to:

- (a) conduct a viewing of the body on the crematory premises; or
- (b) hold or charge to hold a funeral or memorial service.
- (6) As described by 37-19-705, MCA, in processing cremated human remains, crematory staff shall:
 - (a) commingle cremated human remains only if the authorizing agent provides written authorization for a simultaneous cremation of more than one person;
 - (b) remove the recoverable residual of the cremation process from the chamber and sweep it clean;
 - (c) separate, collect, and secure for permanent waste disposal in a container designed to avoid loss or exposure of the contents, any nonhuman residue, such as dental fillings or nonhazardous medical implants, unless such items, if reasonably identifiable, are directed to be returned to the authorizing agent;
 - (d) process remaining bone fragments to unidentifiable particles;
 - (e) place the bone particles, together with the remaining residue and metal identification tag in a securely fastened plastic bag;
 - (f) place the bag in a sturdy, properly sealed temporary container, or in an urn provided by the authorizing agent, with the name of the deceased person and other proper identification affixed to the outside of the containers; and
 - (g) clean all containers or trays used in the cremation process to avoid commingling of cremated remains.
- ~~(3) (7) Should If the cremated remains or processed remains do not adequately fill the container's interior dimensions, staff may fill the extra space may be filled with packing material that will not become intermingled with the cremated remains or processed remains, and then securely closed.~~
- ~~(4) When a temporary container is used to return the cremated remains or processed remains, the container shall be placed within a sturdy box and all box seams taped closed to increase the security and integrity of that container. The outside of the container shall be clearly identified with the name of the deceased person whose cremated remains are contained there.~~
- (8) If cremated remains do not fit within one container, staff shall use an additional container, similarly sealed and affixed with identification, and marked "1 of 2" and "2 of 2."
- (9) When requested to ship cremated remains, the crematory shall place the temporary container or container holding the urn in a single, sturdy, pressure-resistant, and properly sealed shipping box. Multiple containers of cremated remains of a single person shall be placed in one shipping box as described. The crematory shall label the container "CREMATED REMAINS" and ship using an internal tracing system that requires a signature by the person taking delivery of the cremated remains and a return receipt to the crematory.
- (10) If the authorizing agent does not claim the cremated remains within 90 days from the date of cremation, the crematory may dispose of the cremated remains in any manner permitted by law. "Any manner permitted by law" does not include scattering, but rather means disposal in a recoverable manner, such as burial in a grave, crypt, or niche. The crematory must maintain a record of the disposition made and may issue an invoice to the authorizing agent to recover the costs of the disposition.

AUTH: 37-19-202, 37-19-703, MCA

IMP: 37-19-703, 37-19-704, 37-19-705, 37-19-706, 46-4-122, 50-15-405,

MCA

REASON: The board is amending this rule throughout to clearly delineate the steps of the cremation process into separate and distinct checklists, improve how the rule reads, provide specific information about applicable regulations, and elaborate on the intended meaning of specific terms, such as "residue," "residual," and "nonresidue."

The last sentence in (1) is being moved to ARM 24.147.1110, as it is a specific identification procedure and is more appropriately located within that rule. The board is adding (2) to distinguish between two types of cremation authorization: that of the coroner to rule out criminal conduct and that of the next-of-kin's permission to proceed with cremation.

The board is relocating the substance of ARM 24.147.1101(9) and (11) to this rule at (3) and (5), respectively, to further clarify that family members may request to observe the crematory procedures.

The board determined it is reasonably necessary to clarify in (10) that "any manner permitted by law" does not include scattering, since the law requires express written authority for the crematory operator to dispose of cremated remains in that manner. This rule assumes that scattering authorization was not provided nor agreed to by the crematory operator. Therefore, if the crematory operator has cremated remains in his or her possession, it is because the authorizing agent has not directed scattering as a means of disposition, but has stated they or another party will claim the remains.

Implementation citations are amended to accurately reflect all statutes implemented through the rule.

24.147.1112 CREMATORY PROHIBITIONS (1) It is prohibited to No crematory facility, operator, or technician shall do any of the following, unless also licensed as a mortician:

(a) transport human remains, make arrangements, engage in funeral directing, or engage in mortuary science, as such terms are defined in 37-19-101, MCA;

(b) cremate fetuses, limbs, and body parts from private or public health agencies, medical doctors or colleges and universities, unless appropriate permits and releases are provided to the crematory facility. without proper permits and cremation authorizations;

(c) use or allow the use of the same cremation chamber for the cremation of human remains and animals;

(d) accept prepayment for cremation services, unless covered in a prepaid funeral agreement executed by a mortician;

(e) require that human remains be placed in any particular container other than a basic combustible container, e.g., a casket, before cremation; or require that cremated remains be placed in a cremation urn, cremation vault, or receptacle designed to permanently encase the cremated remains;

(f) remove any dental gold, jewelry, medical devices, body parts, or other items of value from human remains prior to the cremation or from the cremated remains after cremation, unless the cremation authorization form specifically authorizes such removal; or

(g) remove a potentially hazardous implant from human remains or knowingly cremate human remains with a potentially hazardous implant in place.

~~(2) Copies of such permits and releases shall remain with the crematory facility and the parties contracting for the cremation services.~~

~~(3) Cremation of animals or pets of any type, is strictly prohibited in a crematory facility designed for cremation of human remains.~~

(2) A hazardous implant may only be removed by a mortician at a mortuary or branch mortuary establishment with a preparation room, unless removal has taken place at a medical facility by appropriate medical personnel. The mortician shall keep a record of the removal and disposition of the implant. Crematories must recycle hazardous implants if such service is available, and may only discard them in accordance with federal, state, and local laws and regulations.

(3) This rule may not be construed to prohibit an independent crematory not associated with a mortician from discussing cremation procedures with customers or selling combustible containers or cremation urns. If such funeral goods and services are sold, they may only be paid for by the consumer "at need" and not as preneed funeral goods and services, which may only be offered, negotiated, or sold by a licensed mortician. An independent crematory operator who sells funeral goods must comply with the funeral rule and have a general price list (GPL).

AUTH: 37-19-202, 37-19-703, MCA

IMP: 37-19-101, 37-19-703, 37-19-704, 37-19-705, 37-19-706, 37-19-707, 37-19-708, MCA

REASON: The board determined it is reasonably necessary to amend (1)(a) by delineating the narrow scope of practice of a crematory operator or owner of a crematory facility to reflect existing law and the department's successful litigation involving a crematory operator attempting to engage in activities only morticians are allowed to engage in. The rule is further necessary, given the board's recognition of an authorizing agent's right of final disposition, to transport a deceased next of kin directly to a crematory under the conditions set forth in statute and these rules. The board is adding (1)(d) to underscore that such authorizing agents may only contract for an at-need cremation and no other services or preneed funeral sales.

The board concluded it is in the best interest of public protection to further amend (1) and educate licensees, staff, and the public on unprofessional activities that have been associated with the industry. The board is adding (1)(g) and (2) to specifically emphasize that the law allows hazardous implants to be removed only by a mortician in a mortuary—a matter which was also recently and successfully litigated. The board is also proposing requirements that information be gathered and retained about who has removed an implant, and that the mortuary properly discard or recycle implants, as these constitute best practices and are already followed by some mortuaries.

It is reasonably necessary to add (3) to clarify that the law allows only a mortician to offer, sell, or negotiate preneed contracts, and that the sale of funeral goods and the provision of crematory services together render an independent crematory operator subject to the Federal Trade Commission "funeral rule."

Implementation citations are amended to accurately reflect all statutes implemented through the rule.

4. The proposed new rules provide as follows:

NEW RULE I TRANSPORTATION AND CUSTODY OF HUMAN REMAINS

(1) Upon authorization specified at 50-15-405, MCA, by a physician, physician designee, coroner, or mortician to remove and transport human remains, only a coroner, mortician, or employee of a mortuary who is properly trained and supervised by the mortician-in-charge may transport the body to either a mortuary, coroner's morgue, or, in cases in which direct cremation or burial is legally permissible and authorized, directly to a crematory or cemetery.

(2) Nothing in these rules shall be construed to apply to transportation, custody, preparation, funeral arrangements, or disposition carried out individually by an authorizing agent, subject to such agent's compliance with all applicable state and local laws and regulations, including, but not limited to:

(a) Department of Public Health and Human Services laws and regulations on infectious disease and vital statistics, including the filing of death certificates; and

(b) Department of Labor and Industry laws and regulations regarding proper identification of the remains, health and safety requirements, and the execution of appropriate disclosures and authorizations.

(3) In no case may an authorizing agent delegate the activities set forth in (2), unless to a mortician employed by a mortuary.

AUTH: 37-19-202, 37-19-703, MCA

IMP: 37-19-101, 37-19-301, 37-19-302, 37-19-703, 37-19-704, 50-15-405,
MCA

REASON: The board determined it is reasonably necessary to adopt New Rule I to summarize numerous definitions and statutes that together dictate the legal procedures to transport a dead human body. The board notes that while the Department of Public Health and Human Services' (DPHHS) laws and regulations address infectious disease issues regarding transportation of a dead human body, the laws and regulations of the Department of Labor and Industry and the board define and regulate persons who are legally authorized to transport and safeguard the custody and care of a deceased person to final disposition, including the appropriate identification and filing of vital statistics records.

The board is addressing the issue of to whom the mortician may delegate transportation of a body in new (1). The board has been presented with evidence that some morticians are contracting with or paying for ambulance services to remove deceased persons from the place of death. The board does not condone this practice as the provisions of Title 50, chapter 6 authorize an ambulance to transport "patients," not dead human bodies. The board asserts that public health,

safety, and welfare require that a mortician be legally responsible under the theory of respondent superior for the acts or omissions of mortuary employees who transport bodies under the mortician's authority. The board has further concern that allowing a mortician to hire a contractor (even an ambulance service) suggests that legally, the contractor or ambulance service has independent legal authority to transport dead human bodies, when in fact that authority is limited to morticians, coroners, and the authorizing agent of the deceased.

Regarding authorizing agents, the new rule clarifies that such persons, defined by statute as having rights to control the disposition of a deceased person, may themselves, individually, wish to handle the removal and transport of a deceased family member without aid of a mortuary, as long as the family completes all proper documentation and complies with applicable state and local regulations. The rule emphasizes that such persons may only contract away their duty through licensed mortuaries.

NEW RULE II CREMATORY RECORDS (1) Each crematory shall maintain on a permanent basis a record of each cremation, including:

(a) original, photocopy, or facsimile copies of the following approved forms with validated electronic signatures or physical signatures:

(i) removal authorization as provided by 50-15-405, MCA; and

(ii) coroner cremation authorization as provided by 46-4-122, MCA.

(b) a cremation authorization form approved by the board and signed by an authorizing agent;

(c) as applicable, a preneed cremation authorization executed in accordance with 37-19-708, MCA, or disposition directions executed in accordance with 37-19-903, MCA;

(d) a cremation log showing the decedent's name, date, and time the body was received, metal tag number, date and times of refrigeration, if applicable, date and time of cremation, and identification of the staff member performing the cremation;

(e) a copy of the receipt of the date, time, and place of the delivery of the cremated remains with dual signatures of the recipient and crematory representative; and

(f) as applicable, shipping and tracking forms.

(2) In the case of cremated remains that have been abandoned by the authorizing agent, the crematory operator may, after 90 days, maintain or dispose of such remains in a recoverable manner, such as burial or entombment, and shall maintain the identifying metal tag and the location of burial as a permanent record.

(3) In addition to the records above, if the crematory is independent of a mortuary, the crematory must maintain price lists and otherwise comply with the Federal Trade Commission (FTC) funeral rule if it sells funeral goods. The crematory shall also maintain copies of invoices or contracts as prescribed by these rules.

AUTH: 37-19-202, 37-19-703, MCA

IMP: 37-19-702, 37-19-703, 37-19-706, 37-19-708, 37-19-903, 46-4-122, 50-15-405, MCA

REASON: The board is adopting New Rule II to adequately and accurately guide board staff and inspectors as to the types of records that are required to be maintained by a crematory. Former rules only required that the crematory "keep a record of cremations."

The board is relocating to this rule the provisions on the "original, photocopied, or facsimile" coroner's cremation authorization previously in ARM 24.147.1101(10), because of evidence that funeral practitioners were not requiring the coroner to enter a password into the online DPHHS vital statistics system and, instead, were entering the coroner's authorization to cremate with a verbal or telephonic approval. Working with the board, DPHHS created the ability, when the ART form is printed, to distinguish whether the coroner accessed the registry via a password (thereby creating an electronic authorization) or did not gain access to the registry. In the latter case, the printed form will indicate the requirement for the funeral practitioner to obtain the physical signature of the coroner, whether via fax, hand-delivery, or scanned image. The funeral practitioner will be required in either case to print and maintain copies of the ART form and death certificate. These changes in rule are necessary to ensure that a single individual may not enter the online vital statistics system and authorize cremation or create a death certificate unilaterally and aid compliance auditing.

The board is proposing (2) to provide direction to crematories in handling cremated remains when the authorizing agent or designee fails, as previously indicated and directed, to return to retrieve the cremated remains. New (3) will clarify that a crematory provides "funeral service," even in the limited sense of maintaining custody of a dead body and, if it sells "funeral goods," is subject to the FTC funeral rule, including the requirement to maintain a general price list. The board does not intend for this rule to authorize the sale of preneed contracts by independent crematory operators.

NEW RULE III CREMATION AUTHORIZATIONS (1) A "cremation authorization" is a separate form and does not include a contract for payment of cremation services, and is distinguished from the "coroner's authorization to cremate" under 46-4-122, MCA, set forth on the Authorization for Removal and Transport (ART) form.

(2) A "cremation authorization" must be executed on a board-approved form by an authorizing agent and may not conflict with any preneed cremation authorization executed by the decedent in accordance with 37-19-708, MCA, or disposition directions made in accordance with 37-19-903, MCA.

(3) The statutory authority to allow an individual or authorizing agent to execute a preneed cremation authorization does not authorize a crematory operator or facility to present, negotiate, or sell prearranged funeral or related services.

(4) The board-approved cremation authorization form must include:

(a) full identification of the decedent;

(b) warranty of positive identification of the decedent by the authorizing agent or personal representative of the authorizing agent;

(c) the authorizing agent's relationship to the deceased;

- (d) the superiority of the authorizing agent's authority among competing rights to act as the authorizing agent;
 - (e) disclosure by the authorizing agent familiar with the decedent of any potentially hazardous implants or other medical devices;
 - (f) disclosures and authorizations regarding the casket or alternative container;
 - (g) disclosures and authorizations regarding multiple cremations;
 - (h) disclosures and authorizations regarding witnessing;
 - (i) disclosures and descriptions regarding the cremation process;
 - (j) authorization to cremate;
 - (k) disclosures and selections regarding containers;
 - (l) disclosures, authorizations, and selections regarding final disposition of cremated remains;
 - (m) directions regarding disposition of personal property;
 - (n) disclosures regarding the time and place of cremation and whether the decedent is to be embalmed; and
 - (o) a release from liability per 37-19-707, MCA.
- (5) The cremation authorization form shall include the following certification by a mortician on behalf of a mortuary that:
- (a) the remains presented to the crematory are those of the decedent identified by the authorizing agent;
 - (b) the mortician has taken reasonable precautions to ensure the removal of any hazardous implants; and
 - (c) the personal property identified in the cremation authorization has been removed from the remains of the decedent and delivered to the authorizing agent.
- (6) Morticians must exercise due diligence in determining the presence of a potentially hazardous implant in and identification of human remains to be cremated. If a mortician is not involved in the disposition, the person with the right of disposition (i.e., the authorizing agent) for the cremation must warranty the absence of any known pacemaker or potentially hazardous implant or that it has been removed at a medical facility by appropriate medical personnel.

AUTH: 37-19-202, 37-19-703, 37-19-708, MCA

IMP: 37-19-703, 37-19-704, 37-19-707, 37-19-708, 37-19-903, 46-4-122,
MCA

REASON: The board is proposing (1) and (2) to explain and distinguish the types of cremation authorizations and specify that, even though a preneed cremation authorization may be executed, a cremation authorization form, containing all of the proper disclosures and warranties, including independent identification of the dead body, must also be executed. This new rule is necessary to address recent attempts by crematory facilities that are not attached to a mortuary, to market cremation services directly to the public without involvement by a mortician. In requiring specified content of a cremation authorization to include certifications by a mortician, both the public and licensees will be on notice of this legal requirement.

The specific information contained in the required form not only helps the public understand the cremation process, it may further reduce misunderstandings

between funeral providers and the public. The rule is further intended to highlight the distinctions between cremation authorizations and to underscore that entering into a preneed cremation authorization does not allow a crematory operator to sell preneed funeral arrangements.

Although an agency is often given the discretion to create the content of various forms, the information in the cremation authorization is specialized and requires the expertise of professionals on the board, and will ensure some continuity to the form in terms of its scope and coverage.

NEW RULE IV MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as morticians, mortician interns, crematory operators, and crematory technicians.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States armed forces;
- (b) United States reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as morticians, mortician interns, crematory operators, and crematory technicians. At a minimum, satisfactory evidence shall include:

- (a) a copy of the applicant's military discharge document (DD 214);
- (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: The 2013 Montana Legislature enacted House Bill 259 and Senate Bill 183, acts requiring the professional and occupational licensing boards and programs to accept satisfactory evidence of relevant military education, training, or service to satisfy licensing or certification requirements. The bill was signed by the Governor and became effective on April 26, 2013, and is codified at 37-1-145, MCA.

The new statute requires each licensing board and program to adopt rules providing that certification or licensure requirements of the board or program may be met by relevant military training, service, or education, completed as a member of the armed forces or reserves of the United States, a state's national guard, or the military reserves. In consulting with the bill sponsors regarding the rulemaking, it was clarified that the sponsor received input on the bill draft from Montana military personnel and the U.S. Department of Defense. The sponsor was assured that the

bill language, as reflected in this proposed rule, is intended to include relevant military training, service, or education received while serving in all branches of the military and reserves, including the U. S. Coast Guard. It is reasonably necessary for the board to adopt New Rule IV to coincide with and further implement the legislation.

5. The rule proposed to be repealed is as follows:

24.147.1103 SHIPPING CREMATED HUMAN REMAINS

AUTH: 37-19-202, 37-19-703, MCA

IMP: 37-19-705, MCA

REASON: The provisions of 37-19-705, MCA, clearly set forth the shipping requirements of cremated remains and only require a "method that has an internal tracing system available and that provides a receipt signed by the person accepting delivery," so there is no reason to repeat this requirement, particularly if it is done in an incomplete fashion as is the case in the present rule. The board is also repealing (3) as there is no legal authority to require shipping costs to be paid by the authorizing agent. Specific information about the shipping of cremated remains is set forth in ARM 24.147.1111.

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 Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdfnr@mt.gov, and must be received no later than 5:00 p.m., April 25, 2014.

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

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or

delivered to the Board of Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdfnr@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, apply and have been fulfilled. The primary bill sponsors were contacted on December 16, 2013, by electronic mail.

10. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.147.1101, 24.147.1102, 24.147.1110, 24.147.1111, and 24.147.1112 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULES I-IV will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.147.1103 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Funeral Service, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; dlibsdfnr@mt.gov (board's e-mail).

11. Colleen White, attorney, has been designated to preside over and conduct this hearing.

BOARD OF FUNERAL SERVICE
R.J. (DICK) BROWN, CHAIRPERSON

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 17, 2014

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

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I military training or experience) PROPOSED ADOPTION

TO: All Concerned Persons

1. On April 18, 2014, at 11:00 a.m., a public hearing will be held in the Small Conference Room, 4th Floor, 301 South Park Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Medical Examiners (board) no later than 5:00 p.m., on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Ian Marquand, Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsmed@mt.gov.

3. The rule proposed to be adopted provides as follows:

NEW RULE I MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training or education toward the requirements for licensure under this chapter.

(2) Relevant military training or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training or education that is equivalent to relevant licensure requirements under this chapter. At a minimum, satisfactory evidence shall include:

- (a) a copy of the applicant's military discharge document (DD 214);
- (b) a document that clearly shows all relevant training, certification, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training or education is equivalent to relevant licensure requirements.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: The 2013 Montana Legislature enacted House Bill 259 and Senate Bill 183, acts requiring the professional and occupational licensing boards and programs to accept satisfactory evidence of relevant military education, training, or service to satisfy licensing or certification requirements. The bill was signed by the Governor and became effective on April 26, 2013, and is codified at 37-1-145, MCA.

The new statute requires each licensing board and program to adopt rules providing that certification or licensure requirements of the board or program may be met by relevant military training, service, or education, completed as a member of the armed forces or reserves of the United States, a state's national guard, or the military reserves. In consulting with the bill sponsors regarding the rulemaking, it was clarified that the sponsor received input on the bill draft from Montana military personnel and the U.S. Department of Defense. The sponsor was assured that the bill language, as reflected in this proposed rule, is intended to include relevant military training, service, or education received while serving in all branches of the military and reserves, including the U.S. Coast Guard. It is reasonably necessary for the board to adopt New Rule I to coincide with and further implement the legislation.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdmed@mt.gov, and must be received no later than 5:00 p.m., April 25, 2014.

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

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-

mailed to dlibsmed@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were contacted on December 16, 2013, by electronic mail.

8. With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of New Rule I will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; facsimile (406) 841-2305; or e-mail dlibsmed@mt.gov.

9. Ian Marquand, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF MEDICAL EXAMINERS
KRISTIN SPANJIAN, MD, PRESIDENT

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 17, 2014

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

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I military training or experience) PROPOSED ADOPTION

TO: All Concerned Persons

1. On April 18, 2014, at 9:30 a.m., a public hearing will be held in the Small Conference Room, 4th Floor, 301 South Park Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Outfitters (board) no later than 5:00 p.m., on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Maggie Connor, Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2303; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsout@mt.gov.

3. The rule proposed to be adopted provides as follows:

NEW RULE I MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as an outfitter or guide.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as an outfitter or guide. At a minimum, satisfactory evidence shall include:

- (a) a copy of the applicant's military discharge document (DD 214);
- (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: The 2013 Montana Legislature enacted House Bill 259 and Senate Bill 183, acts requiring the professional and occupational licensing boards and programs to accept satisfactory evidence of relevant military education, training, or service to satisfy licensing or certification requirements. The bill was signed by the Governor and became effective on April 26, 2013, and is codified at 37-1-145, MCA.

The new statute requires each licensing board and program to adopt rules providing that certification or licensure requirements of the board or program may be met by relevant military training, service, or education, completed as a member of the armed forces or reserves of the United States, a state's national guard, or the military reserves. In consulting with the bill sponsors regarding the rulemaking, it was clarified that the sponsor received input on the bill draft from Montana military personnel and the U.S. Department of Defense. The sponsor was assured that the bill language, as reflected in this proposed rule, is intended to include relevant military training, service, or education received while serving in all branches of the military and reserves, including the U.S. Coast Guard. It is reasonably necessary for the board to adopt New Rule I to coincide with and further implement the legislation.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsout@mt.gov, and must be received no later than 5:00 p.m., April 25, 2014.

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

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to

dlibsout@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were contacted on December 16, 2013, by electronic mail.

8. With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of New Rule I will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Outfitters, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2303; facsimile (406) 841-2305; or e-mail dlibsout@mt.gov.

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

BOARD OF OUTFITTERS
ROBIN CUNNINGHAM, CHAIRPERSON

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 17, 2014

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

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I military training or experience) PROPOSED ADOPTION

TO: All Concerned Persons

1. On April 18, 2014, at 10:00 a.m., a public hearing will be held in the Small Conference Room, 4th Floor, 301 South Park Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Pharmacy (board) no later than 5:00 p.m., on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Marcie Bough, Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2371; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdpba@mt.gov.

3. The rule proposed to be adopted provides as follows:

NEW RULE I MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure by the Board of Pharmacy.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements of the Board of Pharmacy. At a minimum, satisfactory evidence shall include:

- (a) a copy of the applicant's military discharge document (DD 214);
- (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: The 2013 Montana Legislature enacted House Bill 259 and Senate Bill 183, acts requiring the professional and occupational licensing boards and programs to accept satisfactory evidence of relevant military education, training, or service to satisfy licensing or certification requirements. The bill was signed by the Governor and became effective on April 26, 2013, and is codified at 37-1-145, MCA.

The new statute requires each licensing board and program to adopt rules providing that certification or licensure requirements of the board or program may be met by relevant military training, service, or education, completed as a member of the armed forces or reserves of the United States, a state's national guard, or the military reserves. In consulting with the bill sponsors regarding the rulemaking, it was clarified that the sponsor received input on the bill draft from Montana military personnel and the U.S. Department of Defense. The sponsor was assured that the bill language, as reflected in this proposed rule, is intended to include relevant military training, service, or education received while serving in all branches of the military and reserves, including the U.S. Coast Guard. It is reasonably necessary for the board to adopt New Rule I to coincide with and further implement the legislation.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdp@mt.gov, and must be received no later than 5:00 p.m., April 25, 2014.

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

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to

dlibsdp@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were contacted on December 16, 2013, by electronic mail.

8. With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of New Rule I will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2371; facsimile (406) 841-2305; or e-mail dlibsdp@mt.gov.

9. Kevin Maki, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PHARMACY
MIKE BERTAGNOLLI, RPh, PRESIDENT

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 17, 2014

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

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I military training or experience) PROPOSED ADOPTION

TO: All Concerned Persons

1. On April 18, 2014, at 12:00 p.m., a public hearing will be held in the Small Conference Room, 4th Floor, 301 South Park Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Professional Engineers and Professional Land Surveyors (board) no later than 5:00 p.m., on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Ian Marquand, Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdpels@mt.gov.

3. The rule proposed to be adopted provides as follows:

NEW RULE I EQUIVALENCY OF MILITARY EDUCATION, TRAINING, AND EXPERIENCE (1) Engineering and land surveying experience and education acquired during military service will be considered on a case-by-case basis. To be considered equivalent, the experience must fall within the "practice of engineering" as defined in 37-67-101(6), MCA, and the "practice of land surveying" as defined in 37-67-101(7), MCA.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: The 2013 Montana Legislature enacted House Bill 259 and Senate Bill 183, acts requiring the professional and occupational licensing boards and programs to accept satisfactory evidence of relevant military education, training, or service to satisfy licensing or certification requirements. The bill was signed by the Governor and became effective on April 26, 2013, and is codified at 37-1-145, MCA.

The new statute requires each licensing board and program to adopt rules providing that certification or licensure requirements of the board or program may be met by relevant military training, service, or education, completed as a member of the armed forces or reserves of the United States, a state's national guard, or the military reserves. In consulting with the bill sponsors regarding the rulemaking, it

was clarified that the sponsor received input on the bill draft from Montana military personnel and the U.S. Department of Defense. The sponsor was assured that the bill language, as reflected in this proposed rule, is intended to include relevant military training, service, or education received while serving in all branches of the military and reserves, including the U.S. Coast Guard. It is reasonably necessary for the board to adopt New Rule I to coincide with and further implement the legislation.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdpels@mt.gov, and must be received no later than 5:00 p.m., April 25, 2014.

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

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdpels@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were contacted on December 16, 2013, by electronic mail.

8. With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of New Rule I will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Professional Engineers and Professional Land Surveyors,

301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; facsimile (406) 841-2305; or e-mail dlibsdpels@mt.gov.

9. Ian Marquand, Executive Officer, has been designated to preside over and conduct this hearing.

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

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 17, 2014

BEFORE THE BOARD OF RESPIRATORY CARE PRACTITIONERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I military training or experience) PROPOSED ADOPTION

TO: All Concerned Persons

1. On April 18, 2014, at 11:30 a.m., a public hearing will be held in the Small Conference Room, 4th Floor, 301 South Park Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Respiratory Care Practitioners (board) no later than 5:00 p.m., on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Ian Marquand, Respiratory Care Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrpc@mt.gov.

3. The rule proposed to be adopted provides as follows:

NEW RULE I MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a respiratory care practitioner.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a respiratory care practitioner. At a minimum, satisfactory evidence shall include:

- (a) a copy of the applicant's military discharge document (DD 214);
- (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: The 2013 Montana Legislature enacted House Bill 259 and Senate Bill 183, acts requiring the professional and occupational licensing boards and programs to accept satisfactory evidence of relevant military education, training, or service to satisfy licensing or certification requirements. The bill was signed by the Governor and became effective on April 26, 2013, and is codified at 37-1-145, MCA.

The new statute requires each licensing board and program to adopt rules providing that certification or licensure requirements of the board or program may be met by relevant military training, service, or education, completed as a member of the armed forces or reserves of the United States, a state's national guard, or the military reserves. In consulting with the bill sponsors regarding the rulemaking, it was clarified that the sponsor received input on the bill draft from Montana military personnel and the U.S. Department of Defense. The sponsor was assured that the bill language, as reflected in this proposed rule, is intended to include relevant military training, service, or education received while serving in all branches of the military and reserves, including the U.S. Coast Guard. It is reasonably necessary for the board to adopt New Rule I to coincide with and further implement the legislation.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Respiratory Care Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdrpc@mt.gov, and must be received no later than 5:00 p.m., April 25, 2014.

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

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Respiratory Care Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-

2305; e-mailed to dlibsdrpc@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were contacted on December 16, 2013, by electronic mail.

8. With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of New Rule I will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Respiratory Care Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; facsimile (406) 841-2305; or e-mail dlibsdrpc@mt.gov.

9. Ian Marquand, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF RESPIRATORY CARE
PRACTITIONERS
MARIA CLEMONS, PRESIDING OFFICER

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 17, 2014

BEFORE THE BOARD OF VETERINARY MEDICINE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I military training or experience) PROPOSED ADOPTION

TO: All Concerned Persons

1. On April 18, 2014, at 10:30 a.m., a public hearing will be held in the Small Conference Room, 4th Floor, 301 South Park Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Veterinary Medicine (board) no later than 5:00 p.m., on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrvvet@mt.gov.

3. The rule proposed to be adopted provides as follows:

NEW RULE I MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as veterinarians, embryo transfer technicians, and euthanasia technicians.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as veterinarians, embryo transfer technicians, and euthanasia technicians. At a minimum, satisfactory evidence shall include:

- (a) a copy of the applicant's military discharge document (DD 214);
- (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements.

AUTH: 37-1-145, MCA
IMP: 37-1-145, MCA

REASON: The 2013 Montana Legislature enacted House Bill 259 and Senate Bill 183, acts requiring the professional and occupational licensing boards and programs to accept satisfactory evidence of relevant military education, training, or service to satisfy licensing or certification requirements. The bill was signed by the Governor and became effective on April 26, 2013, and is codified at 37-1-145, MCA.

The new statute requires each licensing board and program to adopt rules providing that certification or licensure requirements of the board or program may be met by relevant military training, service, or education, completed as a member of the armed forces or reserves of the United States, a state's national guard, or the military reserves. In consulting with the bill sponsors regarding the rulemaking, it was clarified that the sponsor received input on the bill draft from Montana military personnel and the U.S. Department of Defense. The sponsor was assured that the bill language, as reflected in this proposed rule, is intended to include relevant military training, service, or education received while serving in all branches of the military and reserves, including the U.S. Coast Guard. It is reasonably necessary for the board to adopt New Rule I to coincide with and further implement the legislation.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdrv@mt.gov, and must be received no later than 5:00 p.m., April 25, 2014.

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

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box

200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdrvvet@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were contacted on December 16, 2013, by electronic mail.

8. With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of New Rule I will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; facsimile (406) 841-2305; or e-mail dlibsdrvvet@mt.gov.

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

BOARD OF VETERINARY MEDICINE
BRUCE SORENSEN, DVM, PRESIDENT

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 17, 2014

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

In the matter of the amendment of ARM 37.30.405 pertaining to Vocational Rehabilitation Program payment for services) NOTICE OF PROPOSED AMENDMENT) NO PUBLIC HEARING) CONTEMPLATED

TO: All Concerned Persons

1. On April 28, 2014, the Department of Public Health and Human Services proposes to amend the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Public Health and Human Services no later than 5:00 p.m. on April 17, 2014, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena MT 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.30.405 VOCATIONAL REHABILITATION PROGRAM: PAYMENT FOR SERVICES (1) through (3) remain the same.

(4) The department may pay for the costs for the provision of any services that are authorized to be provided to the consumer through the consumer's IPE to the extent that the consumer's income and financial resources, determined as provided in this rule and ARM 37.30.407, do not exceed the maximum amounts allowable for income and for financial resources calculated by the department as provided for in (4)(a) and (b).

(a) The maximum allowable level for income is a prospective 12 month annual income calculated at 250% of the ~~2013~~ 2014 U.S. Department of Health and Human Services poverty guidelines for households of different sizes.

(b) through (6) remain the same.

AUTH: 53-7-102, 53-7-206, 53-7-315, MCA

IMP: 53-7-102, 53-7-105, 53-7-108, 53-7-205, 53-7-310, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (the department) is proposing an amendment to ARM 37.30.405, regarding the vocational rehabilitation program.

ARM 37.30.405

This rule sets forth the criteria that allow for the department to pay for services being made available to persons who are eligible for vocational rehabilitation services. The rule provides that the payment for services by the department may occur if the consumer's income and financial resources do not exceed maximum levels for income and resources established through the rule. This proposed rule amendment revises the maximum level of allowable income. Currently the rule provides that the maximum level is 250% of the 2013 United States Department of Health and Human Services poverty guidelines for households. The proposed rule amendment would revise this level by replacing the year 2013 guidelines with the year 2014 guidelines.

Fiscal Impact

There is no fiscal impact due to this rulemaking.

5. The department intends to apply this rule amendment retroactively to January 30, 2014. A retroactive application of the proposed rule amendment does not result in a negative impact to any affected party.

6. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kenneth Mordan, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on April 24, 2014. Comments may also be faxed to (406) 444-9744 or e-mailed to dphslegal@mt.gov.

7. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Kenneth Mordan at the above address no later than 5:00 p.m., April 24, 2014.

8. 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 450 persons based on the number of vocational rehabilitation clients who have an open case and are eligible for vocational rehabilitation and blind services.

9. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have

their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

10. 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.

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

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

/s/ Susan Callaghan _____
Susan Callaghan
Rule Reviewer

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

Certified to the Secretary of State March 17, 2014.

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
MONTANA STATE AUDITOR

In the matter of the amendment of) NOTICE OF AMENDMENT AND
 ARM 6.6.4202, 6.6.4203, 6.6.4206,) ADOPTION
 6.6.4208, 6.6.4211, 6.6.4212 and)
 6.6.4213, and the adoption of NEW)
 RULE I pertaining to Continuing)
 Education Program for Insurance)
 Producers and Consultants)

TO: All Concerned Persons

1. On January 30, 2014, the Commissioner of Securities and Insurance (CSI), Montana State Auditor, published MAR Notice No. 6-206 pertaining to the public hearing on the proposed amendment and adoption of the above-stated rules at page 167 of the 2014 Montana Administrative Register, Issue Number 2.

2. On February 20, 2014, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. No comments were received at the hearing. Comments were received before the February 28, 2014, deadline.

3. The agency has amended the following rules as proposed: ARM 6.6.4202, 6.6.4206, 6.6.4211, and 6.6.4213.

4. The agency has amended the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

6.6.4203 COURSE SUBMISSIONS (1) through (2)(f) remain as proposed.
 (g) method of instruction, such as classroom, self-study, videotape, audiotape, teleconference, and online webinars, etc.;;
 (h) through (15) remain as proposed.

AUTH: 33-1-313, 33-17-1206, MCA
IMP: 33-17-1204, MCA

6.6.4208 NONRESIDENT REQUIREMENTS (1) ~~A nonresident licensee from a state that does not require continuing education shall satisfy the continuing education requirements of his or her designated home state. If the designated home state does not require continuing education, a licensee shall submit proof of course completion which demonstrates compliance with the basic requirements of 33-17-1203, MCA.~~ A nonresident licensee may satisfy the continuing education requirements of this state by submitting proof of course completion that demonstrates compliance with the CLE requirements of the home state or designated home state in which the nonresident licensee is licensed.

(2) If the home state or designated home state in which the nonresident licensee is licensed does not require continuing education, the licensee shall submit to this state proof of course completion that demonstrates compliance with the basic requirements of 33-17-1203, MCA.

AUTH: 33-1-313, 33-17-1206, MCA
IMP: 33-17-1203, 33-17-1204, MCA

6.6.4212 REQUESTS FOR RECONSIDERATION OF COURSE DISAPPROVAL (1) through (1)(c) remain as proposed.

(2) The advisory council shall review a request for reconsideration, the original course submission, and any additional materials provided to support the request within 60 days of the request. The advisory council ~~may~~ shall then make a recommendation to the commissioner to approve or disapprove.

(3) and (4) remain as proposed.

AUTH: 33-1-313, 33-17-1206, MCA
IMP: 33-17-1204, MCA

5. The agency has adopted NEW RULE I (6.6.4214) as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (6.6.4214) EXTENSIONS OF TIME FOR COURSE COMPLETION (1) remains as proposed.

(2) The licensee's licenses and appointments ~~must~~ will remain in effect during an extension period granted by the commissioner, unless the licensee terminates his or her license during that period.

AUTH: 33-1-313, 33-17-1206, MCA
IMP: 2-4-631, 33-17-1205, MCA

6. The CSI has thoroughly considered the comments received, and a summary of the comments and the CSI's responses are as follows:

COMMENT #1: Two commenters noted that the wording of the original amendment could be simplified and clarified. The commenters proposed alternative language. The proposed alternative language did not modify the substance of the amendment.

RESPONSE #1: The CSI agrees with this comment and changed the rules wording accordingly. The CSI omitted a portion of the proposed language which clarified what constitutes a "designated home state"; that definition is already sufficiently addressed in 33-17-301, MCA (applying to adjusters), and 33-17-503, MCA (applying to consultants).

COMMENT #2: The commenter requested the CSI include "online webinars" as a method of instruction.

RESPONSE #2: The CSI agrees and has included online webinars as a method of instruction.

COMMENT #3: The commenter requested that the licensee retain a right to terminate his or her license during the period of extension granted by the commissioner.

RESPONSE #3: The CSI agrees that a licensee has a right to terminate his or her license at any time, including after the licensee has sought an extension. Therefore, the CSI has adopted the commenter's suggestion.

/s/ Nick Mazanec
Nick Mazanec
Rule Reviewer

/s/ Jesse Laslovich
Jesse Laslovich
Chief Legal Counsel

Certified to the Secretary of State March 17, 2014.

BEFORE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

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

TO: All Concerned Persons

1. On January 30, 2014, the Department of Commerce published MAR Notice No. 8-94-120 pertaining to the proposed amendment of the above-stated rules at page 174 of the 2014 Montana Administrative Register, Issue Number 2.

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

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

COMMENT #1:

One comment was received regarding the explanation of Statutory Priority #2, "Indicator 2. Financial Analysis." The commenter asked whether "sub-paragraphs a. and b. (which discuss mileage rates) specific to Bridge projects?"

RESPONSE #1:

The department has added the requirement for all applicants to submit current mill value information under Statutory Priority #2. The information to be submitted will be required of applicants who apply for any project type funded by the Treasure State Endowment Program. The language will remain as proposed.

COMMENT #2:

Four comments were received regarding the following language proposed to be added to the application guidelines: "Projects with detour distances of less than four miles for most users or average daily traffic estimates of less than 400 vehicles per day are more likely to receive a reduced score when compared to those projects with longer detour distances or higher traffic volumes."

The comments generally discussed multiple concerns of this change and its impact on shorter, less traveled routes that are nevertheless available for emergency response, as points of ingress/egress routes to residences, and as alternate routes in case of natural disaster in objecting to the proposed language.

RESPONSE #2:

The department proposed this language in an attempt to provide specifics about when a bridge application's score would be more likely to be reduced or increased based on the level of usage or detour length. The department has reviewed the comments and agrees that the proposed change may cause unnecessarily restrictive review and scoring of bridge applicants. The department will remove the proposed language, but will continue to consider and rank all bridge applicants based on usage and detour length factors, as described on page 42 of the 2017 Biennium Application Guidelines. The proposed language will be stricken.

COMMENT #3:

One comment was received regarding whether the 150% matching funding amount for bridge application projects is applicable to this funding round.

RESPONSE #3:

Bridge projects are not required to provide 150% of the TSEP grant amount as a local match in order to qualify for a TSEP project grant. In past application guidelines, the department has indicated that TSEP funding would not be considered critical unless the applicant's matching dollars are at least 150% of the TSEP grant requested. This provision helps make matching funds for bridge projects consistent with the target rate analysis performed for water and wastewater projects. In the 2017 Biennium Application Guidelines, the department has softened that language to provide that the department may recommend a higher score for a bridge project if the applicant's matching dollars are at least 150% of the TSEP grant requested. This matching funding consideration helps the department score the applicant's ability to obtain funds from sources other than TSEP (Statutory Priority 5). The language will remain as proposed.

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

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

Certified to the Secretary of State March 17, 2014.

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

In the matter of the adoption of a) NOTICE OF ADOPTION OF
Temporary Emergency Rule) TEMPORARY EMERGENCY RULE
pertaining to Council Grove State)
Park in Missoula County)

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) is adopting the following emergency rule because excessive snow load, ice, and flooding at the entrance road to Council Grove State Park has rendered the road impassable to most vehicles.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The temporary emergency rule is effective March 10, 2014, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

NEW RULE I COUNCIL GROVE STATE PARK TEMPORARY
EMERGENCY CLOSURE (1) Council Grove State Park is located in Missoula
County.

(2) Council Grove State Park is closed to all public occupation.

AUTH: 2-4-303, 23-1-106, MCA

IMP: 2-4-303, 23-1-106, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. This rule is in effect as long as the danger exists. Posted signs regarding the emergency closure will be removed when the rule is no longer effective. Notice of repeal of this emergency rule will be published in the Montana Administrative Register.

7. Concerned persons are encouraged to submit their comments during the upcoming standard rulemaking process. If concerned persons wish to be personally notified of that rulemaking process, they should submit their names and addresses

to: Mike Hathaway, Department of Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT 59804; fax (406) 542-5529; or e-mail mhathaway@mt.gov. Any comments must be received no later than April 25, 2014.

8. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. 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.

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

/s/ Mike Volesky

Mike Volesky

Chief of Staff

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State March 10, 2014.

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

In the matter of the adoption of a) NOTICE OF ADOPTION OF
temporary emergency rule pertaining) TEMPORARY EMERGENCY RULE
to Black Bridge Fishing Access Site in)
Dawson County)

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) is adopting the following emergency rule due to large ice jams and flooding at Black Bridge Fishing Access Site. Large chunks of ice lodged in trees and on rocks and flooding pose a risk of injury to people.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The temporary emergency rule is effective March 17, 2014, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

NEW RULE I BLACK BRIDGE FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) Black Bridge Fishing Access Site is located in Dawson County.
(2) Black Bridge Fishing Access Site is closed to all public occupation as marked.

AUTH: 2-4-303, 23-1-106, MCA
IMP: 2-4-303, 23-1-106, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. This rule is in effect as long as the danger exists. Posted signs regarding the emergency closure will be removed when the rule is no longer effective. Notice of repeal of this emergency rule will be published in the Montana Administrative Register.

7. Concerned persons are encouraged to submit their comments during the upcoming standard rulemaking process. If concerned persons wish to be personally

notified of that rulemaking process, they should submit their names and addresses to: Cordell Perkins, Department of Fish, Wildlife and Parks, PO Box 1630, Miles City, MT 59301; fax (406) 234-4368; or e-mail cperkins@mt.gov. Any comments must be received no later than April 25, 2014.

8. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. 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.

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

/s/ Mike Volesky
Mike Volesky
Chief of Staff
Department of Fish, Wildlife and Parks

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

Certified to the Secretary of State March 17, 2014.

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

In the matter of the adoption of a) NOTICE OF ADOPTION OF
temporary emergency rule pertaining) TEMPORARY EMERGENCY RULE
to Intake Dam Fishing Access Site in)
Dawson County)

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) is adopting the following emergency rule due to large ice jams and flooding at Intake Dam Fishing Access Site. Large chunks of ice lodged in trees and on rocks and flooding pose a risk of injury to people.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The temporary emergency rule is effective March 17, 2014, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

NEW RULE I INTAKE DAM FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) Intake Dam Fishing Access Site is located in Dawson County.

(2) Intake Dam Fishing Access Site is closed to all public occupation as marked.

AUTH: 2-4-303, 23-1-106, MCA

IMP: 2-4-303, 23-1-106, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. This rule is in effect as long as the danger exists. Posted signs regarding the emergency closure will be removed when the rule is no longer effective. Notice of repeal of this emergency rule will be published in the Montana Administrative Register.

7. Concerned persons are encouraged to submit their comments during the upcoming standard rulemaking process. If concerned persons wish to be personally

notified of that rulemaking process, they should submit their names and addresses to: Cordell Perkins, Department of Fish, Wildlife and Parks, PO Box 1630, Miles City, MT 59301; fax (406) 234-4368; or e-mail cperkins@mt.gov. Any comments must be received no later than April 25, 2014.

8. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. 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.

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

/s/ Mike Volesky
Mike Volesky
Chief of Staff
Department of Fish, Wildlife and Parks

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

Certified to the Secretary of State March 17, 2014.

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

In the matter of the adoption of a) NOTICE OF ADOPTION OF
temporary emergency rule pertaining) TEMPORARY EMERGENCY RULE
to Sidney Bridge Fishing Access Site)
in Richland County)

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) is adopting the following emergency rule due to large ice jams and flooding at Sidney Bridge Fishing Access Site. Large chunks of ice lodged in trees and on rocks and flooding pose a risk of injury to people.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on April 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The temporary emergency rule is effective March 17, 2014, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

NEW RULE I SIDNEY BRIDGE FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) Sidney Bridge Fishing Access Site is located in Richland County.

(2) Sidney Bridge Fishing Access Site is closed to all public occupation as marked.

AUTH: 2-4-303, 23-1-106, MCA

IMP: 2-4-303, 23-1-106, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. This rule is in effect as long as the danger exists. Posted signs regarding the emergency closure will be removed when the rule is no longer effective. Notice of repeal of this emergency rule will be published in the Montana Administrative Register.

7. Concerned persons are encouraged to submit their comments during the upcoming standard rulemaking process. If concerned persons wish to be personally

notified of that rulemaking process, they should submit their names and addresses to: Cordell Perkins, Department of Fish, Wildlife and Parks, PO Box 1630, Miles City, MT 59301; fax (406) 234-4368; or e-mail cperkins@mt.gov. Any comments must be received no later than April 25, 2014.

8. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. 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.

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

/s/ Mike Volesky
Mike Volesky
Chief of Staff
Department of Fish, Wildlife and Parks

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

Certified to the Secretary of State March 17, 2014.

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

In the matter of the amendment of) NOTICE OF AMENDMENT,
ARM 24.11.204, 24.11.206, 24.11.443,) ADOPTION, AND REPEAL
24.11.445, 24.11.451, 24.11.452A,)
24.11.459, 24.11.470, 24.11.471,)
24.11.2504, 24.11.2707; the adoption)
of NEW RULE I; and the repeal of ARM)
24.11.440, 24.11.513, 24.11.605,)
24.11.1223, 24.11.2001, pertaining to)
unemployment insurance)

TO: All Concerned Persons

1. On February 13, 2014, the Department of Labor and Industry published MAR Notice No. 24-11-281 pertaining to the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules at page 296 of the 2014 Montana Administrative Register, Issue Number 3.

2. The department has amended ARM 24.11.206, 24.11.443, 24.11.445, 24.11.451, 24.11.452A, 24.11.459, 24.11.470, 24.11.471, 24.11.2504, and 24.11.2707; adopted New Rule I (ARM 24.11.453A); and repealed ARM 24.11.440, 24.11.513, 24.11.605, 24.11.1223, and 24.11.2001 as proposed.

3. The department has amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

24.11.204 DEFINITIONS The terms used by the department are, in great part, defined in 39-51-201 through 39-51-205, MCA. In addition to these statutory definitions, the following definitions apply to this chapter, unless context or the particular rule provides otherwise:

(1) through (6) remain as proposed.

(7) "Child" as used in 39-51-2111, MCA, means an individual under the age of 18, including an emancipated minor, or ~~a disabled adult~~ an adult with a disability who is dependent upon parent(s) or guardian(s) for food, shelter, living expenses and other necessities.

(8) through (60) remain as proposed.

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

COMMENT # 1: A commenter noted that the community of persons with disabilities prefers that the term "disabled adult" be replaced with "adult with a disability."

RESPONSE # 1: The department concurs and amends ARM 24.11.204, accordingly.

/s/ JUDY BOVINGTON
Judy Bovington
Alternate Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 17, 2014

BEFORE THE LICENSED ADDICTION COUNSELORS PROGRAM
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF ADOPTION
RULE I pertaining to military training)
or experience)

TO: All Concerned Persons

1. On January 16, 2014, the Department of Labor and Industry (department) published MAR Notice No. 24-154-10 regarding the public hearing on the proposed adoption of the above-stated rule at page 17 of the 2014 Montana Administrative Register, Issue No. 1.

2. On February 10, 2014, a public hearing was held on the proposed adoption of the above-stated rule in Helena. No comments were received by the February 14, 2014, deadline.

3. The department has adopted NEW RULE I (ARM 24.154.403) exactly as proposed.

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 17, 2014

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 24.156.615 renewals,)
24.156.617 license categories, and)
24.156.618 reactivation of license)

TO: All Concerned Persons

1. On October 31, 2013, the Board of Medical Examiners (board) published MAR Notice No. 24-156-79 regarding the public hearing on the proposed amendment of the above-stated rules at page 1897 of the 2013 Montana Administrative Register, Issue No. 20.

2. On November 21, 2013, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Two comments were received by the November 29, 2013, deadline.

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

COMMENT 1: One comment was received regarding ARM 24.156.617, requesting that the retired license status be maintained, because eliminating it would make a physician who had worked for 40-plus years a "nonentity" after almost 20 years of enjoying retired status.

RESPONSE 1: The board considered this comment and notes that, while physicians who held Montana licenses but are now retired may not represent themselves as being licensed physicians, they may still affix the "M.D." to their names and still be referred to respectfully as "doctors." The board also wishes "retired" physician license holders to know that the board will consider adding an "emeritus" status for physician licensees at a future date, and will ensure that any physician currently holding a "retired" license will have an opportunity to renew that license as "retired" one last time. The board is amending ARM 24.156.615 and 24.156.617 accordingly.

COMMENT 2: During this rulemaking process, staff noticed and brought to the board's attention some unnecessary redundancy in ARM 24.156.618(1)(d).

RESPONSE 2: The board agrees with the suggestions and is amending the rule for simplicity and improved clarity.

4. The board has amended ARM 24.156.615, 24.156.617, and 24.156.618 with the following changes, stricken matter interlined, new matter underlined.

24.156.615 RENEWALS (1) through (4)(a) remain as proposed.

(5) Until March 31, 2016, a physician with a permanent license not engaged in the practice of medicine and who has retired from practice may renew this license as an inactive-retired licensee and pay the fee listed in ARM 24.156.601. A retired license may not be reactivated. The individual must reapply for a new original license. After March 31, 2016, inactive-retired status no longer will be granted.

(5) remains as proposed, but is renumbered (6).

24.156.617 LICENSE CATEGORIES (1) through (4)(b) remain as proposed.

(5) An inactive-retired license may be renewed by the renewal date set in ARM 24.101.413 through March 31, 2016, after which date the inactive-retired status no longer will be granted.

24.156.618 REACTIVATION OF LICENSE (1) through (1)(c) remain as proposed.

(d) pass the Special Purpose Examination (SPEX) or the Comprehensive Osteopathic Medical Variable Purpose Examination (COMVEX). The applicant who ~~is required to take~~ fails the SPEX or COMVEX and fails the examination three times, whether in Montana or other states, must successfully complete one year of an accredited residency or an accredited or board-approved clinical training before retaking the SPEX or COMVEX examination;

(e) through (3) remain as proposed.

BOARD OF MEDICAL EXAMINERS
MARY ANNE GUGGENHEIM, PHYSICIAN,
PRESIDENT

/s/ DARCEE L. MOE

Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY

Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State March 17, 2014

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

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 36.12.203 and 36.12.2101)
regarding appointment of hearing)
examiner and temporary leases)

To: All Concerned Persons

1. On January 30, 2014, the Department of Natural Resources and Conservation published MAR Notice No. 36-22-177 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 202 of the 2014 Montana Administrative Register, Issue Number 2.

2. The department has amended ARM 36.12.203 and 36.12.2101 as proposed.

3. No written comments or oral testimony pertaining to the rulemaking were received.

/s/ John E. Tubbs
JOHN E. TUBBS
Director
Natural Resources and Conservation

/s/ Brian Bramblett
BRIAN BRAMBLETT
Rule Reviewer

Certified to the Secretary of State on March 17, 2014.

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

In the matter of the adoption of New) NOTICE OF ADOPTION AND
Rules I through III, and the) AMENDMENT
amendment of ARM 37.80.101,)
37.80.102, 37.80.103, 37.80.201,)
37.80.202, 37.80.203, 37.80.206,)
37.80.301, 37.80.305, 37.80.306,)
37.80.316, and 37.80.502 pertaining)
to child care assistance)

TO: All Concerned Persons

1. On January 16, 2014, the Department of Public Health and Human Services published MAR Notice No. 37-663 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 64 of the 2014 Montana Administrative Register, Issue Number 1.

2. The department has adopted New Rule I (37.80.506), II (37.80.507), and III (37.80.317) as proposed.

3. The department has amended ARM 37.80.101, 37.80.103, 37.80.201, 37.80.203, 37.80.206, 37.80.301, 37.80.305, 37.80.316, and 37.80.502 as proposed.

4. The department has amended the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

37.80.102 DEFINITIONS As used in this chapter, the following definitions apply:

(1) and (2) remain as proposed.

(3) "Child care" means care provided at a licensed or registered child care facility or by a certified provider, for a child less than 13 years of age or ~~an individual~~ person less than 18 years of age with special needs or a person who is 18 years of age and who is a full-time student expected to complete an educational program by 19 years of age. The terms "child care" and "day care" have the same meaning and are used interchangeably in this subchapter.

(4) through (6) remain as proposed.

(7) "Child with special needs" means a child under ~~49~~ 18 years of age, or a person who is 18 years of age and who is a full-time student expected to complete an educational program by 19 years of age, who requires additional assistance because of an emotional or physical disability, a cognitive delay, or both that is verified by medical records or other appropriate documentation.

(8) through (22) remain as proposed.

AUTH: 52-2-704, 53-4-212, MCA

IMP: 52-2-704, 52-2-713, 52-2-721, 52-2-722, 52-2-723, 52-2-731, 53-2-201, 53-4-211, 53-4-601, 53-4-611, 53-4-612, MCA

37.80.202 FINANCIAL REQUIREMENTS FOR ELIGIBILITY; PAYMENT FOR CHILD CARE SERVICES; PARENT'S COPAYMENT (1) remains as proposed.

(2) Households that are not receiving temporary assistance for needy families (TANF) are presumed eligible to receive child care assistance for 30 calendar days while application information is verified.

(a) remains as proposed.

(b) An applicant who intentionally provides false information for the purpose of receiving child care assistance must repay the child care assistance and is may be ineligible to participate in the program.

(3) through (14) remain as proposed.

AUTH: 52-2-704, 53-4-212, MCA

IMP: 52-2-704, 52-2-713, 52-2-721, 52-2-722, 52-2-723, 52-2-731, 53-2-201, 53-4-211, 53-4-212, 53-4-601, 53-4-611, MCA

37.80.306 LEGALLY CERTIFIED PROVIDERS: CERTIFICATION REQUIREMENTS AND PROCEDURES (1) through (4) remain as proposed.

(5) Legally certified providers must also meet the following requirements to be certified under this chapter:

(a) through (c) remain as proposed.

(d) care for no more than two children at a time, unless the children are from the same family household. If the children are from separate families households, then a legally certified provider may care for no more than two children;

(e) through (6) remain as proposed.

AUTH: 52-2-704, MCA

IMP: 52-2-704, 52-2-713, 52-2-721, 52-2-722, 52-2-723, 52-2-731, MCA

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

COMMENT #1: A commenter agrees with the department's recent change to ARM 37.80.306 that reduced the time period a conviction for driving under the influence (DUI) precludes a person from qualifying as a Legally Certified Provider (LCP). The department now allows a person to qualify as a LCP if at least three years have passed since the last DUI conviction. The commenter suggested the department adopt the same time limit for other criminal convictions.

RESPONSE #1: The department appreciates this perspective. However, unlike child care providers licensed by the Quality Assurance Division, the department has limited review authority of LCPs after they are qualified to receive the child care

subsidy. The criminal background check is how the department reviews LCPs' qualifications to provide child care. Therefore, the department considers the look back period to age 18 for applicant criminal convictions a reasonable time period for the protection of children in the care of LCPs.

COMMENT #2: A commenter stated that the list in ARM 37.80.306 of events and convictions that preclude certification is too broad.

RESPONSE #2: The department's proposed amendments to this rule attempt to use language describing criminal convictions that is similar to the Montana Criminal Code, Title 45, MCA. The department has considered what prior criminal conduct may reasonably be an indication that an individual is unable or unwilling to provide safe child care. If an individual's or a household member's past conduct indicates the potential that he or she may be a risk to a child, the department will not allow the individual to participate in subsidized child care as an LCP.

COMMENT #3: A commenter stated that only felony, not misdemeanor convictions, should be grounds for denying certification.

RESPONSE #3: State statute classifies convictions as a felony or misdemeanor based on the maximum potential sentence. The department includes misdemeanor convictions because of the conduct involved. The department does not agree that conduct resulting in a misdemeanor conviction is not serious enough to preclude certification as a provider.

COMMENT #4: A commenter supports the simplification of ARM 37.80.101.

RESPONSE #4: The department appreciates the feedback.

COMMENT #5: A commenter stated they appreciate the clarification of the age of the child in ARM 37.80.201(11).

RESPONSE #5: The department appreciates the feedback.

COMMENT #6: A commenter asked if the language "is ineligible to participate in the program" found in ARM 37.80.202(2)(b) means that an applicant is permanently ineligible to participate or is ineligible during one application time period.

RESPONSE #6: If the department determines that an applicant purposefully gave false information to obtain child care scholarship funds, the applicant must repay any funds received and may be permanently ineligible to participate in the program.

COMMENT #7: A commenter asked two questions about ARM 37.80.301(5)(c): how will the child care resource and referral agency enforce this policy to make the provider supply sign-in/sign-out records; and, should there be a time frame for a provider to supply these to the child care resource and referral agency?

RESPONSE #7: The questions involve procedures around rule and policy implementation. The department will utilize these questions as part of its next round of the procedure development process.

COMMENT #8: Legislative Council commented that 52-2-703(1), MCA, defines a child with special needs as either a person under 18 years of age with special needs or a person who is 18 years of age and is a full-time student expected to complete an educational program by 19 years of age. The commenter stated that ARM 37.80.102(7) as proposed is broader than the statutory definitions of "child" because there is no mention of the educational component.

RESPONSE #8: The department agrees with the commenter and is amending ARM 37.80.102(3) and (7).

COMMENT #9: A commenter noted that New Rule II will allow the department to respond to serious program integrity issues but it is arbitrary. There are multiple penalties for the first violation (requires repayment or requires repayment and termination from the program) and the second violation (requires repayment and termination for the parent or requires repayment and termination is appropriate).

RESPONSE #9: The rule is drafted to allow the department not to impose financial penalties for the first violation. New Rule I outlines the definitions for an intentional program violation. New Rule II provides the department with three options depending on the severity of the violation outlined in New Rule I.

COMMENT #10: A commenter noted that the definition of a legally certified provider found in ARM 37.80.102(16) states that the provider may care for up to two children or all the children from the same household. As a household is not defined and as a household could include more than one family (sibling group), this appears to conflict with ARM 37.80.306(5)(d).

RESPONSE #10: The department agrees with the commenter and will replace the term "family" in ARM 37.80.306(5)(d) with "household." This is not a change from the intent of ARM 37.80.102(16) as published in the notice of proposed amendment. The department is amending the language to more clearly state the number of children a legally certified provider may care for and stay within the certificate requirements for this provider type.

COMMENT #11: A commenter indicated that ARM 37.80.202(2)(b) states that an applicant who intentionally provides false information for the purpose of receiving child care assistance must repay the child care assistance and is "ineligible" to participate in the program. Assuming that this is the first intentional program violation and that proposed New Rule II is adopted, would the department have the discretion to only require repayment since there are two possible penalties under the proposed rule?

RESPONSE #11: The department agrees the wording in proposed New Rule II and the language in ARM 37.80.202 are inconsistent. The department will amend the language in ARM 37.80.202(2)(b).

6. The department intends to apply these rule adoptions and amendments retroactively to March 1, 2014. A retroactive application of the proposed rule adoptions and amendments does not result in a negative impact to any affected party.

/s/ Geralyn Driscoll
Geralyn Driscoll
Rule Reviewer

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

Certified to the Secretary of State March 17, 2014

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of)
ARM 42.19.401, 42.19.405,)
42.19.406, and 42.19.501 pertaining)
to property tax assistance and)
exemptions)

CORRECTED NOTICE OF
AMENDMENT

TO: All Concerned Persons

1. On January 16, 2014, the Department of Revenue published MAR Notice No. 42-2-905 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 98 of the 2014 Montana Administrative Register, Issue Number 1. On February 27, 2014, the department published the notice of amendment at page 401 of the 2014 Montana Administrative Register, Issue Number 4.

2. An internal section reference within one of the rules was not updated to correspond with the overall renumbering of the rule. The rule, as amended in corrected form, reads as follows, deleted matter interlined, new matter underlined:

42.19.406 EXTENDED PROPERTY TAX ASSISTANCE PROGRAM
(EPTAP) (1) through (11) remain as amended.

(12) Income for an entity includes those shown in ~~(4)~~(10) and also the income of any natural person or entity that is a trustee of, or controls, 25 percent or more of the entity.

(13) through (24) remain as amended.

3. The replacement pages for this corrected notice will be submitted to the Secretary of State on March 31, 2014.

/s/ Laurie Logan
LAURIE LOGAN
Rule Reviewer

/s/ Mike Kadas
MIKE KADAS
Director of Revenue

Certified to the Secretary of State March 17, 2014

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

<p><i>Montanans for Community Development</i> Requestor and Petitioner</p> <p>No. COPP-2013-A0-0001 Converted, in part, to Petition for Declaratory Ruling</p> <p>No. COPP-2013-DR-0001</p>	<p>Notice of Refusal to Issue a Declaratory Ruling</p>
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The Commissioner of Political Practices (COPP) hereby issues this Notice of Refusal to issue a Declaratory Ruling. This Notice is issued under the authority and direction of the Administrative Rules of Montana (ARM) 1.3.227 through 1.3.299 and §2-4-501 MCA. A refusal to issue a Declaratory Ruling "...shall be subject to judicial review in the same manner as decisions or orders in contested cases." §2-4-501 MCA.

Procedural History

On October 18, 2013 and October 30, 2013, the COPP responded to an original and renewed request for an advisory opinion submitted by Montanans

for Community Development (MCD) to the Commissioner of Political Practices. On October 30, 2013, MCD also submitted its Petition for Declaratory Ruling, using the COPP's advisory opinion responses as the basis for the Petition. On November 4, 2013, the COPP issued its "Rejection of Petition for Declaratory Ruling on Procedural Grounds."

On November 7, 2013, MCD filed a federal court action: *Montanans for Community Development v. Jonathan Motl*, United States District Court for the District of Montana, No. 6:13-cv-0070-CCL. On January 17, 2014, MCD, as the Plaintiff in the above matter, filed a responsive brief wherein it stated: "The COPP argues that the administrative proceedings are 'on going.' This is not the case. The COPP rejected MCD's request for a declaratory ruling and the matter is now closed."

Refusal to Issue A Declaratory Ruling

Given MCD's position that the administration matter is closed, as stated above, the COPP hereby engages the authority of § 2-4-501 MCA and declares that the Office refuses to issue a Declaratory Ruling, incorporating into this refusal the reasons set out in the November 4, 2013 "Rejection of Petition for Declaratory Ruling on Procedural Grounds."

A refusal to issue a declaratory ruling is "subject to judicial review" as defined by Title 2, Chapter 4, Part 7 of the Montana Code. The MCD is hereby notified so that it may assert its rights of appeal.

DATED this 7th day of March, 2014.

/s/ Jonathon R. Motl
Jonathan R. Motl
Commissioner of Political Practices
Of the State of Montana
P. O. Box 202401
1205 8th Avenue
Helena, MT 59620
Phone: (406)-444-4622

Certificate of Mailing

The undersigned hereby certifies that true and correct copies of the foregoing document were, this day, served upon the below listed parties electronically:

Chris Gallus
Attorney at Law
1423 East Otter Road
Helena, MT 59602

Dated this 7th day of March, 2014.

/s/ Jonathon R. Motl

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, 2013. This table includes those rules adopted during the period January 1, 2014, through March 31, 2014, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 2013, 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 2013/2014 Montana Administrative Register.

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

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BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in February 2014 appear. Vacancies scheduled to appear from April 1, 2014 through June 30, 2014, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

IMPORTANT

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

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

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Radiologic Technologists (Labor and Industry)			
Ms. Janet Fuller Anaconda	Governor	McCubbins	2/28/2014 7/1/2014
Qualifications (if required): Radiologic Technologist			
Board of Speech-Language Pathologists and Audiologists (Labor and Industry)			
Ms. Sharon Dinstel Colstrip	Governor	Wright	2/28/2014 12/31/2016
Qualifications (if required): Speech-Language Pathologist			
Mr. Rich Turner Billings	Governor	Stiller	2/28/2014 12/31/2016
Qualifications (if required): Consumer			
Board of Veterans' Affairs (Military Affairs)			
Mr. Johnathon Kenneway Great Falls	Governor	Baucus	2/28/2014 8/1/2016
Qualifications (if required): Senator Walsh Representative			
Mr. Denny Lenoir Helena	Governor	Galt	2/7/2014 8/1/2016
Qualifications (if required): Congressman Daines' Office Representative			
Drought and Water Supply Advisory Committee (Natural Resources and Conservation)			
Ms. Angela McLean Anaconda	Governor	Walsh	2/28/2014 1/1/2017
Qualifications (if required): Governor's Office Representative			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Family Support Services Advisory Council (Public Health and Human Services)			
Ms. Jennifer Banna Missoula	Governor	Pease	2/14/2014 4/9/2014
Qualifications (if required): Parent Representative			
Dr. Corey Fish Bozeman	Governor	Danielson	2/14/2014 4/9/2014
Qualifications (if required): Health Care Representative			
Ms. Peggy Grimes Missoula	Governor	Not Listed	2/14/2014 4/9/2014
Qualifications (if required): Experience with Homelessness Advocacy			
Ms. Leigh Ann Holmes Helena	Governor	Brunett	2/14/2014 4/9/2014
Qualifications (if required): Agency Representative			
Ms. Ryane Holzwarth Laurel	Governor	Sherwood	2/14/2014 4/9/2014
Qualifications (if required): Quality Improvement Specialist			
Ms. Jody Jones Ronan	Governor	McKenzie	2/14/2014 4/9/2014
Qualifications (if required): Head Start Representative			
Ms. Debra Kercher Great Falls	Governor	Huston	2/14/2014 4/9/2014
Qualifications (if required): Parent Representative			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Family Support Services Advisory Council (Public Health and Human Services) cont.			
Ms. Shannon Koenig Helena	Governor	Hertweck	2/14/2014 4/9/2014
Qualifications (if required): Agency Representative			
Dr. Christine Lux Bozeman	Governor	Maloney	2/14/2014 4/9/2014
Qualifications (if required): Personnel Preparation Representative			
Mr. Tim Plaska Helena	Governor	Not Listed	2/14/2014 4/9/2014
Qualifications (if required): Agency Representative			
Ms. Melisa Synness Helena	Governor	Frank	2/14/2014 4/9/2014
Qualifications (if required): Parent Representative			
Future Fisheries Review Panel (Fish, Wildlife and Parks)			
Mr. Terry Chute Helena	Governor	Frank	2/28/2014 7/1/2015
Qualifications (if required): Silviculturist			
Mr. Charles Cristman Three Forks	Governor	Luoma	2/28/2014 7/1/2015
Qualifications (if required): High School Student			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Future Fisheries Review Panel (Fish, Wildlife and Parks) cont.			
Mr. Chuck Dalby Helena Qualifications (if required): Public Representative	Governor	Reappointed	2/28/2014 7/1/2015
Mr. Clint Peck Billings Qualifications (if required): Conservation Representative	Governor	Schwend	2/28/2014 7/1/2015
Mr. Bill Semmens Helena Qualifications (if required): Department of Transportation Representative	Governor	Gundrum	2/28/2014 7/1/2015
Historical Society Board of Trustees (Historical Society)			
Mr. Jude Sheppard Chinook Qualifications (if required): Public Representative	Governor	Lepley	2/7/2014 7/1/2015
Montana Health Coalition (Public Health and Human Services)			
Mr. Steve Todd Ronan Qualifications (if required): Council	Governor	Roberts	2/14/2014 6/7/2015
Rail Service Competition Council (Transportation)			
Commissioner Tony Berget Libby Qualifications (if required): Knowledge of Mineral Industry Transportation	Governor	Miller	2/14/2014 1/1/2017

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Rail Service Competition Council (Transportation) cont.			
Mr. Jerry Jimison Glendive	Governor	reappointed	2/14/2014 1/1/2017
Qualifications (if required): Knowledge of Class I Railroads			
Mr. Michael V. O'Hara Fort Benton	Governor	reappointed	2/14/2014 1/1/2017
Qualifications (if required): Knowledge of Farm Commodity Transportation			
State Emergency Response Commission (Military Affairs)			
Ms. Siri Smillie Helena	Governor	Walsh	2/28/2014 1/1/2017
Qualifications (if required): Governor's Office Representative			
State Workforce Investment Board (Labor and Industry)			
Mr. Dan Bernhardt Helena	Governor	DeMichiei	2/28/2014 7/1/2017
Qualifications (if required): Military Veterans Representative			
Ms. Tina Bundtrock Great Falls	Governor	Reappointed	2/28/2014 7/1/2017
Qualifications (if required): Private Sector			
Mr. John Cech Billings	Governor	Reappointed	2/28/2014 7/1/2017
Qualifications (if required): Higher Education			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Workforce Investment Board (Labor and Industry) cont.			
Mr. Dave Crum Great Falls Qualifications (if required): Private Sector	Governor	Reappointed	2/28/2014 7/1/2017
Mr. John Danielson Kalispell Qualifications (if required): Job Corps Representative	Governor	Woods-Guzik	2/28/2014 7/1/2017
Mr. Alan Ekblad Great Falls Qualifications (if required): Organized Labor	Governor	Curry	2/28/2014 7/1/2017
Mr. Larry Hall Ronan Qualifications (if required): Private Sector	Governor	Miller	2/28/2014 7/1/2017
Mr. Jason Harrington Helena Qualifications (if required): Worforce Investment Organization	Governor	Rupp	2/28/2014 7/1/2017
Mr. Keith Heavyrunner Browning Qualifications (if required): Military Veterans Representative	Governor	Kipp	2/28/2014 7/1/2017
Ms. Jacquie Helt Missoula Qualifications (if required): Organized Labor	Governor	Reappointed	2/28/2014 7/1/2017

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Workforce Investment Board (Labor and Industry) cont.			
Mr. Bill Hunt Jr. Shelby Qualifications (if required): Private Sector	Governor	Eissinger	2/28/2014 7/1/2017
Mr. Niles Hushka Bozeman Qualifications (if required): Private Sector	Governor	McKenna	2/28/2014 7/1/2017
Superintendent Denise Juneau Helena Qualifications (if required): Superintendent of Public Instruction	Governor	Reappointed	2/28/2014 7/1/2017
Ms. Maureen Kenneally Butte Qualifications (if required): Private Sector	Governor	Reappointed	2/28/2014 7/1/2017
Ms. Nan LeFebvre Helena Qualifications (if required): Private Sector	Governor	Dykema	2/28/2014 7/1/2017
Mr. Michael J. McGinley Dillon Qualifications (if required): Local Government	Governor	Reappointed	2/28/2014 7/1/2017
Mr. Rodney Miller Wolf Point Qualifications (if required): Section 166 Tribal Representative	Governor	Reappointed	2/28/2014 7/1/2017

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State Workforce Investment Board (Labor and Industry) cont.			
Mr. Robert W. Minto Jr. Missoula Qualifications (if required): Private Sector	Governor	Grove	2/28/2014 7/1/2017
Mrs. Kim Ormsby Bozeman Qualifications (if required): Private Sector	Governor	Judd	2/28/2014 7/1/2017
Ms. Tammy Pilcher Helena Qualifications (if required): Organized Labor	Governor	Not Listed	2/28/2014 7/1/2017
Ms. Loren Rose Seeley Lake Qualifications (if required): Private Sector	Governor	Anderson	2/28/2014 7/1/2017
Statewide Independent Living Council (Public Health and Human Services)			
Mr. Jarrett Clark Denton Qualifications (if required): Disabilities Community Representative	Governor	Haley	2/20/2014 12/1/2016
Ms. Lori Gaustad Billings Qualifications (if required): Disabilities Community Representative	Governor	Ness	2/20/2014 12/1/2016

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Statewide Independent Living Council (Public Health and Human Services) cont.			
Mr. Tom Osborn Black Eagle	Governor	Reappointed	2/20/2014 12/1/2016
Qualifications (if required): Independent Living Center Representative			
Mr. Troy Spang Ashland	Governor	Reappointed	2/20/2014 12/1/2016
Qualifications (if required): Section 121 Representative			
Mr. Dick Trerise Helena	Governor	Reappointed	2/20/2014 12/1/2016
Qualifications (if required): Agency Representative			
Ms. Barbara Varnum Kalispell	Governor	Cragwick	2/20/2014 12/1/2016
Qualifications (if required): Disabilities Community Representative			
Trauma Care Committee (Public Health and Human Services)			
Mr. Rick Haraldson Sidney	Governor	Weisul	2/7/2014 11/1/2016
Qualifications (if required): Montana Hospital Association			
Traumatic Brain Injury Advisory Council (Public Health and Human Services)			
Mr. Charles Gutierrez Vaughn	Governor	Elliot	2/14/2014 1/1/2016
Qualifications (if required): Survivor			

BOARD AND COUNCIL APPOINTEES FROM FEBRUARY 2014

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Traumatic Brain Injury Advisory Council (Public Health and Human Services) cont.			
Ms. Melveena Malatare Browning	Governor	Reappointed	2/14/2014 1/1/2017
Qualifications (if required): Advocate for Brain-Injured Persons			
Mr. Darcy Merchant Billings	Governor	Laukes	2/14/2014 1/1/2015
Qualifications (if required): Injury Control or Prevention			
Ms. Kathy Smith Great Falls	Governor	Reappointed	2/14/2014 1/1/2017
Qualifications (if required): Advocate of Brain Injured Persons			
Dr. James Wright Butte	Governor	Reappointed	2/14/2014 1/1/2016
Qualifications (if required): Advocate of Brain Injured Persons			

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2014 THROUGH JUNE 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
9-1-1 Advisory Council (Administration)		
Mr. Joe Calnan, Montana City Qualifications (if required): Montana State Volunteer Fire Fighters Association	Director	5/1/2014
Mr. Kevin Myhre, Lewistown Qualifications (if required): Montana League of Cities and Towns	Director	5/1/2014
Ms. Kim Burdick, Fort Benton Qualifications (if required): Association of Public Safety Communications Officials (APCO)	Director	5/1/2014
Sheriff Leo C. Dutton, Helena Qualifications (if required): Montana Sheriffs and Peace Officers Association	Director	5/1/2014
Commissioner Gary A. Macdonald, Wolf Point Qualifications (if required): Montana Association of Counties (MACO)	Director	5/1/2014
Ms. Joanna Hamilton, Hamilton Qualifications (if required): Public Safety Answering Point (PSAP Representative for populations of more than 30,000	Director	5/1/2014
Ms. Peggy Hartwell, no city listed Qualifications (if required): Public Safety Answering Point (PSAP) Representative for populations of 30,000 or less	Director	5/1/2014
Mr. Justin Grohs, Great Falls Qualifications (if required): Montana Emergency Medical Services Association	Director	5/1/2014
Mr. Rick Musson, Laurel Qualifications (if required): Montana Association of Chiefs of Police	Director	5/1/2014

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2014 THROUGH JUNE 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
9-1-1 Advisory Council (Administration) cont. Mr. Jeff Miller, Butte Qualifications (if required): Montana State Fire Chiefs Association	Director	5/1/2014
Mr. Ed Auker, Hardin Qualifications (if required): Association of Diaster & Emergency Services Coordinators	Director	5/1/2014
Board of Hail Insurance (Agriculture) Mr. Gary Gollehon, Brady Qualifications (if required): public member	Governor	4/18/2014
Board of Nursing Home Administrators (Labor and Industry) Mr. Loren Hines, Butte Qualifications (if required): representative of an institution caring for chronically ill or aged	Governor	5/28/2014
Board of Plumbers (Labor and Industry) Mr. Timothy E. Regan, Miles City Qualifications (if required): master plumber	Governor	5/4/2014
Mr. Olaf Stimac, Great Falls Qualifications (if required): journeyman plumber	Governor	5/4/2014
Board of Real Estate Appraisers (Labor and Industry) Mr. Todd Schmidt, Kalispell Qualifications (if required): real estate appraiser	Governor	5/1/2014
Ms. Anzarina Moore, Great Falls Qualifications (if required): real estate appraiser	Governor	5/1/2014

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2014 THROUGH JUNE 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Real Estate Appraisers (Labor and Industry) cont. Mr. Thomas G. Stevens, Missoula Qualifications (if required): real estate appraiser	Governor	5/1/2014
Mr. George Simek, Billings Qualifications (if required): real estate appraiser	Governor	5/1/2014
Board of Realty Regulation (Labor and Industry) Mr. Stephen Hess, Butte Qualifications (if required): public representative and identifies himself as a Democrat	Governor	5/9/2014
Board of Regents of Higher Education (Education) Mr. Al Smith, Helena Qualifications (if required): none specified	Governor	6/30/2014
Board of Water Well Contractors (Natural Resources and Conservation) Mr. Kirk Waren, Butte Qualifications (if required): none specified	Director	6/30/2014
District Court Council (Supreme Court) Mr. Jim Reno, Billings Qualifications (if required): none specified	Supreme Court	6/30/2014
Family Support Services Advisory Council (Public Health and Human Services) Ms. Sylvia Danforth, Miles City Qualifications (if required): provider representative	Governor	4/9/2014
Ms. Cristin Volinkaty, Missoula Qualifications (if required): provider representative	Governor	4/9/2014

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2014 THROUGH JUNE 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Family Support Services Advisory Council (Public Health and Human Services) cont.		
Ms. Lucy Hart-Paulson, Missoula Qualifications (if required): language therapist	Governor	4/9/2014
Ms. Novelene Martin, Miles City Qualifications (if required): parent representative	Governor	4/9/2014
Mr. Ronald Herman, Helena Qualifications (if required): agency representative	Governor	4/9/2014
Mr. Verne Beffert, Livingston Qualifications (if required): special education representative	Governor	4/9/2014
Ms. Dawn Piazzzi, Helena Qualifications (if required): agency representative	Governor	4/9/2014
Ms. Beverly Hertweck, Helena Qualifications (if required): agency representative	Governor	4/9/2014
Ms. Danni McCarthy, Helena Qualifications (if required): agency representative	Governor	4/9/2014
Rep. Jean Price, Great Falls Qualifications (if required): legislator	Governor	4/9/2014
Ms. Laura McKee, Billings Qualifications (if required): parent	Governor	4/9/2014

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2014 THROUGH JUNE 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Family Support Services Advisory Council (Public Health and Human Services) cont.		
Ms. Elizabeth Jones, Kalispell Qualifications (if required): parent representative	Governor	4/9/2014
Ms. Lucy Hart-Paulson, Missoula Qualifications (if required): provider representative	Governor	4/9/2014
Ms. Laura Copp, Bozeman Qualifications (if required): representative for the School for the Deaf & Blind	Governor	4/9/2014
Ms. Brittany McKenzie, Hamilton Qualifications (if required): Head Start/Early Head Start representative	Governor	4/9/2014
Ms. Norma Zelzer, Great Falls Qualifications (if required): family support specialist	Governor	4/9/2014
Interagency Coordinating Council for State Prevention Programs (Public Health and Human Services)		
Ms. Diane Cashell, Bozeman Qualifications (if required): experience in prevention programs and services	Governor	6/16/2014
Ms. Patty Stevens, Ronan Qualifications (if required): experience in prevention programs and services	Governor	6/16/2014
Library Commission (Higher Education)		
Mr. Richard Quillin, Whitefish Qualifications (if required): public representative	Governor	5/22/2014
Ms. Lee Miller, Butte Qualifications (if required): public representative	Governor	5/22/2014

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2014 THROUGH JUNE 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>MSU Northern Local Executive Board (University System) Rep. John L. Musgrove, Havre Qualifications (if required): public representative</p>	Governor	4/15/2014
<p>Montana Arts Council (Governor) Mr. Rick Johnson, Kalispell Qualifications (if required): nominated by an Adolescent Treatment Program</p>	Governor	4/19/2014
<p>Montana Cherry Commodity Advisory Committee (Agriculture) Ms. Tanya Campbell, no city listed Qualifications (if required): none specified</p>	Director	5/3/2014
<p>Mr. Cody Herring, Big Fork Qualifications (if required): none specified</p>	Director	5/3/2014
<p>Montana Heritage Preservation and Development Commission (Commerce) Rep. Bob Lawson, Whitefish Qualifications (if required): public representative</p>	Governor	5/23/2014
<p>Mr. Paul Tuss, Havre Qualifications (if required): Tourism Advisory Council representative</p>	Governor	5/23/2014
<p>Ms. Cynthia Andrus, Bozeman Qualifications (if required): representative of the Tourism Advisory Council</p>	Governor	5/23/2014
<p>General James Womack, Dillon Qualifications (if required): Montana historian</p>	Governor	5/23/2014

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2014 THROUGH JUNE 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Heritage Preservation and Development Commission (Commerce) cont. Dr. Timothy Lehman, Billings Qualifications (if required): Montana historian	Governor	5/23/2014
Montana Small Business Development Center Advisory Council (Commerce) Mr. Andy Poole, Helena Qualifications (if required): none specified	Director	4/3/2014
Mr. Joe McClure, Billings Qualifications (if required): none specified	Director	4/3/2014
Mr. John Cech, Billings Qualifications (if required): none specified	Director	4/3/2014
Mr. Tony Ennenga, Kalispell Qualifications (if required): none specified	Director	4/3/2014
Mr. Kevin Keeler, Helena Qualifications (if required): none specified	Director	4/3/2014
Ms. Carla Lott, Helena Qualifications (if required): none specified	Director	4/3/2014
Ms. Lisa Ballard, Bozeman Qualifications (if required): none specified	Director	4/3/2014
Mr. Dave Glaser, Missoula Qualifications (if required): none specified	Director	4/3/2014

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2014 THROUGH JUNE 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Montana Small Business Development Center Advisory Council (Commerce) cont. Ms. Carol Cunningham, Polson Qualifications (if required): none specified</p>	Director	4/3/2014
<p>Mr. Peter Christ, Red Lodge Qualifications (if required): none specified</p>	Director	4/3/2014
<p>Montana State University - Billings (University System) Mr. Jeremy Seidlitz, Billings Qualifications (if required): public representative</p>	Governor	4/15/2014
<p>Montana State University - Bozeman (University System) Mr. Bill Bryan, Bozeman Qualifications (if required): public representative</p>	Governor	4/15/2014
<p>Montana State University - Great Falls College of Technology (University System) Mr. Dave Pierce, Billings Qualifications (if required): public representative</p>	Governor	4/15/2014
<p>Petroleum Tank Release Compensation Board (Environmental Quality) Mr. Steve Sendon, Bozeman Qualifications (if required): banker</p>	Governor	6/30/2014
<p>Ms. Kate Cassidy, Whitefish Qualifications (if required): environmental regulatory experience</p>	Governor	6/30/2014
<p>Postsecondary Scholarship Advisory Council (Governor) Ms. Margaret Bird, Browning Qualifications (if required): experience in financial aid at a postsecondary institution</p>	Governor	6/20/2014

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2014 THROUGH JUNE 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Potato Commodity Advisory Council (Agriculture)		
Mr. Sid Schutter, Manhattan Qualifications (if required): Potato Producer	Director	5/20/2014
Mr. Roger Starkel, Ronan Qualifications (if required): none specified	Director	5/20/2014
Private Alternative Adolescent Residential or Outdoor Programs Board (Governor)		
Rep. Tim Callahan, Great Falls Qualifications (if required): public member	Governor	4/19/2014
Mr. John Santa, Marion Qualifications (if required): representative of a residential adolescent program (large size)	Governor	4/19/2014
Ms. Darcie Kelly, Helena Qualifications (if required): public member	Governor	4/19/2014
Ms. Penny James, Trout Creek Qualifications (if required): representative of a residential adolescent program (medium size)	Governor	4/19/2014
Mr. Michael Chism, Thompson Falls Qualifications (if required): representative of a residential adolescent program (small size)	Governor	4/19/2014
Public Employees Retirement Board (Administration)		
Mr. Patrick McKittrick, Great Falls Qualifications (if required): having experience in investment management	Governor	4/1/2014
Mr. Terrence Smith, Bozeman Qualifications (if required): public employee in the defined contribution plan	Governor	4/1/2014

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2014 THROUGH JUNE 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Public Employees Retirement Board (Administration) cont.		
Mr. Bob Bugni, East Helena Qualifications (if required): experienced in investment management	Governor	4/1/2014
State-Tribal Economic Development Commission (Commerce)		
Mr. Joseph Durglo, Pablo Qualifications (if required): representative of the Confederated Salish and Kootenai Tribes	Governor	6/30/2014
Mr. Richard Sangrey, Box Elder Qualifications (if required): representative of the Chippewa Cree Tribe of the Rocky Boy's Reservation	Governor	6/30/2014
Mr. Tracy Robinson, Lame Deer Qualifications (if required): representative of the Northern Cheyenne Tribe	Governor	6/30/2014
Ms. Jennie Small Lafranier, Lame Deer Qualifications (if required): representative of the Northern Cheyenne Tribe	Governor	6/30/2014
Mr. Terry Pitts, Pablo Qualifications (if required): representative of the Confederated Salish and Kootenai Tribes	Governor	6/30/2014
Mr. Leonard Gray, Pablo Qualifications (if required): representative of the Confederated Salish and Kootenai Tribes	Governor	6/30/2014
University of Montana - Helena College of Technology (University System)		
Mr. Philip Campbell, Helena Qualifications (if required): public representative	Governor	4/15/2014

VACANCIES ON BOARDS AND COUNCILS -- APRIL 1, 2014 THROUGH JUNE 30, 2014

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
University of Montana - Missoula (University System) Mayor John Engen, Missoula Qualifications (if required): public representative	Governor	4/15/2014
University of Montana - Montana Tech (University System) Mr. Doug Peoples, Butte Qualifications (if required): public representative	Governor	4/15/2014
University of Montana - Western (University System) Ms. Mary Ann Nicholas, Dillon Qualifications (if required): public representative	Governor	4/15/2014
Western Interstate Commission on Higher Education (Governor) Rep. Franke Wilmer, Bozeman Qualifications (if required): Legislator	Governor	6/19/2014