

# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 11

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

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BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 4.12.1224 and 4.12.1229 ) PROPOSED AMENDMENT  
pertaining to Alfalfa Leaf Cutter Bees )

TO: All Concerned Persons

1. On July 8, 2014, at 1:30 p.m., the Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building at 302 North Roberts, Helena, Montana, to consider the proposed 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 June 30, 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) 444-5402; fax (406) 444-5409; or e-mail [cojensen@mt.gov](mailto:cojensen@mt.gov).

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

4.12.1224 OFFICIAL CERTIFICATION PROCEDURES AND FEES (1) In addition to the required registration of bees, beekeepers may certify bees according to the following procedure:

(a) through (c) remain the same.

(d) Each person requesting certification shall pay a certification fee of \$30 per sample. Each person shall also pay per diem and mileage charges as established in Title 2, ~~ch. chapter~~ 18, part 5, MCA ~~for state employees~~ and a sampling fee of ~~\$10~~ 44 per hour during the time the department employee is collecting the certification samples, including travel time.

(e) through (h) remain the same

AUTH: 80-6-1103, 80-6-1105, 80-6-1109, MCA

IMP: 80-6-1103, 80-6-1105, 80-6-1109, MCA

REASON: Official sample collection by a department official is required for alfalfa bee samples that need to be certified. There is an hourly charge for official sample collection. The increase in the hourly fee is needed to allow the department to recover personnel services costs associated with official sampling.

ECONOMIC IMPACT: The department has not provided official sampling or certification services in at least five years and, therefore, does not expect an economic impact to producers associated with increasing the hourly fee or certification fee. The fee, however, needs to be retained, should official sampling or

certification services be needed in the future. The proposed hourly fee will allow actual cost recovery.

4.12.1229 FEES ESTABLISHED FOR SERVICE SAMPLES (1) Laboratory analysis - ~~\$3050~~ per sample which includes pathogens, parasites, and larvae count/lb. In addition to the ~~\$3050~~ laboratory analysis, each sample may be tested for sex ratio and percent emergence for an additional fee of \$20.

AUTH: ~~80-6-1103~~, 80-6-1109, MCA  
IMP: 80-6-1109, MCA

REASON: The department provides laboratory analytical services, including pest and disease presence and sex ratio. Samples may be submitted by producers directly or, if certification is needed, collected by department officials. Sections 80-6-1109 and 80-6-1112, MCA, state that fees should be designed to reimburse the costs incurred in providing the service. It was the intent of the legislature that these activities be self-supporting and that only those funds generated through fees be used to support the services being provided. The fee for pest and disease analysis is being increased because current fees do not cover expenditures associated with performing the laboratory analysis. Current fees generate approximately \$1,740. Proposed fees would generate approximately \$2,900, an increase of \$1,160.

ECONOMIC IMPACT: The fee increase will affect all individuals that request alfalfa leaf cutter bee pest and disease analysis. In fiscal year 2014, 13 producers submitted 58 samples for analysis. Under the proposed laboratory fee increase, these producers would pay an additional \$20/sample. Four of the 13 producers submitted one sample so each of those producers would incur an additional cost of \$20. Seven producers submitted between 2 and 4 samples. For these producers the additional cost would be \$40 when two samples are submitted, \$60 when three samples are submitted, and \$80 when four samples are submitted. Three producers submitted 8, 9, and 16 samples. The impact, at \$20/sample, will be \$160, \$180, and \$320, respectively.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Cort Jensen, Department of Agriculture, P.O. Box 200201, Helena, Montana, 59620, telephone (406) 444-5402; fax (406) 444-5409; or e-mail [cojensen@mt.gov](mailto:cojensen@mt.gov), and must be received no later than 5:00 p.m., July 10, 2014.

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

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

a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

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

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

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

/s/ Cort Jensen  
Cort Jensen  
Rule Reviewer

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

Certified to the Secretary of State June 2, 2014.



BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 8.112.101, 8.112.102,	)	PROPOSED AMENDMENT
8.112.105, 8.112.106, 8.112.109,	)	
8.112.110, 8.112.201, 8.112.202,	)	
8.112.205, 8.112.206, and 8.112.209	)	
pertaining to the Montana Heritage	)	
Preservation and Development	)	
Commission	)	

TO: All Concerned Persons

1. On July 2, 2014, at 3:00 p.m., the Department of Commerce will hold a public hearing at the Rehearsal Hall, 316 W. Idaho Street, Virginia City, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Commerce no later than 5:00 p.m., June 27, 2014, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2596; TDD 841-2702; fax (406) 841-2771; or e-mail bmartello@mt.gov.

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

8.112.101 DEFINITIONS The following definitions shall be used in these rules, unless context clearly indicates otherwise.

(1) remains the same.

(2) "Bovey assets" means the inventory prepared at the time of purchase generally known as the Gordon inventory.

(2) through (4) remain the same but are renumbered (3) through (5).

(6) "Personal Property Sales Committee" means the committee charged with reviewing and recommending the sale of personal property to the commission. Membership of the Personal Property Sales Committee shall include an equal number of members of the Montana Historical Society Board of Trustees and commission members.

AUTH: 22-3-1003, MCA

IMP: 22-2-1003, MCA

REASON: "Bovey assets" are not defined in the rules and need to be so that the procedures to dispose of said assets are followed accurately while keeping those

things that are not Bovey assets outside of the process. The definition of "Personal Property Sales Committee" was moved from ARM 8.112.209 to the definition section.

8.112.102 ACQUISITION PROCEDURE (1) remains the same.

(2) With respect to the proposed acquisition of real property, public notice and the opportunity for hearing will be given in the geographical area of the proposed acquisition. ~~The notice will be published twice, with at least 6 days separating publication.~~

~~(a) Publication must be in a newspaper meeting the following qualifications, except if no newspaper meets these qualifications, publication must be made in a qualified newspaper in an adjacent county. If there is no qualified newspaper in an adjacent county, publication must be made by posting the notice in three public places in the county where the property to be considered for acquisition is located, as designated by resolution of the commission. The newspaper must be:~~

- ~~(i) of general paid circulation with a second-class mailing permit;~~
- ~~(ii) published at least once a week; and~~
- ~~(iii) published in the county where the property to be considered for acquisition is located.~~

~~(b) The first publication must be no more than 21 days prior to the hearing and the last no less than 3 days prior to the hearing. The published notice must contain:~~

- ~~(i) the date, time, and place of the hearing;~~
- ~~(ii) a brief statement and description of the property considered for acquisition; and~~
- ~~(iii) the address and telephone number of the person who may be contacted for further information on the hearing or the property.~~

(3) After notice has been given, the public hearing will be held in the general geographic area where the property considered for acquisition is located. ~~At the hearing, the public and officials from affected local governments and the state shall be given the opportunity to make written and verbal comments on the proposed acquisition.~~

~~(4) The assessment of properties for acquisition will be based upon consideration of the criteria listed in these rules and, where applicable, consideration of comments from affected local government officials, recommendations from professional historians, and comments from the public at large.~~

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

AUTH: 22-3-1003, MCA

IMP: 22-3-1003, MCA

REASON: This proposed change removes overly complicated notice and hearing provisions from the rules. The change will allow the commission to decide to acquire real property after notice and a public hearing in the geographic area where the property is located. If the commission decides to acquire real property, there will be another opportunity for hearing and public comment before the Board of Land Commissioners makes the final decision on behalf of the state.

8.112.105 UNCONDITIONAL CONVEYANCE (1) ~~It is preferred that All acquisitions are conveyed, sold, granted, or devised~~ must be made unconditionally to the commission. ~~The commission may, nonetheless, in its discretion, decide to make an acquisition which has reasonable conditions.~~

AUTH: 22-3-1003, MCA

IMP: 22-3-1003, MCA

REASON: Through experience, the commission has determined that conveyances to the commission should be made unconditionally and prefers to remove the exception.

8.112.106 HISTORIC AND CULTURAL CONSIDERATIONS (1) In assessing whether the property represents the state's culture and history, and whether the property lends itself to programs to interpret Montana history, the commission ~~shall~~ may consider the quality of the significance of the property in Montana history including, but not limited to, the property's authenticity and integrity of location, design, setting, materials, and workmanship; its age; and its aesthetic or historic sense of place or period of time. The commission ~~shall~~ may also consider whether the property:

(a) is associated with events that have made a significant contribution to Montana history and prehistory;

(b) is associated with the lives of a person or persons who were significant in Montana history;

(c) embodies distinctive characteristics of a type, period, or method of construction representing an event, way of life, groups of persons, or trends in Montana history; or

(d) has yielded or is likely to yield information important to Montana history or prehistory.

AUTH: 22-3-1003, MCA

IMP: 22-3-1003, MCA

REASON: The commission considers the proposed change advisable as it will give the commission discretion regarding the factors it takes into account in evaluating property under its control. Some property should certainly be evaluated based upon the listed criteria and may require additional considerations. Through experience it has been shown that some property does not require this level of scrutiny.

8.112.109 THE PROPERTY AS SELF-SUPPORTING (1) In assessing whether the property is self-supporting, the commission ~~shall~~ may consider:

(a) the location of the property and its proximity to population centers, to other areas of historical and popular interest, and to standard tourist routes;

(b) the difficulty or ease in access to the property;

(c) the likelihood of individual, corporate or other financial support;

- (d) the estimated cost of restoration, rehabilitation or maintenance of the property;
- (e) the degree of popular and educational interest in the property; and
- (f) the current and projected revenues and expenses associated with the property.

AUTH: 22-3-1003, MCA

IMP: 22-3-1003, MCA

REASON: The commission considers the proposed change advisable as it will give the commission discretion regarding the factors it takes into account in evaluating property under its control. Some property should certainly be evaluated based upon the listed criteria and may require additional considerations. Through experience it has been shown that some property does not require this level of scrutiny.

8.112.110 EDUCATIONAL RESOURCE (1) The commission ~~shall~~ may consider whether the property is an educational resource for the study and interpretation of Montana history.

AUTH: 22-3-1003, MCA

IMP: 22-3-1003, MCA

REASON: The commission considers the proposed change advisable as it will give the commission discretion regarding the factors it takes into account in evaluating property under its control. Some property should certainly be evaluated based upon the listed criteria and may require additional considerations. Through experience it has been shown that some property does not require this level of scrutiny.

8.112.201 DEFINITIONS The following criteria shall receive careful consideration by the commission in evaluating property for proposed sale:

(1) and (2) remain the same.

(3) "Executive Committee" means the committee appointed by the commission chair, ~~made up of the current commission chair, a recent past chair (if available), and the secretary-treasurer.~~

(4) through (8) remain the same.

AUTH: 22-3-1003, MCA

IMP: 22-3-1003, MCA

REASON: The commission has determined that an executive committee can be a valuable asset in getting work done in order to make recommendations on a variety of issues to the full commission. The language in rule is limiting in that the executive committee is realistically a committee of two since the past chair is not necessarily available for participation. Giving the commission chair the latitude to appoint an executive committee will help the commission function more effectively.

8.112.202 SALE CRITERIA (1) The following criteria shall receive careful consideration by the commission in evaluating property for proposed sale:

- (a) whether the property represents the state's culture and history;
- (b) whether the property can become self-supporting;
- (c) whether the property can contribute to the economic and social enrichment of the state;
- (d) whether the property lends itself to programs to interpret Montana history;
- (e) whether the sale will create significant social and economic impacts to affected local governments and the state;
- (f) whether the sale is supported by the Director of the Montana Historical Society;
- (g) whether the commission should include any preservation covenants in a proposed sale agreement for real property;
- (h) whether the commission should incorporate any design review ordinances established by Virginia City or any other community where the commission owns property into a proposed sale agreement for real property;
- ~~(i) a summary analysis of the costs and benefits of retaining or selling the property. Cost of retaining the property should include maintenance, upkeep, and other long term or ongoing costs to the commission. Costs of selling the property should include advertising, appraisals, legal fees, and title searches;~~
- ~~(i) whether the property lends itself to curation by another entity; and~~
- ~~(j) compliance with the Montana Antiquities Act (22-3-421, et seq., MCA) and any implementing or related administrative rules, including but not limited to ARM 10.121.901, et seq.; and~~
- (k) (j) other matters that the commission considers necessary or appropriate.

AUTH: 22-3-1003, MCA

IMP: 22-3-1003, MCA

REASON: The commission should consider design review ordinances in each community that it owns property, not just Virginia City. The commission considers the proposed change advisable as it will give the commission discretion regarding the factors it takes into account in evaluating property under its control. Some property should certainly be evaluated based upon the listed criteria and may require additional considerations. Through experience it has been shown that some property does not require this level of scrutiny. A request was made at the commission meeting in evaluating the current rules that the possibility of curation by another entity be considered for inclusion. Compliance with the Montana Antiquities Act is required by law and does not need to be included in the commission rules.

8.112.205 PUBLIC NOTICE PRIOR TO DECISION TO SELL REAL PROPERTY (1) For those properties approved to proceed to the commission for consideration in accordance with these rules, an opportunity will be provided for the public to comment. A date, time, and location will be established for a public hearing in the geographic area of the proposed sale. ~~A deadline will be established for the receipt of written comments.~~

~~(2) Notice of the hearing shall be made as follows:~~

~~(a) Publication in at least one newspaper of general circulation in the geographic area of the proposed sale. Notice shall be published twice, with the first publication no more than 21 days prior to the hearing, and the second publication no less than three days prior to the hearing, and at least six days separating each publication.~~

~~(b) Posted on the commission's web site. The published notice shall contain:~~  
~~(i) date, time, and place of the hearing;~~  
~~(ii) brief statement and description of the property considered for sale;~~  
~~(iii) name, address, and telephone number of the person who may be contacted for further information on the hearing or the property; and~~  
~~(iv) deadline for written comments and an address where comments may be sent.~~

~~(c) A copy of the report(s) required to be prepared under these rules will be posted on the commission's web site. Paper copies of the report shall be made available for review upon request.~~

~~(d) The public hearing will be chaired by the commission chair or his/her designee and at least one of the members of the Real Property or Personal Property Sales Committee, as applicable, established herein shall also attend. Paper copies of the report shall be made available at the hearing.~~

~~(e) The commission may, at its discretion, conduct additional types of public notice and opportunities for public comment.~~

AUTH: 22-3-1003, MCA

IMP: 22-3-1003, MCA

REASON: This proposed change removes overly complicated notice and hearing provisions from the rules. The change will allow the commission to decide to sell real property after notice and a public hearing in the geographic area where the property is located. If the commission decides to sell real property, there will be another opportunity for hearing and public comment before the Board of Land Commissioners make the final decision on behalf of the state.

8.112.206 SALE PROCEDURES - REAL PROPERTY (1) The commission shall prepare a report that addresses the criteria established in ARM 8.112.202. Following review of the information in the report, the commission may vote to proceed to a public hearing for additional comment on the proposed sale. Following a public hearing on the proposed sale, the commission may recommend to the Land Board that a parcel or parcels of real property be sold.

~~(1) Initial recommendations from the Real Property Sales Committee and review by Executive Committee:~~

~~(a) A Real Property Sales Committee shall be established by the commission to review real properties for possible sale, and to make initial recommendations on such sales to the Executive Committee. Members of the Real Property Sales Committee shall be appointed by the Commission Chair. At any time in the review process, the Real Property Sales Committee may request commission staff to assist in preparation of reports, or in other capacities.~~

~~(b) Such recommendations will take into consideration the criteria outlined in ARM 8.112.202.~~

~~(c) The Real Property Sales Committee may make real property sale recommendations to the Executive Committee at any meeting properly noticed and with the discussion of sales included on the agenda. All recommendations will include a review of the extent to which the proposed sale meets the criteria in ARM 8.112.202. The Real Property Sales Committee shall prepare its recommendation to the Executive Committee in writing.~~

~~(d) On each real property sale under consideration, the Executive Committee shall decide whether to:~~

~~(i) proceed to the next level of review as detailed in (2);~~

~~(ii) request additional information regarding the criteria in ARM 8.112.202;~~

~~(iii) forward a recommendation directly to the commission for its consideration; or~~

~~(iv) deny the recommendation.~~

~~(e) The Real Property Sales Committee shall report to the commission as needed on all real properties managed by the commission, identifying which, if any, properties are currently being reviewed by the Real Property Sales Committee or are scheduled to be reviewed.~~

~~(2) Detailed review of real properties approved by the Executive Committee to be further considered for sale:~~

~~(a) For real properties approved by the Executive Committee to proceed to the next level of review, the Real Property Sales Committee shall prepare a written report for each property that addresses the following:~~

~~(i) The report shall address the quality of the significance of the property in Montana history, including, but not limited to, the following:~~

~~(A) association with events that have made a significant contribution to Montana history and prehistory;~~

~~(B) association with the lives of a person or persons who were significant in Montana history;~~

~~(C) embodiment of distinctive characteristics of a type, period, or method of construction representing an event, way of life, groups of persons, or trends in Montana history;~~

~~(D) whether the property has yielded or is likely to yield information important to Montana history or prehistory;~~

~~(E) the property's authenticity and integrity of location, design, setting, materials, workmanship, age, and its aesthetic or historic sense of place or period of time; and~~

~~(F) whether the sale would have indirect adverse effects to the property proposed for sale, or to any remaining property acquired or managed by the commission.~~

~~(ii) The report shall assess whether the property can become self-supporting, including consideration of:~~

~~(A) the location of the property and its proximity to population centers, to other areas of historical and popular interest, and to standard tourist routes;~~

~~(B) the difficulty or ease in access to the property;~~

~~(C) the likelihood of individual, corporate, or other financial support;~~

~~(D) the estimated cost of restoration, rehabilitation, or maintenance of the property;~~

~~(E) the degree of popular and educational interest in the property; and~~

~~(F) the current and projected revenues and expenses associated with the property.~~

~~(iii) The report shall assess the economic and social benefits the property provides to the public in its current use, compared with potential economic and social benefits to the public possible with private ownership. The assessment shall compare public availability of educational/interpretive aspects of the property, and economic advantages/disadvantages of public versus private ownership.~~

~~(iv) The report shall identify whether the property is an educational resource for the study and interpretation of Montana history, assessed in the context of other existing or planned interpretive programs wherever possible, and including a discussion of any existing or unique interpretive factors associated with the property.~~

~~(v) The report shall identify local governments and state agencies with operations or facilities in the area of the proposed sale. The report shall identify how these government entities would be affected by the sale, how they were notified of the potential sale, and shall include a copy of any comments or responses received from these entities.~~

~~(vi) The report shall consider the need for any preservation covenants in a proposed sale agreement to preserve the historic qualities of the property after transfer to private ownership, who would enforce the covenants, and how any maintenance or other costs required thereunder would be paid.~~

~~(vii) The report should discuss whether and why any design review ordinances established by Virginia City should be incorporated into a proposed sale agreement for the property.~~

~~(viii) The report shall include a written letter of support by the Director of the Montana Historical Society, or an explanation of why such support has not been obtained.~~

~~(ix) The report shall include a record of compliance with the Montana Antiquities Act (22-3-421, et seq., MCA), including a letter signed by the State Historic Preservation Officer indicating whether he/she supports or does not support the proposed sale and a summary of the rationale for that decision.~~

~~(b) The Real Property Sales Committee shall present the report and their recommendations to the Executive Committee in writing at any meeting properly noticed and with the discussion of sales included on the agenda.~~

~~(c) The Executive Committee shall decide whether to:~~

~~(i) proceed to the public notice and hearing process specified in these rules;~~

~~(ii) request additional information regarding the criteria in ARM 8.112.202; or~~

~~(iii) deny the recommendation.~~

~~(3) Commission decision to proceed or not to proceed with a proposed sale:~~

~~(a) The commission shall make a decision to proceed or not proceed with a proposed sale at a properly noticed meeting, after an opportunity for public comment has been provided, based upon consideration of the criteria in ARM 8.112.202 as set forth in the report(s) required herein, any comments from affected local government officials, recommendations from professional historians, and comments from the public at large.~~



~~(b) For approved proposals for the sale of real property, the commission shall recommend the approved proposal, together with any covenants or conditions attached thereto, to the Board of Land Commissioners, per 22-3-1003 and 77-2-301, et seq., MCA.~~

AUTH: 22-3-1003, MCA

IMP: 22-3-1003, MCA

REASON: Before recommending the sale of real property, the commission is required to evaluate certain criteria enumerated in statute. The commission is then required to provide notice and conduct a public hearing after which time it can make a recommendation to the Board of Land Commissioners to sell the property. The Board of Land Commissioners also follows a public process in making its decision. The complexity found in existing rules is difficult to understand and challenging to accomplish.

#### 8.112.209 SALE PROCEDURES - PERSONAL PROPERTY

(1) Recommendations to sell personal property:

~~(a) The Personal Property Sales Committee shall review and recommend the sale of personal property. Members of the Personal Property Sales Committee shall include an equal number of members of the Montana Historical Society Board of Trustees and commission members, as specified in 22-3-1003, MCA. Such review must consider the criteria in ARM 8.112.202.~~

(b) The Personal Property Sales Committee shall identify whether the property being considered for sale is from the former Bovey assets acquired by the 55th Legislature (the Bovey assets). All funds from the sale of personal property from the Bovey assets must be placed in a trust fund, and interest from the trust fund must be used to manage, protect, and directly care for the remaining personal property acquired and managed by the commission, as required by 22-3-1003, MCA.

~~(c) Prior to forwarding a recommendation to the Executive Committee to sell personal property item(s), the Personal Property Sales Committee shall consider the criteria in ARM 8.112.202, and provide an estimated dollar value of the item(s) and/or an estimated cost of a third party appraisal. The subcommittee shall prepare its recommendation to the Executive Committee in writing.~~

~~(d) At any time in the review process, the Personal Property Sales Committee may direct commission staff to assist in preparation of reports or in other capacities.~~

~~(e) (c) Only those personal property item(s) for which a recommendation to sell is supported by a majority of the Personal Property Sales Committee members shall be forwarded to the Executive Committee or commission for consideration.~~

~~(f) On each personal property sale under consideration, the Executive Committee shall by vote decide to:~~

~~(i) proceed to the next level of detailed review as detailed in (2);~~

~~(ii) request additional information regarding the criteria found in ARM 8.112.202;~~

- ~~(iii) forward a recommendation directly to the commission for its consideration; or~~
- ~~(iv) deny the recommendation.~~
- ~~(2) Detailed review of personal property approved by Executive Committee to be further considered for sale:~~
  - ~~(a) For personal property item(s) approved by the Executive Committee to proceed to the next level of review, the Personal Property Sales Committee shall prepare a written report for each item that considers the criteria in ARM 8.112.202 in accordance with the criteria set forth in (2) of ARM 8.112.206. The report shall also include an estimated dollar value of the item(s) and/or an estimated cost of a third-party appraisal.~~
  - ~~(b) The Personal Property Sales Committee shall submit the report and its recommendations to the Executive Committee in writing at a meeting properly noticed and with the discussion of sales included on the agenda.~~
  - ~~(c) The commission shall decide to:~~
    - ~~(i) proceed to the public notice and hearing process specified in these rules;~~
    - ~~(ii) request additional information regarding the criteria stated in ARM 8.112.202; or~~
    - ~~(iii) deny the recommendation.~~
- ~~(3) The commission shall make a decision to proceed or not proceed with a proposed sale at a properly noticed meeting, after an opportunity for public comment has been provided, based upon consideration of the criteria found in ARM 8.112.202 as set forth in the report(s) required herein, any comments from affected local government officials, recommendations from professional historians, and comments from the public at large.~~

AUTH: 22-3-1003, MCA

IMP: 22-3-1003, MCA

REASON: The definition of the Personal Property Sales Committee is moved to ARM 8.112.101. The complexity found in existing rules for the sale of personal property is difficult to understand and challenging to accomplish. The Personal Property Sales Committee as outlined in statute should be able to make a recommendation directly to the commission without multiple additional steps and review in between. The commission can then make a decision to proceed with the sale in a publicly noticed meeting of the commission with the opportunity to comment.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to 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 [bmartello@mt.gov](mailto:bmartello@mt.gov), and must be received no later than 5:00 p.m., July 10, 2014.

5. Garrett Norcott, Legal Counsel for the Montana Heritage Commission, Montana Department of Commerce, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact listed in 4 above or may be made by completing a request form at any rules hearing held by the department.

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

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

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

/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 June 2, 2014.

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 12.7.502, 12.7.503, 12.7.504, ) PROPOSED AMENDMENT  
and 12.7.505 pertaining to fish )  
importation )

TO: All Concerned Persons

1. On July 9, 2014, at 6:00 p.m., the Department of Fish, Wildlife and Parks (department) will hold a public hearing at the Fish, Wildlife and Parks Headquarters, 1420 East 6th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The department 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 no later than June 27, 2014, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail [jesssnyder@mt.gov](mailto:jesssnyder@mt.gov).

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

12.7.502 DESIGNATED PATHOGENS (1) ~~The following salmonid pathogens are determined by the department to pose a threat to existing fisheries~~ Pathogens are classified into categories based on their presence and relative threat to existing state fisheries for purposes of Montana's fish health and importation statutes. ~~laws, 87-3-209, MCA et seq:~~

(2) The following pathogens are designated Class A pathogens and pose a substantial threat to the health of state fisheries:

- (a) infectious hematopoietic necrosis virus (IHNV);
- (b) infectious pancreatic necrosis virus (IPNV);
- (c) viral hemorrhagic septicemia virus (VHSV);
- (d) *Oncorhynchus masou* virus (OMV);
- (e) ~~Renibacterium salmoninarum (bacterial kidney disease),~~
- (f) ~~Aeromonas salmonicida (furunculosis),~~
- (g) ~~Yersinia ruckeri (type 1, common or Hagerman enteric redmouth disease),~~
- (h) ~~Myxobolus cerebralis (salmonid whirling disease).~~
- (e) white sturgeon irido virus (WSIV);
- (f) largemouth bass virus (LMBV);
- (g) spring viremia of carp virus (SVCV);
- (h) koi herpes virus;
- (i) infectious salmon anemia virus (ISAV); and

(j) channel catfish virus.

~~(2) (3) The following non-salmonid fish pathogens are determined by the department to designated Class B pathogens and may pose a threat to the health of existing state fisheries for purposes of Montana's fish health and importation laws, 87-3-209, MCA et seq:~~

~~(a) *Bothriocephalus acheilognathi* (Asian tapeworm);~~

~~(b) White sturgeon virus (WSIV).~~

~~(b) *Renibacterium salmoninarum* (bacterial kidney disease);~~

~~(c) *Aeromonas salmonicida* (furunculosis);~~

~~(d) *Myxobolus cerebralis* (salmonid whirling disease);~~

~~(e) *Heterosporis* sp.;~~

~~(f) Missouri River sturgeon irido virus (MRSIV);~~

~~(g) enteric septicemia of catfish (ESC);~~

~~(h) PKX proliferative kidney disease (PKD);~~

~~(i) *Ceratomyx shasta*;~~

~~(j) erythrocytic inclusion body syndrome virus (EIBSV);~~

~~(k) *Edwardsiella ictaluri*; and~~

~~(l) *Nucleospora salmonis*.~~

~~(3) The department may add pathogens to the lists in subsections (1) and (2) as necessary to protect Montana fisheries from introduction or spread of disease.~~

~~(4) Based on the availability of new information related to the threat to state fisheries the department will review pathogens designated as Class A and B and will reclassify pathogens as necessary.~~

~~(5) The department will review the presence of unlisted pathogens as necessary to determine any risks associated with fish importations. An importation request may be delayed while the department determines the risk of a new pathogen.~~

AUTH: 87-3-223, MCA

IMP: 87-3-209, 87-3-210, 87-3-221, 87-3-222, 87-3-223, 87-3-224, 87-3-225, 87-3-226, 87-3-227, MCA

12.7.503 CERTIFICATION INSPECTION PROCEDURES (1) ~~Disease-free Pathogen~~ certification inspections as required by 87-3-221, MCA, shall be made using microbiological techniques and procedures which are equivalent to or more sensitive than procedures prescribed as recommended by the most recent edition of the Fish Health Section of the American Fisheries Society in the "Fish Health Bluebook": Procedures for the Detection and Identification of Certain Fish Pathogens, Third Edition, 1985, Kevin Ames. A copy of this publication may be obtained from the American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814-2199.

(2) A surrogate species may be used for pathogen testing and certification purposes when:

(a) the surrogate species is designated by the director and verified by the department as a suitable species for testing;

(b) testing requirements significantly impact the population to be tested, including when population size of sensitive or at-risk species are too small to

undergo lethal sampling; and

(c) the surrogate species has similar likelihood of exposure to pathogens and display similar susceptibilities to various pathogens, particularly Class A pathogens listed in ARM 12.7.502.

(3) Surrogate species test results will be considered as they would for the target species.

AUTH: 87-3-223, MCA

IMP: 87-3-209, 87-3-210, 87-3-221, 87-3-222, 87-3-223, 87-3-224, 87-3-225, 87-3-226, 87-3-227, MCA

12.7.504 APPROVED PATHOLOGISTS (1) Disease free Pathogen certifications and inspections required by ~~87-3-221, MCA,~~ shall be conducted by individuals certified by the American Fisheries Society as Fish Health Inspectors or Fish Pathologists. ~~All inspectors and pathologists are subject to approval~~ approved by the director of the department. ~~If an inspection is conducted by an inspector or pathologist not approved by the director, the inspection will not be accepted and another inspection must be conducted by an inspector or pathologist approved by the director prior to approving the importation.~~ Inspectors or pathologists who own benefit from or have a financial interest in the ~~hatchery or fish culture facility being inspected~~ importation may not conduct the inspection ~~for that facility.~~ This does not preclude inspectors employed by state or federal agencies from conducting inspections for facilities operated by the employing agency.

AUTH: 87-3-223, MCA

IMP: 87-3-209, 87-3-210, 87-3-221, 87-3-222, 87-3-223, 87-3-224, 87-3-225, 87-3-226, 87-3-227, MCA

12.7.505 IMPORT PERMITS (1) An import permit must be obtained prior to any importation of fish or eggs. A copy of the import permit must accompany the importation.

~~(1) (2)~~ Application for an import permit must be made by the owner of the destination facility receiving jurisdiction or by an entity designated by the director and. ~~The application must be received at least 10 working days prior to the date of importation. Applications must be provided to Montana Department of Fish, Wildlife and Parks, by the Fisheries Division of the Montana Department of Fish, Wildlife and Parks, in Helena, Montana, 59620.~~

~~(2) (3)~~ A permit application shall specify must include:

(a) species;

(b) number;

(c) size;

(d) source;

(e) destination;

(f) and date and method of shipment;

(g) pathogen certification;

(h) fish health inspection report;

(i) other disease or inspection information the department deems necessary

to evaluate the pathogen risk; and

~~(i) if applicable, private pond license number. If the destination is a private pond, the private pond license number shall also be included in the application. No import permit will be authorized to a private pond which is not licensed by the department for the species requested for importation. A copy of any required disease-free certifications shall be submitted with the permit application, along with other disease or inspection information concerning the shipment that may be needed to evaluate the disease risk of the importation. Requests for a permit to import salmonid fish will not be considered unless a disease certification or fish health inspection report of the source of the importation is included with the application.~~

(4) The department may place conditions on an import permit to minimize any risk to the health of existing fisheries.

(5) An import permit will not be issued for fish or eggs that are confirmed positive for Class A pathogens listed in ARM 12.7.502.

(6) The department will determine whether the threat of fish or fish eggs that test positive for Class B pathogens is substantial and whether to issue an import permit based on consideration of one or more of the following:

(a) whether the importation provides a conservation benefit to the state of Montana, including the conservation of a sensitive or at-risk species;

(b) whether another biologically similar alternative source that is free of Class A and Class B pathogens is available;

(c) whether conditions can be placed on the permit to minimize the health risks to existing fisheries;

(d) the overall risk to the health of state fisheries; and

(e) any other factors the department deems necessary.

(7) Live fish exhibiting clinical signs of a disease may not be imported into Montana.

~~(3) No import permit for salmonid fish shall be issued unless the source is certified free of pathogens determined by the department to pose a threat to existing fisheries. No import permit for salmonid eggs shall be issued unless the source is certified free of pathogens determined by the department to pose a threat to existing fisheries with the following exceptions. Salmonid eggs from a source known to contain *Myxobolus cerebralis*, causative agent of salmonid whirling disease, *Yersinia ruckeri* (ERM disease agent); or *Aeromonas salmonicida*, causative agent of furunculosis, or from a source which is in a river drainage known to contain *Myxobolus cerebralis*, *Yersinia ruckeri*, or *Aeromonas salmonicida* may be imported into Montana under the following conditions provided they are free of all other infectious agents listed in this rule:~~

~~(a) eggs must be water hardened in an iodophor containing a minimum of 75 mg/l active iodine for a minimum of 30 minutes;~~

~~(b) eggs must have been incubated from time of egg collection to date of shipping in water free of *Myxobolus cerebralis* spores;~~

~~(c) eggs must be disinfected with an iodophor solution containing a minimum of 100 mg/l active iodine for a minimum of 10 minutes before shipping and again upon arrival at their destination in Montana prior to entering any Montana water;~~

~~(d) all shipping containers must be burned and no water from the shipment may be allowed to enter any water in Montana; and~~

~~(e) eggs imported under this exception may only be imported with the recommendation of the department and authorization by the director of the department.~~

~~(4) In addition to the certification requirements, no live salmonid fish may be imported into Montana which are exhibiting clinical sign of any disease or are known to be infected with any infectious disease agent that may pose threat of harm to native or existing fish populations in Montana.~~

~~(5) Import permit requests for live non-salmonid fish or eggs will be considered on a case by case basis. Disease certification inspections may be required prior to issuance of an import permit for live non-salmonid fish or eggs. Certification will be required under the following circumstances:~~

~~(a) fish from a source or drainage which is known to contain pathogens determined by the department to pose a threat to existing fisheries. The department may deny any request for a permit it considers a substantial disease risk.~~

~~(b) where salmonids are also raised at the source, the source must be inspected and certified free of designated salmonid pathogens.~~

~~(6) The import permit must be obtained prior to any importation and a copy of the import permit must accompany the importation.~~

~~(7) The department may deny any import permit request it determines may pose a threat of harm to existing fisheries, even if the source or importation has been inspected and no designated pathogens were detected. For example, import permits for fish or eggs from anadromous stocks or drainages to which anadromous fish have access may be denied regardless of disease certification status of the importation or source.~~

~~(8) The department may condition the permit in order to prevent or reduce risk, as, for example, requiring iodophor disinfection of eggs.~~

AUTH: 87-3-223, MCA

IMP: 87-3-209, 87-3-210, 87-3-221, 87-3-222, 87-3-223, 87-3-224, 87-3-225, 87-3-226, 87-3-227, MCA

REASON: These rules are designed to manage the risk level associated with the importation of fish into Montana. Every importation has a level of risk associated with it that could adversely impact the health of state fisheries.

The department is proposing classifying fish pathogens, for importation purposes, based on their presence and relative risk to state fisheries. The pathogens listed as Class A have been determined by the department to pose substantial threat to the health of state fisheries. If Class A pathogens are detected during the importation permit process the importation request will be denied. Class B pathogens pose less of a threat than Class A pathogens. The department will determine their relative risk based on several factors, and there could be rare incidences when the benefit to the state outweighs the risk of the importation of a Class B pathogen.

The proposed amendments also allow for surrogate species to be used for certification purposes under certain situations. For instance, when the importation request is part of a recovery effort for sensitive or at-risk species and the population size is too small to undergo lethal sampling, surrogates could be allowed if they are



representative of the species being imported.

Additional amendments to the rules have been proposed based on new scientific knowledge since the original adoption of the rules.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Department of Fish, Wildlife and Parks, Fisheries Division, P.O. Box 200701, Helena, Montana, 59620-0701; fax (406) 444-4952; or e-mail [fwpfsh@mt.gov](mailto:fwpfsh@mt.gov), and must be received no later than July 18, 2014.

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

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

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

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

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

/s/ M. Jeff Hagener  
M. Jeff Hagener  
Director  
Department of Fish, Wildlife and Parks

/s/ Zach Zipfel  
Zach Zipfel  
Rule Reviewer

Certified to the Secretary of State June 2, 2014.

BEFORE THE HUMAN RIGHTS COMMISSION  
DEPARTMENT OF LABOR AND INDUSTRY  
OF THE STATE OF MONTANA

In the matter of the repeal of ARM )  
24.9.203A, 24.9.313, 24.9.315, )  
24.9.329, 24.9.330, 24.9.331, )  
24.9.408, 24.9.413, and 24.9.1507 )  
regarding obsolete rules )

TO: All Concerned Persons

1. On July 7, 2014, at 1:00 p.m., the Human Rights Commission will hold a public hearing in the 1st Floor Conference Room of the Walt Sullivan Building, 1315 E. Lockey Avenue, Helena, Montana, to consider the proposed repeal of the above-stated rules.

2. The Department of Labor and Industry 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 Labor and Industry no later than 5:00 p.m. on June 30, 2014, to advise us of the nature of the accommodation that you need. Please contact Jordon Dyrdaahl-Roberts, Department of Labor and Industry, P.O. Box 1728, Helena, Montana, 59624; telephone (406) 444-4493; fax (406) 444-1394; TDD/Montana Relay Service (406) 444-5549; or e-mail jordonroberts@mt.gov.

3. General Statement of Reasonable Necessity: There is reasonable necessity to repeal each of these rules because they are no longer in use, because they are part of subchapters which have been repealed, and because they are no longer reflective of the practices of the Human Rights Commission. As an example, ARM 24.9.329 describes a commission process applicable only to cases filed before July 1, 1997. All such cases are and have been fully adjudicated, and the explanation of the existence of the old process is no longer necessary. The proposed repeals reflect an effort of the Human Rights Commission to clarify and to keep concise the rules administered by the commission.

4. The commission proposes to repeal the following rules:

24.9.203A SCOPE AND PURPOSE OF RULES

AUTH: 49-2-204, 49-3-106, MCA  
IMP: 49-2-504, MCA

24.9.313 INFORMAL DISPOSITION

AUTH: 49-2-204, 49-3-106, MCA

IMP: 2-4-604, 49-2-505, 49-3-308, MCA

24.9.315 TIME

AUTH: 49-2-204, 49-3-106, MCA  
IMP: 49-2-505, 49-3-308, MCA

24.9.329 EXCEPTIONS TO PROPOSED ORDERS

AUTH: 49-2-204, 49-3-106, MCA  
IMP: 2-4-621, 2-4-623, 49-2-505, 49-3-308, MCA

24.9.330 COMMISSION HEARINGS TO CONSIDER EXCEPTIONS

AUTH: 49-2-204, 49-3-106, MCA  
IMP: 2-4-621, 2-4-623, 49-2-505, 49-3-308, MCA

24.9.331 FINAL ORDERS

AUTH: 49-2-204, 49-3-106, MCA  
IMP: 2-4-623, 49-2-505, 49-2-506, 49-2-507, 49-3-308, 49-3-309, 49-3-310, MCA

24.9.408 PLACE OF HEARING

AUTH: 49-2-204, 49-3-106, MCA  
IMP: 2-4-501, 49-2-401, 49-3-105, MCA

24.9.413 EFFECT OF DECLARATORY RULING

AUTH: 49-2-204, 49-3-106, MCA  
IMP: 2-4-501, 49-2-401, 49-3-105, MCA

24.9.1507 REPRESENTATION OF CHARGING PARTY

AUTH: 49-2-204, MCA  
IMP: 49-2-305, 49-2-510, MCA

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: Annah Smith, Department of Labor and Industry, P.O. Box 1728, Helena, Montana, 59624-1728; telephone (406) 444-4356; fax (406) 444-2798; or e-mail [asmith3@mt.gov](mailto:asmith3@mt.gov), and must be received no later than 5:00 p.m., July 11, 2014.

6. An electronic copy of this notice of public hearing is available through the department's web site at <http://dli.mt.gov/events/calendar.asp>, under the Calendar of Events, Administrative Rules Hearings Section. The department strives to make the electronic copy of this notice of public hearing 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 a person's difficulties in sending an e-mail do not excuse late submission of comments.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department and the boards and commissions that are attached for administrative purposes. 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 or areas of law the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the Department of Labor and Industry, attention: Mark Cadwallader, 1315 E. Lockey Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, e-mailed to [mcadwallader@mt.gov](mailto:mcadwallader@mt.gov), or may be made by completing a request form at any rules hearing held by the agency.

8. The department's Hearings Bureau has been designated to preside over and conduct this hearing.

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 commission has determined that the repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Mark Cadwallader  
Mark Cadwallader  
Alternate Rule Reviewer

/s/ Dennis Taylor  
Dennis Taylor  
Chair  
Human Rights Commission

Certified to the Secretary of State June 2, 2014.

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 32.3.1201, reporting rabies;	)	AMENDMENT AND
32.3.1202, rabies quarantine;	)	REPEAL
32.3.1203, isolation of rabid or	)	
suspected rabid animals; and	)	NO PUBLIC HEARING
32.3.1204, isolation of biting animals;	)	CONTEMPLATED
and the repeal of ARM 32.3.1206,	)	
stray or ownerless animals	)	

TO: All Concerned Persons

1. On July 12, 2014, the Department of Livestock proposes to amend and repeal the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on June 23, 2014, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

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

32.3.1201 REPORTING RABIES (1) Any person having knowledge of an animal known to have or suspected of having rabies shall report ~~the facts~~ an accurate description immediately to the state veterinarian or to a deputy state veterinarian.

(2) Any person having knowledge of any animal or person having been bitten by a dog or other animal known to have or suspected of having rabies shall report ~~the facts~~ an accurate description immediately to the nearest health officer and to the state veterinarian or a deputy state veterinarian.

AUTH: 81-2-102, 81-2-103, MCA  
IMP: 81-2-102, 81-2-103, 81-2-107, MCA

32.3.1202 RABIES QUARANTINE (1) When rabies is known to exist within an area, the Montana Department of Livestock, Animal Health Division, shall, by order of the state veterinarian, establish a rabies quarantine area and shall define the boundaries of the quarantine area and specify the animals subject to quarantine, ~~and all such animals within the quarantine area shall be kept in strict confinement upon the private premises of the owner, keeper or harborer at all times until the~~

quarantine is terminated by the Montana Department of Livestock, Animal Health Division.

(2) The area shall be quarantined for a period of not less than 60 days from the date of the last known case of rabies or as much longer as in the judgment of the Board of Livestock seems reasonable and necessary; provided, however, that any dog or other animal under quarantine having been properly immunized against rabies under official supervision may be released from the quarantine area after a period of 44 28 days from date of vaccination.

(3) remains the same.

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

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

### 32.3.1203 ISOLATION OF RABID OR SUSPECTED RABID ANIMALS

(1) Any rabid or clinically suspected rabid animal must be isolated in strict confinement under proper care and under observation of a deputy state veterinarian, in a pound, veterinary hospital, or other adequate facility in a manner approved by the state veterinarian. If professional veterinary evaluation warrants, the animal may be humanely destroyed and the brain or other appropriate tissues handled in accordance with ARM 32.3.1207. The animal ~~may~~ must be handled in accordance with the National Association of State Public Health Veterinarians, Inc. (NASPHV) compendium of animal rabies control or other subsequently developed scientifically acceptable procedure recognized by the National Association of State Public Health Veterinarians, Inc. (NASPHV).

(2) A list of those scientifically acceptable procedures recognized by the National Association of State Public Health Veterinarians, Inc. (NASPHV) under subsection (1) is available without charge upon request to the office of the state veterinarian may be obtained for a fee from the Bureau of Communicable Disease Control, New York State Department of Health, Empire State Plaza, Corning Tower, Room 651, Albany, New York 12237.

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

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

32.3.1204 ISOLATION OF BITING ANIMALS (1) Upon consideration of the discretion and advice of the local health officer as defined in ARM 37.114.101, any dog, cat, or ferret, regardless of current rabies vaccination status, animal which bites or otherwise exposes a person must ~~may~~ be confined and observed ~~isolated in strict confinement at an animal shelter, veterinary facility, or other adequate facility in a place and manner as described in ARM 32.3.1203 and observed for at least ten days from the date of exposure after the day of infliction of the bite.~~

~~(2) In officially quarantined rabies areas the isolation described in (1) shall be mandatory for any animal of a species subject to rabies that has bitten or otherwise exposed a person or other animal.~~

~~(3)~~ (2) If any sign of illness develops in the isolated animal, it is to be evaluated by a licensed deputy state veterinarian and if in his their judgment it is warranted, the animal may be humanely destroyed and the brain or other suitable

tissue tested in a qualified laboratory for rabies. Any stray or unwanted wild or domestic animal that bites a person may be killed immediately and the head submitted to a laboratory for a rabies examination.

(3) Any dog, cat, or ferret that is subject to confinement and observation under (1) and that does not have a current rabies vaccination, may not be vaccinated during the ten-day confinement period.

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

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

4. The department proposes to repeal the following rule:

32.3.1206 STRAY OR OWNERLESS ANIMALS

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

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

Reasonable Necessity: Both the Department of Livestock and the Department of Public Health and Human Services have administrative rules that address management of dogs that bite humans. During a recent discussion it was noted that there was a discrepancy between the two rules. We propose this rule change primarily to address that discrepancy by standardizing the language between the rules.

We propose updated language that is more consistent with the Compendium of Animal Rabies Prevention and Control. We also propose to repeal a rule that is inconsistent with current department policy regarding the quarantine of areas following the diagnosis of rabies in an area.

5. Concerned persons may submit their data, views, or arguments in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., July 10, 2014.

6. 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 a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. July 10, 2014.

7. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in

the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 25, based upon the population of the state.

8. 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 5 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of 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.

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 department has determined that the amendment and repeal of the above-referenced rules will not significantly and directly impact small businesses.

#### DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay  
Christian Mackay  
Executive Officer  
Board of Livestock  
Department of Livestock

BY: /s/ Robert Stutz  
Robert Stutz  
Rule Reviewer

Certified to the Secretary of State June 2, 2014.



BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 32.3.433, designated ) PROPOSED AMENDMENT  
surveillance area )

TO: All Concerned Persons

1. On July 2, 2014, at 10:00 a.m. the Department of Livestock will hold a public hearing in the sale ring at Headwaters Livestock, 25 Wheatland Road, Three Forks, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on June 25, 2014, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

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

32.3.433 DESIGNATED SURVEILLANCE AREA (1) The designated surveillance area (DSA) of Montana is described as:

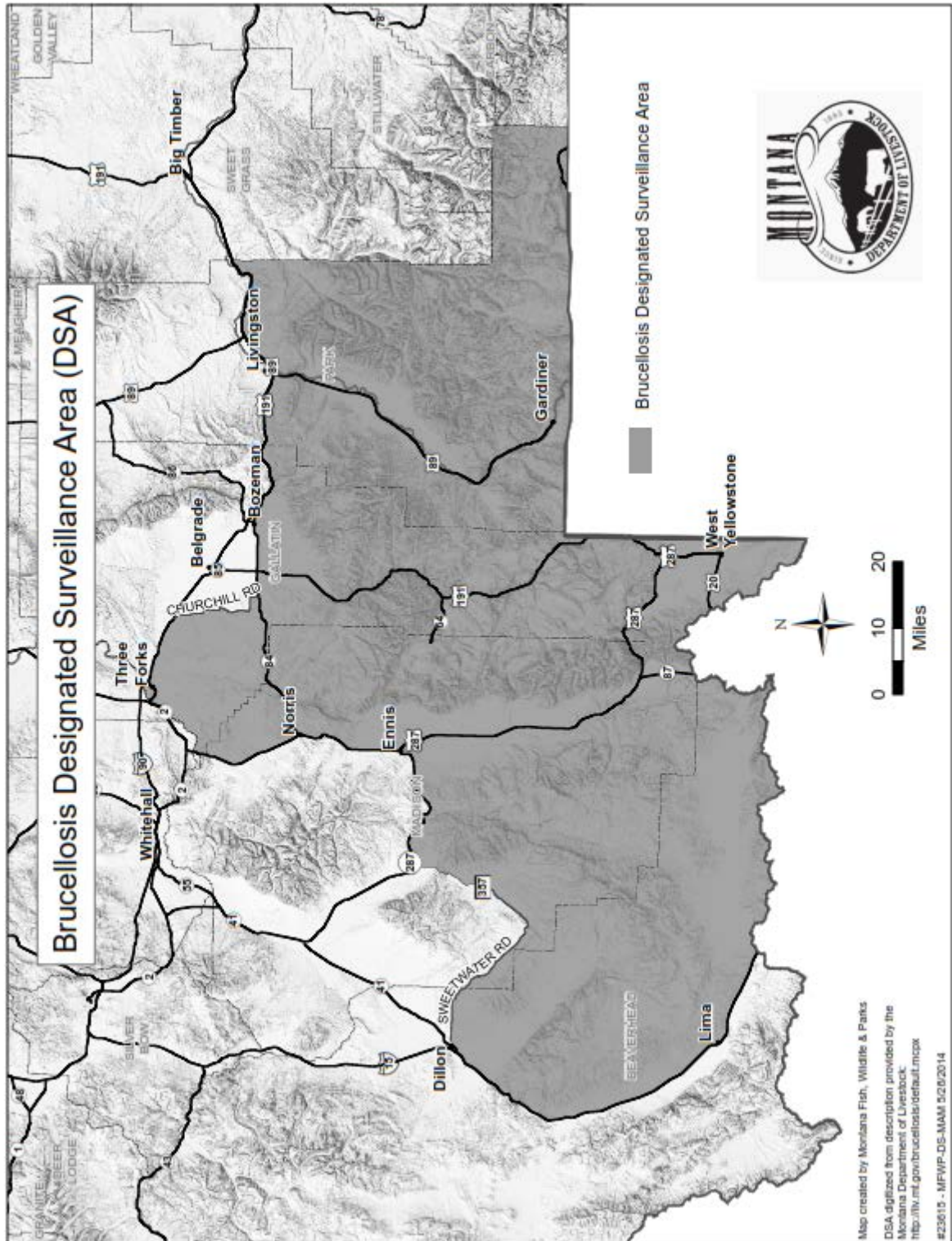
(a) Park County – south of Interstate 90;

(b) Gallatin County – south of Interstate 90 from the Park-Gallatin County line to U.S. Highway 191 at Bozeman, then south of U.S. Highway 191 to Highway 84, from Bozeman then south of Highway 84 to Churchill Road, then west of Churchill Road to Interstate 90 at Manhattan, then all other areas in Gallatin County south of Interstate 90, but west of Churchill Road to Gallatin-Madison County line;

(c) Madison County – ~~south of Highway 84~~ east of Highway 287 from its northern crossing of the Gallatin-Madison County line ~~to Norris, then east of U.S. Highway 287 from Norris~~ to Ennis, then south of State Highway 287 from Ennis to Alder, then east of State Rd. 357 (Upper Ruby Road) to Sweetwater Road, then south of Sweetwater Road to the Madison-Beaverhead County line; and

(d) Beaverhead County – from Madison-Beaverhead County line, south of Sweetwater Road to East Bench Road near Dillon, then south of East Canal Bench Road to White Lane, then south of White Lane to Blacktail Road, then south of Blacktail Road to Highway 91, then west of Highway 91 to Interstate 15 business loop, then south of Interstate 15 business loop to Interstate 15, then east of Interstate 15 to the Montana/Idaho border.

(2) A map of the designated surveillance area follows:



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

IMP: 81-2-101, 81-2-102, 81-2-103, 81-2-104, ~~81-2-105, 81-2-110, 81-2-111~~, MCA

Reasonable Necessity: A recent elk study conducted in the Blacks Ford and Red Mountain areas (outside of the current designated surveillance area), by the Montana Department of Fish, Wildlife and Parks revealed a significant number of brucellosis-exposed elk. Due to the potential of Brucella exposure to livestock and to help protect Montana livestock producers and its trading partners from the introduction of potentially infected livestock, a designated surveillance area boundary change is necessary to include cattle operations that overlap with the range of these elk in the designated surveillance area.

Montana Code Annotated citations are being removed as their relationship to the rule is unclear.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., July 10, 2014.

5. Dr. Eric Liska, Department of Livestock, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

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

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

9. 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.

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay  
Christian Mackay  
Executive Officer  
Board of Livestock  
Department of Livestock

BY: /s/ Robert Stutz  
Robert Stutz  
Rule Reviewer

Certified to the Secretary of State June 2, 2014.

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 32.3.141 revocation or	)	AMENDMENT
suspension of appointment of deputy	)	
state veterinarian	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. On July 12, 2014, the Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on June 23, 2014, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

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

32.3.141 REVOCATION OR SUSPENSION OF APPOINTMENT OF DEPUTY STATE VETERINARIAN (1) through (2) remain the same.

(3) Reappointment may occur as in ~~ARM 32.3.140~~ ARM 32.3.139.

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

IMP: 81-2-102, 81-2-108, MCA

Reasonable Necessity: The cross-reference in (3) of this rule to ARM 32.3.140 should be to ARM 32.3.139. We are proposing to correct this error.

4. Concerned persons may submit their data, views, or arguments in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., July 10, 2014.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., July 10, 2014.

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

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 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 of the above-referenced rule will not significantly and directly impact small businesses.

#### DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay  
Christian Mackay  
Executive Officer  
Board of Livestock  
Department of Livestock

BY: /s/ Robert Stutz  
Robert Stutz  
Rule Reviewer

Certified to the Secretary of State June 2, 2014.

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 42.2.613, 42.2.614, 42.2.615, ) PROPOSED AMENDMENT  
42.2.616, 42.2.617, 42.2.618, )  
42.2.619, 42.2.620, and 42.2.621 )  
pertaining to dispute resolution )

TO: All Concerned Persons

1. On July 8, 2014, at 9 a.m., the Department of Revenue will hold a public hearing in the Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana, to consider the proposed amendment of the above-stated rules. The conference room is most readily accessed by entering through the east doors of the building.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on June 27, 2014. Please contact Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or lalogan@mt.gov.

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

42.2.613 DEFINITIONS The following definitions apply to rules found in this subchapter.

~~(1) "Alternative dispute resolution (ADR)" means the option of a voluntary, confidential, and cooperative means of resolving disputes. One objective is to reduce costs and risks inherent in adjudication or litigation for either the person or other entity and the department. Alternative dispute resolution can include mediation.~~

~~(2) "Centrally assessed appraisal report" means the report that notifies of their market value for their centrally assessed property each year.~~

~~(3) "Centrally assessed assessment notice" means the final report sent to the customer and local department field office notifying them of the customer's market and taxable value by jurisdiction.~~

~~(4) "Customer" means any person or other entity subject, but not limited to a tax, license fee, royalty, or permit imposed by the state of Montana or a liability for payment of a debt collected by the department.~~

~~(5) "Evidence" means documents or testimony offered during the mediation process or at a hearing. Such evidence includes but is not limited to direct or circumstantial, oral or written testimony, or real or demonstrative exhibits has the meaning given in 26-1-101, MCA.~~

(2) "Form APLS101F" is a document titled Request for Informal Review that is available from the department at revenue.mt.gov for use by a person or other entity to appeal a first notice of tax adjustment or other department determination.

(3) "Form APLS102F" is a document titled Notice of Referral to the Office of Dispute Resolution that is available from the department at revenue.mt.gov for use by a person or other entity to appeal a notice issued by the department's Business and Income Taxes Division following an informal review determination.

(4) "Form CAB-8" is a document titled Request for Informal Review for Centrally Assessed Companies that is available from the department at revenue.mt.gov for use by a centrally assessed company to appeal a first notice of tax assessment or other department determination.

(6)(5) "Hearing" means a recorded, contested proceeding with specified issues of fact or law to be heard before a department hearing examiner, acting as a finder of fact, from which a decision is rendered during which the parties may offer testimony under oath, with an opportunity to question the witnesses, offer exhibits, make arguments, and/or provide evidence.

(7)(6) "Hearing examiner" means, within the context of the department's Office of Dispute Resolution, either a finder of fact or mediator. When serving as a finder of fact, the "hearing examiner" performs an adjudicatory function. A hearing presided over by the finder of fact involves a proceeding addressing specific issues of fact or of law to be tried. The respective parties have the right to offer testimony and evidence, from which the finder of fact renders a decision subject to appeal. When the Office of Dispute Resolution's "hearing examiner" functions as a mediator, the mediator shall interpose between the parties with the objective of assisting them to reconcile, adjust, or settle their dispute. ODR, the individual who:

(a) adjudicates or mediates a dispute between a person or other entity and the department after the dispute has proceeded beyond informal review;

(b) has general authority to regulate the course of tax or liquor licensing appeals; and

(c) may exercise the power and authority provided by law.

(8)(7) "Initial conference" means a conference conducted by the Office of Dispute Resolution to review all matters pertaining to a dispute, including which course may best address a situation deemed appropriate by the parties ODR to determine the issue(s) raised by the parties, discuss and determine whether the proceedings will be informal or formal, determine the necessity of discovery, and to set a schedule that addresses the context and needs of the particular dispute.

(9)(8) "Liquor licensing matters" means disputes involving alcoholic beverages licenses administered by the department under authority of the Montana Alcoholic Beverage Code, (Title 16, chapters 1 through 6, MCA). Such disputes may include, but are not limited to, contested violations, denial of applications, revocations, lapses, and protests to license applications. It is understood that the The Montana Administrative Procedure Act is considered controlling as to controls such liquor licensing matters. In addition, it is noted that some disputes with regard to such licenses do not involve the department as a party, such as protest hearings between protestors and license applicants.

(10)(9) "Mediation" means a process by which a mediator assists opposing



parties in arriving attempting to arrive at a mutually acceptable settlement resolution of a dispute. In mediation, the mediator ~~does not have authority to enter any decision on the merits of the issues in dispute or to impose, in any way, a settlement upon the parties.~~ The parties control the identification of issues submitted and the type of resolution to be agreed upon. The mediator may conduct joint or separate meetings with the parties. Matters raised in mediation are privileged, private, and confidential. Mediation is voluntary. No person, other entity, or the department is required to participate in any given case except by voluntary agreement. The mediation process is informal. No record is made.

(a) ~~The following items include matters that cannot be disclosed by either party with respect to settlement:~~

~~(i) views expressed or suggested by a party with respect to a possible settlement;~~

~~(ii) admissions made by any party;~~

~~(iii) statements made or views expressed by any party, witness, the mediator, or any other person privy to the process; or~~

~~(iv) the fact that another party did or did not indicate a willingness to accept a proposal for settlement.~~

~~(11) "Mutually agree to extend" means extending a deadline based upon mutual agreement of the parties.~~

~~(12)(10) "Notice of Referral referral to the Office of Dispute Resolution Form APLS102F" is a form used by the department and customer to refer a disputed matter to ODR" means to file an appeal with the Office of Dispute Resolution. This form is available on the department's internet homepage as stated in (1) ODR regarding a notice of final determination from the department following an informal review, by submitting:~~

~~(a) a completed form APLS102F; or~~

~~(b) any other written objection.~~

~~(13)(11) "Office of Dispute Resolution (ODR)" "ODR" means the department's dispute resolution office Office of Dispute Resolution. This office handles disputes that cannot be resolved at a lower level within the department.~~

~~(14) "Other entity" means all businesses, corporations, or similar enterprises.~~

~~(15)(12) "Party" means either the customer a person or other entity or the department.~~

~~(16)(13) "Request for Informal Review Form APLS102F informal review" is a form used by the department and the customer to record changes, appeals and issues pertaining to a particular customer. This form is available on the department's internet homepage, <http://www.mt.gov/revenue>. It may be used by the customer to notify the department of a dispute concerning an amount shown on a property assessment Notice or Statement of Account (SOA) for those items described in (18) means a request by a person or other entity for review of a tax assessment, adjustment, or other department determination, by submitting:~~

~~(a) a completed form APLS101F along with a copy of any adjustment letter or notice from the department;~~

~~(b) a completed form CAB-8 along with a copy of any adjustment letter or notice from the department; or~~

~~(c) any other written request for review along with a copy of any adjustment~~

letter or notice from the department.

~~(17)~~(14) "Settlement" means a mutually agreed upon resolution of the disputed issues.

~~(18)~~ "Statement of Account (SOA)" means the first notice provided to the customer of an amount owed to the department or of a violation. It may include, but is not limited to, notice of refund reduction, tax debt, fine, or notice of a violation of the laws administered by the department. It does not include notices pertaining to inheritance taxes, estate taxes, or liquor licensing matters.

~~(19)~~ "Written objections" include objections submitted through electronic media or delivered by the U.S. Postal Service, or any other generally accepted delivery service. For matters before ODR, electronic media filings must be supplemented with a hard copy document.

AUTH: 15-1-201, 15-1-211, MCA

IMP: 15-1-211, 15-1-406, 15-23-102, 15-23-107, ~~15-30-257~~, MCA

REASONABLE NECESSITY: In accordance with 2-4-314, MCA, the department conducted a biennial review of its administrative rules and proposes amending ARM 42.2.613 to add clarity to several of the existing definitions, to strike terms sufficiently defined elsewhere in statute or general rules, and to remove terms no longer found in the context of the subchapter. The department further proposes to strike a repealed statute from the implementing section of the rule.

42.2.614 PURPOSE (1) Section 15-1-211, MCA, ~~provides for the creation~~ requires a uniform dispute review process and the establishment of an Office of Dispute Resolution (ODR) ODR within the department and requires a uniform dispute review process.

(2) A primary objective of the resolution procedure is to make resolving a dispute resolution with the department as un intimidating and inexpensive accessible as possible ~~to~~ for all parties appearing before the department.

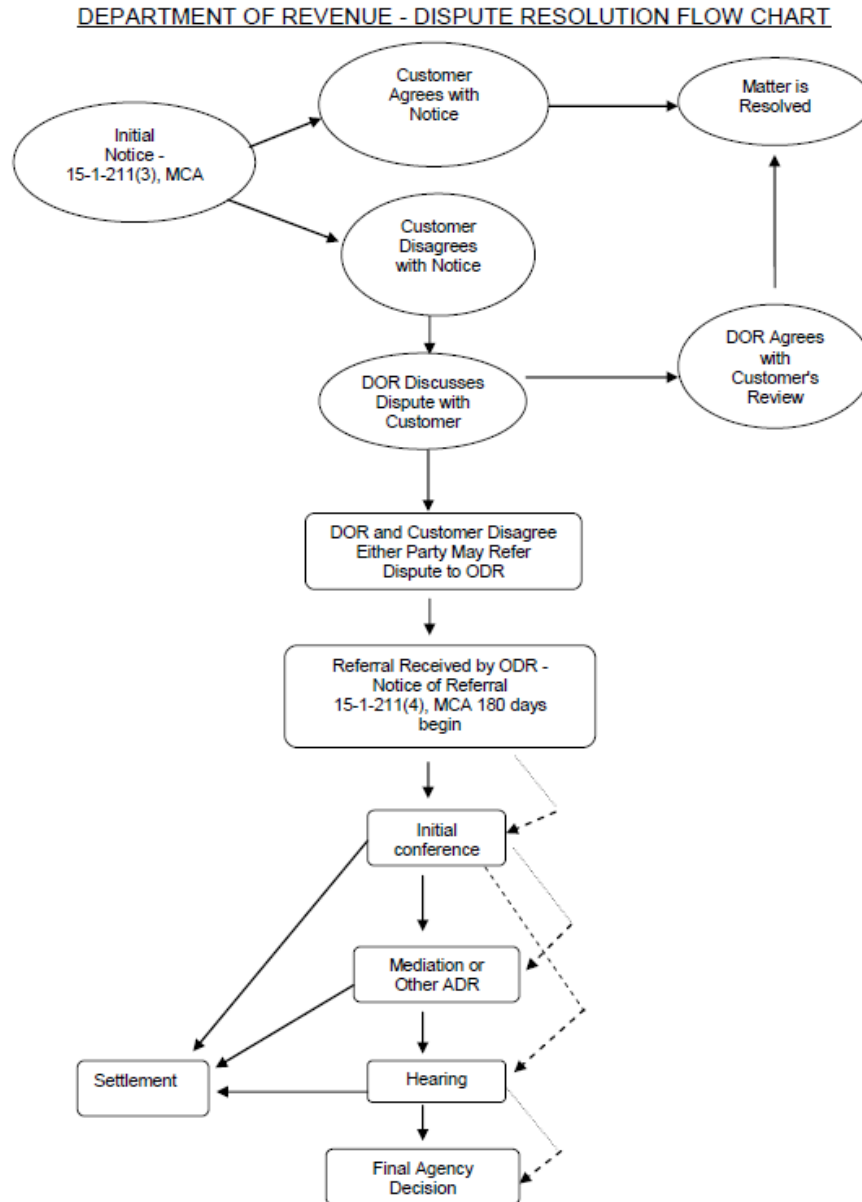
(3) The department's dispute review procedure applies to all matters administered by the department except those exempted by law exempts noncentrally assessed property, inheritance, estate taxes, liquor licensing, and the issue of whether an employer-employee relationship existed between the person or other entity subject to the requirements of Title 15, chapter 30, part 2, MCA, or whether the employment relationship was that of an independent contractor, from the dispute resolution process.

~~(2)~~(4) As shown in the The dispute resolution flow chart in (3), a shown in (6) provides the dispute resolution process. A final agency decision must be issued within 180 days from the date the APLS102F Form objection (form APLS102F, form CAB-8, or other written correspondence) is received by the Office of Dispute Resolution ODR, as provided for in 15-1-211, MCA, unless extended by mutual consent of the parties.

(5) Section 69-8-414, MCA, specifically requires the department to issue a final agency decision for uniform systems benefits (USB) matters within 60 days from the date the matter is submitted to ODR, rather than the 180 days provided for in 15-1-211, MCA.

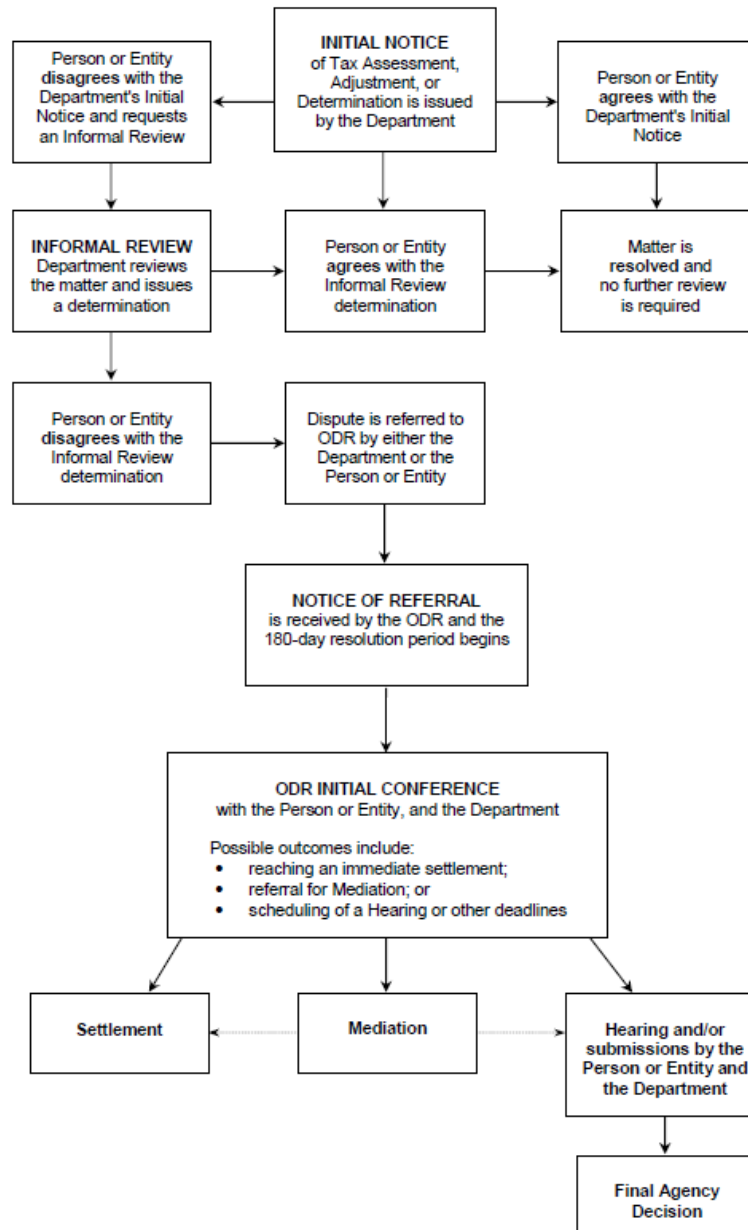
(3)(6) The following flow chart shows how the process will flow beginning with the initial notice provided to ~~the customer~~ a person or other entity:

This flow chart is being struck:



This flow chart is being added:

DISPUTE RESOLUTION FLOW CHART



AUTH: 15-1-201, 15-1-211, MCA  
IMP: 15-1-211, 69-8-414, MCA

REASONABLE NECESSITY: In accordance with 2-4-314, MCA, the department conducted a biennial review of its administrative rules and proposes amending ARM 42.2.614 to update the flow chart with additional detail to more

effectively demonstrate how the dispute resolution process works.

42.2.615 REFERRAL REQUIREMENTS (1) The notification requirement of a referral to the ~~Office of Dispute Resolution~~ ODR by the department is ~~covered~~ provided for in 15-1-211, MCA.

(2) Referrals by ~~the customer to the Office of Dispute Resolution~~ a person or other entity to the ODR shall be submitted in writing and shall indicate the issues in dispute.

(3) The ~~Office of Dispute Resolution~~ ODR shall notify the appropriate division within the department that a referral has been received.

AUTH: 15-1-201, 15-1-211, MCA

IMP: 15-1-211, MCA

REASONABLE NECESSITY: In accordance with 2-4-314, MCA, the department conducted a biennial review of its administrative rules and proposes amending ARM 42.2.615 to change a reference to "the customer" to "a person or entity," for consistency with statute and other department rules. The department further proposes to incorporate the commonly referenced acronym ODR into the rule language.

42.2.616 DISCRETION AS TO FORMALITY OF PROCEDURES (1) The department recognizes that a wide array of parties ~~appears~~ appear before the agency ~~in connection with disputes to resolve.~~ These disputes range from large corporations employing professional tax counsel to individuals appearing on their own behalf contesting ~~comparatively minimal amounts of tax liabilities,~~ violation penalties, ~~etc and other such matters.~~ It is the intent of the ~~agency~~ department to accommodate all such disputes to the greatest extent possible in a manner that is deemed most appropriate for each situation. ~~In particular, the agency seeks to conduct proceedings that are as unintimidating as possible. Persons who are not represented in disputes before the department should not feel apprehensive or dissuaded by procedural complexities, legalistic terms, or bewildering formalities.~~

(2) The hearing examiner, in consultation with the parties, will evaluate the circumstances and complexity level of each dispute being presented and use his or her discretion to determine the most appropriate level of formality and procedures procedure to follow appropriate for each dispute. For example:

(2)(a) ~~In in~~ in disputes where persons or other entities are not represented a party is representing him or herself and are disputing smaller amounts of potential liability, it is ~~understood that far less formal~~ informal procedures may be used. determined to be the most appropriate to follow; or

(3)(b) ~~In in~~ in disputes where both parties are represented by counsel, applying rules of evidence and civil procedure, as described or referred to in this chapter, may be determined to be the most appropriate to follow to provide the necessary level of structure to the process may be entirely warranted.

(3) To the extent the department's rules do not provide for or specify procedures, or where necessary to supplement the rules, the Montana Administrative Procedure Act, Montana Rules of Civil Procedure, Montana Uniform

District Court Rules, and/or Montana Rules of Evidence may be utilized to the extent that they clarify fair procedures, expedite determinations, and assist in the adjudication of rights, duties, or privileges of parties.

AUTH: 15-1-201, 15-1-211, MCA

IMP: 15-1-211, MCA

REASONABLE NECESSITY: In accordance with 2-4-314, MCA, the department conducted a biennial review of its administrative rules and proposes amending ARM 42.2.616 to improve clarity and add more detail.

The department further proposes adding a new section to address an issue that has historically caused the ODR and the parties involved some concern regarding scheduling and case delays in some instances. For example, in complex tax matters, additional procedural requirements often become necessary. The proposed amendments to the existing rule language and the addition of the new language in (3) are intended to provide an explanation for any additional processes or procedures that may need to be used to best serve all parties involved in an effort to resolve a dispute.

42.2.617 INITIAL CONFERENCES (1) ~~Following the Office of Dispute Resolution's ODR's receipt of a person's or other entity's request for appeal, in any dispute, a hearing examiner assigned to the case shall schedule an initial conference will. The conference shall be scheduled as soon as practicable to take place during regular business hours.~~

~~(2) Parties may participate at the initial conference either in person on his or her own behalf or through representatives, employees, or agents, as long as a requisite notice of appearance has been filed from by an attorney or a written authorization to represent a party Power of Attorney form designating representation has been submitted from any other representative by the party of record.~~

~~(2)(3) Written notice of the initial conference shall be given at least 10 days prior to the date of the initial conference unless the parties waive notice. The initial conference may be conducted by telephone, in person, or by other means agreeable to the parties with the taxpayer and/or their representative.~~

~~(3) Any issue may be settled at the initial conference, including referring the dispute to mediation if both parties agree. In the course of the conference, the hearing examiner may take any appropriate action to settle, compromise, or reduce a deficiency subject to approval by the director or the director's designee. If the dispute cannot be settled at the conference, the hearing examiner shall set a time and date for subsequent mediation or a hearing which is as mutually satisfactory as possible to all concerned.~~

~~(4) Any discovery for the hearing may be discussed and the terms agreed upon at the initial conference. At the initial conference, the hearing examiner will discuss the options for proceeding with an appeal before the ODR. The options generally entail proceeding to a decision based on a hearing, proceeding to a decision based on the record, and/or participating in mediation. The hearing examiner shall set a time and date for subsequent mediation, or hearing, which is as mutually satisfactory as possible to all concerned.~~

(5) Once a hearing or mediation has been scheduled, the hearing examiner will coordinate with the parties to schedule other deadlines as needed, such as:

(a) discovery and exhibit exchanges;

(b) motion deadlines; and/or

(c) other documentation or briefing submission deadlines.

(6) Either party may request a continuance of a scheduled matter. The party seeking the continuance shall indicate whether the request is opposed or unopposed.

~~(5)(7)~~ A party must exhaust their his or her administrative remedies, whether by mediation or a hearing decision, prior to further appealing a matter to the next level. The parties may jointly stipulate to waiving a hearing waive a written determination by the ODR in their matter.

~~(6)(8)~~ A record may not be kept of the initial conference. All such conference proceedings Specific fact-related or substantive matters that may be discussed at the initial conference are considered confidential and privileged. Procedural matters discussed during the initial conference are not considered confidential. Any matters raised do not constitute admissions against interest of any party participating in the conference.

~~(7)(9)~~ The hearing examiner conducting the initial conference shall not be the one presiding over the formal hearing if mediation occurs assigned to the matter shall preside over any hearing and/or issue the written determination adjudicating the matter. If mediation is requested, an ODR hearing examiner who is not assigned to adjudicate the matter, shall conduct the mediation.

(8) remains the same but is renumbered (10).

AUTH: 15-1-201, 15-1-211, MCA

IMP: 15-1-211, MCA

REASONABLE NECESSITY: In accordance with 2-4-314, MCA, the department conducted a biennial review of its administrative rules and proposes amending ARM 42.2.617 to provide better guidance regarding the process for the initial conference and the mediation process.

The proposed amendments are intended to make it clear that a hearing examiner who originally presides over a particular matter would not also mediate the same matter. The proposed amendments will also add the distinction that while the procedural portion of an initial conference is not confidential, in some instances substantive subject matter may be raised during the initial conference and that portion of the conference would be considered confidential and privileged.

42.2.618 MEDIATION PROCEDURES (1) The resolution of any matter in connection with a dispute may be pursued through mediation with the agreement of all parties.

(2) Mediation is voluntary. No person, other entity, or the department is required to participate in any given case except by voluntary agreement. The mediation process is informal, and no record is made.

~~(2)(3)~~ Mediation may be requested at the initial conference or at any time during the proceedings at the agreement of both parties. If both parties agree,

mediation may also occur during the initial conference, with the understanding among the parties that if resolution is not reached, then the hearing examiner shall transfer the case to a different hearing examiner.

~~(a)(4)~~ The mediator may either be a hearing examiner from the Office of Dispute Resolution ODR, or a mediator from outside the department. ~~The mediator and shall be chosen~~ selected with the consent of both parties.

~~(b)(5)~~ If an outside mediator is selected, the cost of the mediator shall be paid for by the "person" or "other entity" ~~as defined in ARM 42.2.613~~ person or other entity requesting the outside mediator, unless the parties have agreed to some other cost-sharing provision.

(6) The mediator does not have authority to enter any decision on the merits of the issues in dispute or to impose, in any way, a settlement upon the parties. The parties control the identification of the issues submitted and the type of resolution to be agreed upon. The mediator may conduct joint or separate meetings with the parties.

(3) remains the same, but is renumbered (7).

(8) Matters raised in mediation are privileged, private, and confidential. The following includes matters that cannot be disclosed by either party with respect to a settlement:

(a) views expressed or suggested by a party with respect to a possible settlement;

(b) admissions made by any party;

(c) statements made or views expressed by any party, witness, the mediator, or any other person privy to the process; or

(d) the fact that another party did or did not indicate a willingness to accept a proposal for settlement.

~~(4)(9)~~ If mediation produces a settlement agreement the resolves the dispute, a written agreement documenting the agreed-to resolution shall be prepared by the parties and if necessary, with the assistance of the mediator if necessary. The settlement shall be signed by the parties and the mediator and it shall be filed with the director or director's designee for approval. A written agreement signed by all parties to the agreement is not privileged or confidential and may be admissible as evidence, as set forth in 26-1-813, MCA.

~~(5)(10)~~ If mediation does not resolve all issues in a dispute, the parties shall prepare a stipulation that identifies the issues resolved and those that still remain in dispute. For the issues remaining unresolved, a hearing ~~shall~~ may be scheduled before a another hearing examiner unless the parties have agreed to move the remaining issues to the next level of appeal.

AUTH: 15-1-201, 15-1-211, MCA

IMP: 15-1-211, MCA

REASONABLE NECESSITY: In accordance with 2-4-314, MCA, the department conducted a biennial review of its administrative rules and proposes amending ARM 42.2.618 to add more detail to the language to improve understanding of the mediation process.



42.2.619 HEARING PROCEDURES (1) Except as provided herein, hearings shall be conducted in Helena, Montana, during regular business hours.

(2) The location for hearings pertaining to liquor licensing matters ~~are~~ is governed by ARM 42.12.108.

(3) Upon request by either party and agreed to by both parties, hearings may be telephonic or conducted by video conference. ~~Such requests will be granted unless the hearing~~ If the hearing examiner determines that telephonic or video conference participation may unfairly prejudice the rights of any party, the hearing will be conducted in person. ~~If, however,~~ telephonic or video conference participation is requested approved, the hearing examiner will place the call at the designated time to ~~whatever the~~ the telephone number is or video conference numbers provided by the person or other entity parties.

(4) Upon a showing of compelling circumstances by either party, the ~~hearings officer~~ hearing examiner may order a hearing to be conducted at a location other than Helena, Montana.

(5) remains the same.

(6) Either party may request a continuance of a scheduled matter. The party seeking the continuance shall indicate whether the request is opposed or unopposed. If the request for continuance is contested, the requesting party shall provide the reason or reasons for the request for a continuance.

~~(6)~~(7) A party may be represented by legal counsel at the hearing, and/or at every any stage of adjudication. Legal counsel must enter a notice of appearance with the department prior to representation before the hearing examiner.

(8) However, failure Failure to obtain legal representation cannot may not be cited as grounds for complaint at a later stage in the adjudicative process or for relief on appeal from an adverse decision.

~~(a) Legal counsel must enter a notice of appearance.~~

~~(b) Any representative other than legal counsel must submit a written, signed statement authorizing the representative to act on the party's behalf.~~

(9) If a person or other entity chooses to be represented by someone other than legal counsel at the hearing and/or adjudication stages, the person or other entity must first submit a signed Power of Attorney form to the department that authorizes their representative to act on the party's behalf.

~~(e)~~(10) If a person or other entity is represented by legal counsel or other representative, All all documents and information pertaining to the dispute will be directed to the party's representative. They The information may be transmitted by facsimile number, e-mail address, or other electronic means, if provided such transmission does not breach meets the department's confidentiality requirements. Otherwise, documents will be mailed to or served upon the representative's address as shown in the original filing.

~~(7)~~(11) Hearing proceedings shall be conducted, at all times, with due regard for the confidentiality requirements imposed by 15-30-303, 15-31-511, MCA, and any other confidentiality requirements currently set forth in Title 15, MCA, or at any future time the Montana Code Annotated.

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

AUTH: 15-1-201, 15-1-211, MCA

IMP: 15-1-211, 15-30-2618, 15-31-511, MCA

REASONABLE NECESSITY: In accordance with 2-4-314, MCA, the department conducted a biennial review of its administrative rules and proposes amending ARM 42.2.619 to expand the language to provide better detail regarding the hearing process. The department further proposes amending the rule to more generally reference the confidentiality requirements in Montana's laws and to add additional implementing statutes.

42.2.620 INFORMATION OFFERED IN HEARINGS (1) The hearing examiner shall have the discretion to impose rules of civil procedure and/or rules of evidence as deemed necessary. ~~Imposition of any rules governing hearings shall be done by written order.~~

(2) remains the same.

(3) At the discretion of the hearing examiner, or upon stipulation of the parties, the parties may be required to reduce their testimony to writing and to pre-file the testimony.

~~(a)~~(4) Pre-filed testimony may be placed in the record without being read into the record at a hearing if the opposing parties have had reasonable access to the testimony before it is presented.

~~(b)~~(5) If a party intends to question a witness on pre-filed testimony, that party must file a notice of intent to do so within a time frame agreed upon by the parties, with consideration for affording the opposing party an opportunity to cross-examine.

~~(4)~~(6) The hearing examiner shall rule and sign orders on matters concerning the evidentiary and procedural conduct of the hearing.

~~(5)~~(7) Any party appearing at a hearing may submit a written statement addressing factual or legal issues, including cites citation of legal authority, if deemed necessary by the hearing examiner for a full and informed consideration of all matters.

AUTH: 15-1-201, 15-1-211, MCA

IMP: 15-1-211, MCA

REASONABLE NECESSITY: In accordance with 2-4-314, MCA, the department conducted a biennial review of its administrative rules and proposes amending ARM 42.2.620 to remove obsolete language and make grammatical corrections.

42.2.621 FINAL AGENCY DECISION (FAD) AND APPEAL (1) In accordance with the authority of the director as provided in 2-15-112, MCA, the director delegates the authority to issue Final Agency Decisions (FAD) FADs to the Office of Dispute Resolution (ODR) ODR for all tax matters except liquor license violations, revocations, and lapses.

(2) For liquor licensing matters, the director delegates the authority to issue FADs in liquor licensing protests to the ODR and retains the authority to issue FADs in all other liquor licensing matters.

~~(2)~~(3) The delegation to issue a FAD applies only to matters referred to the ODR and not excepted in ~~(4)~~(2).

(3) remains the same, but is renumbered (4).

~~(4)~~(5) A tax FAD issued by the hearing examiner shall may be appealed to the State Tax Appeal Board (STAB) as provided in 15-2-302, MCA.

~~(5)~~(6) If a person or other entity receives an adverse ~~agency decision~~ FAD in a tax dispute, they shall have 30 days to submit an appeal from such decision to the ~~State Tax Appeal Board~~ STAB.

~~(6)~~(7) If no decision is rendered by the end of the 180-day period specified in 15-1-211, MCA, and ARM 42.2.616, the department shall issue a determination to the ~~taxpayer~~ person or other entity. The determination shall inform ~~them~~ the person or other entity that the 180-day term has run without a decision and that they are therefore entitled to carry their appeal forward. The person or other entity shall then have 30 days to file a complaint with the appropriate reviewing authority.

AUTH: 15-1-201, 15-1-211, 15-1-217, 16-1-303, MCA

IMP: 2-4-621, 2-4-623, 2-4-631, 2-15-112, 2-15-1302, 15-1-211, 15-2-302, 16-1-302, 16-4-411, MCA

REASONABLE NECESSITY: In accordance with 2-4-314, MCA, the department conducted a biennial review of its administrative rules and proposes amending ARM 42.2.621 to revise the language to add detail regarding the final agency decision process for liquor licensing matters, and to make grammatical corrections.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail [lalogan@mt.gov](mailto:lalogan@mt.gov) and must be received no later than July 15, 2014.

5. Laurie Logan, Department of Revenue, Director's Office, has been designated to preside over and conduct the hearing.

6. The Department of Revenue 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, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in 4 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

7. An electronic copy of this notice is available on the department's web site, [revenue.mt.gov](http://revenue.mt.gov). Select the Administrative Rules link under the Other Resources section located in the body of the homepage, and open the Proposal Notices section

within. 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. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

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

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

/s/ Laurie Logan  
LAURIE LOGAN  
Rule Reviewer

/s/ Mike Kadas  
MIKE KADAS  
Director of Revenue

Certified to the Secretary of State June 2, 2014

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 42.4.2701, 42.4.2703, ) PROPOSED AMENDMENT  
42.4.2704, and 42.4.2708 pertaining )  
to the Qualified Endowment Credit )

TO: All Concerned Persons

1. On July 8, 2014, at 11 a.m., the Department of Revenue will hold a public hearing in the Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana, to consider the proposed amendment of the above-stated rules. The conference room is most readily accessed by entering through the east doors of the building.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on June 27, 2014. Please contact Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or lalogan@mt.gov.

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

42.4.2701 DEFINITIONS The following definitions apply to this subchapter:

(1) through (3) remain the same.

(4) "Permanent irrevocable fund" means a fund comprised of one or more assets that are invested ~~for the production or growth of income, the principal of which must be retained and the income of which may be added to the principal or expended and appropriated pursuant to the Uniform Prudent Management of Institutional Funds Act provided for in Title 72, chapter 30, MCA.~~ Investment assets may include cash, securities, mutual funds, or other investment assets. A "building fund" or other fund that is used to accumulate contributions that will be expended is not a permanent irrevocable fund. A fund from which contributions are expended directly for constructing, renovating, or purchasing operational assets, such as buildings or equipment, is not a permanent irrevocable fund.

(5) and (6) remain the same.

AUTH: 15-30-2620, 15-31-501, MCA

IMP: 15-30-2131, 15-30-2152, 15-30-2327, 15-30-2328, 15-30-2329, 15-31-114, 15-31-161, 15-31-162, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.4.2701 to update the definition of the term "permanent irrevocable fund" to

coincide with revisions made to the Uniform Prudent Management of Institutional Funds Act with Senate Bill 108, L. 2013.

42.4.2703 ELIGIBILITY REQUIREMENTS TO HOLD A QUALIFIED ENDOWMENT (1) To hold a qualified endowment an organization must be:

(a) incorporated or otherwise formed under the laws of Montana and exempt from federal income tax under 26 USC 501(c)(3); or

(b) a Montana chartered bank or trust company, as defined in 15-30-2327, MCA, holding an endowment fund on behalf of a Montana or foreign ~~501~~ ~~(3)(e)~~ 501(c)(3) organization.

(2) A qualifying gift to an institution meeting the definition in (1)(b) at the time of the gift remains a qualifying gift even if subsequent changes to the institution mean it no longer meets the definition of an entity eligible to hold a qualified endowment. For example, a qualifying gift to a Montana chartered bank remains a qualifying gift even if the bank is subsequently acquired and absorbed by a nationally chartered bank.

AUTH: 15-30-2620, 15-31-501, MCA

IMP: 15-30-2327, 15-30-2329, 15-31-161, 15-31-162, ~~90-6-133~~, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.4.2703 to add more specificity regarding the eligibility requirements for holding a qualified endowment as provided for in 15-30-2327, MCA. The proposed amendments to the rule will protect taxpayers who are claiming the credit from losing their credit or being subject to recapture because of events beyond their control, and correct a federal statute reference formatting error. The department further proposes striking 90-6-133, MCA, as an implementing statute from the rule because it no longer applies.

42.4.2704 TAX CREDIT AND DEDUCTION LIMITATIONS (1) The credit allowed the corporation, estate, trust, or individual against its tax liability for a contribution of a planned gift is the percentage, as shown in the following table, of the present value of the allowable contribution as defined in ARM 42.4.2701. The credit allowed against the tax liability of the corporation, estate, or trust for a direct contribution is equal to 20 percent of the charitable contribution. The maximum credit that may be claimed in one year is \$10,000 per donor. A contribution made in a previous tax year cannot be used for a credit in any subsequent tax year.

Planned Gifts by Individuals or Entities

<u>Planned Gift Date</u>	<u>Present Value Percent of Present Value</u>	<u>Used to Calculate Maximum Credit</u>	<u>Maximum Credit Per Year</u>
7/1/03 - <del>12/31/13</del> <u>12/31/19</u>	40%	\$25,000	\$10,000

(2) The credit allowed against the corporate, estate, trust, or individual tax liability for a charitable gift made by a corporation, small business corporation, estate, trust, partnership, or limited liability company directly to a qualified endowment is the percentage, as shown in the following table, of the allowable contribution as defined in ARM 42.4.2701.

Unplanned Gifts by Eligible Entities

<u>Qualified Charitable Gift Date</u>	<u>Percent of Allowable Contribution</u>	<u>Allowable Contribution Used to Calculate Maximum Credit</u>	<u>Maximum Credit Per Year</u>
7/1/03 - <del>12/31/13</del> <u>12/31/19</u>	20%	\$50,000	\$10,000

(3) The balance of the allowable contributions not used in the credit calculation may be used as a deduction subject to the limitations and carryover provisions found in 15-30-2131, MCA, or for corporations, the limitations and carryover provisions found in 15-31-114, MCA.

(a) ~~Example of an Allowable Deduction When a Planned Gift is Used~~ allowable deduction when a planned gift is used for the Qualified Endowment Credit:

<u>Time Period</u>	<u>Present Value</u>	<u>Maximum Credit</u>	<u>Credit Percentage</u>	<u>Allowable Deduction</u>
7/1/03 - <del>12/31/13</del> <u>12/31/19</u>	\$50,000 -		$(\$10,000 / .40) =$	\$25,000

(b) ~~Example of an Allowable Deduction When an Outright Gift is Used~~ allowable deduction when and outright gift is used for the Qualified Endowment Credit:

<u>Time Period</u>	<u>Market Value</u>	<u>Maximum Credit</u>	<u>Credit Percentage</u>	<u>Allowable Deduction</u>
7/1/03 - <del>12/31/13</del> <u>12/31/19</u>	\$55,000 -		$(\$10,000 / .20) =$	\$5,000

(4) A contribution to a qualified endowment by a small business corporation, partnership, or limited liability company qualifies for the credit only if the entity is ~~carrying~~ carried on a trade or business or rental activity during the tax year the contribution was made.

(5) through (10) remain the same.

AUTH: 15-30-2620, 15-31-501, MCA

IMP: 15-30-2327, 15-30-2328, 15-30-2329, 15-31-161, 15-31-162, MCA

**REASONABLE NECESSITY:** The department proposes amending ARM 42.4.2704 based on the passage of Senate Bill 108, L. 2013, which extended the termination date of the Montana Charitable Endowment Credit from December 31, 2013, to December 31, 2019. The department further proposes making grammatical and punctuation corrections to the rule where needed.

**42.4.2708 DETERMINING PRESENT VALUE FOR THE ENDOWMENT CREDIT** (1) remains the same.

(2) As derived from the May 2009 IRS Publication 1457 titled "Actuarial Valuations," the life expectancy tables that shall be used when determining the present value for the endowment credit are as follows:

**Table 1: Single Life Expectancies Based on 2000 CM Mortality**

AGE	LIFE EXP.	AGE	LIFE EXP.	AGE	LIFE EXP.	AGE	LIFE EXP.	AGE	LIFE EXP.	AGE	LIFE EXP.	AGE	LIFE EXP.	AGE	LIFE EXP.	AGE	LIFE EXP.
0	76.8	13	64.5	26	52	39	39.8	52	28.1	65	17.7	78	9.4	91	4.1	104	1.7
1	76.3	14	63.5	27	51.1	40	38.8	53	27.2	66	17	79	8.9	92	3.9	105	1.5
2	75.4	15	62.5	28	50.1	41	37.9	54	26.4	67	16.3	80	8.4	93	3.6	106	1.4
3	74.4	16	61.6	29	49.2	42	37	55	25.5	68	15.6	81	7.9	94	3.4	107	1.2
4	73.4	17	60.6	30	48.2	43	36.1	56	24.7	69	14.9	82	7.4	95	3.1	108	1
5	72.4	18	59.6	31	47.3	44	35.2	57	23.9	70	14.2	83	7	96	2.9	109	0.5
6	71.4	19	58.7	32	46.3	45	34.3	58	23.1	71	13.6	84	6.6	97	2.7	110	0
7	70.4	20	57.7	33	45.4	46	33.4	59	22.3	72	12.9	85	6.2	98	2.5		
8	69.5	21	56.8	34	44.4	47	32.5	60	21.5	73	12.3	86	5.8	99	2.4		
9	68.5	22	55.8	35	43.5	48	31.6	61	20.7	74	11.7	87	5.4	100	2.2		
10	67.5	23	54.9	36	42.6	49	30.7	62	19.9	75	11.1	88	5.1	101	2.1		
11	66.5	24	54	37	41.6	50	29.8	63	19.2	76	10.5	89	4.7	102	1.9		
12	65.5	25	53	38	40.7	51	29	64	18.4	77	9.9	90	4.4	103	1.8		



Table 2: Two Life Expectancies Based on 2000 CM Mortality

AGE			JOINT			AGE			JOINT			AGE			JOINT			AGE			JOINT			
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	
20	20	65.6	20	65	58.0	21	21	64.6	21	66	57.0	22	23	63.1	22	68	56.0							
20	21	65.1	20	66	58.0	21	22	64.1	21	67	57.0	22	24	62.6	22	69	56.0							
20	22	64.6	20	67	57.9	21	23	63.6	21	68	57.0	22	25	62.2	22	70	56.0							
20	23	64.2	20	68	57.9	21	24	63.2	21	69	57.0	22	26	61.8	22	71	56.0							
20	24	63.8	20	69	57.9	21	25	62.8	21	70	56.9	22	27	61.4	22	72	56.0							
20	25	63.4	20	70	57.9	21	26	62.4	21	71	56.9	22	28	61.0	22	73	56.0							
20	26	63.0	20	71	57.9	21	27	62.0	21	72	56.9	22	29	60.7	22	74	55.9							
20	27	62.6	20	72	57.9	21	28	61.6	21	73	56.9	22	30	60.3	22	75	55.9							
20	28	62.3	20	73	57.9	21	29	61.3	21	74	56.9	22	31	60.0	22	76	55.9							
20	29	62.0	20	74	57.8	21	30	61.0	21	75	56.9	22	32	59.7	22	77	55.9							
20	30	61.7	20	75	57.8	21	31	60.7	21	76	56.9	22	33	59.4	22	78	55.9							
20	31	61.4	20	76	57.8	21	32	60.4	21	77	56.9	22	34	59.2	22	79	55.9							
20	32	61.1	20	77	57.8	21	33	60.2	21	78	56.9	22	35	58.9	22	80	55.9							
20	33	60.9	20	78	57.8	21	34	59.9	21	79	56.9	22	36	58.7	22	81	55.9							
20	34	60.7	20	79	57.8	21	35	59.7	21	80	56.8	22	37	58.5	22	82	55.9							
20	35	60.5	20	80	57.8	21	36	59.5	21	81	56.8	22	38	58.3	22	83	55.9							
20	36	60.3	20	81	57.8	21	37	59.3	21	82	56.8	22	39	58.1	22	84	55.9							
20	37	60.1	20	82	57.8	21	38	59.1	21	83	56.8	22	40	57.9	22	85	55.9							
20	38	59.9	20	83	57.8	21	39	58.9	21	84	56.8	22	41	57.8	22	86	55.9							
20	39	59.7	20	84	57.8	21	40	58.8	21	85	56.8	22	42	57.6	22	87	55.9							
20	40	59.6	20	85	57.8	21	41	58.6	21	86	56.8	22	43	57.5	22	88	55.9							
20	41	59.4	20	86	57.8	21	42	58.5	21	87	56.8	22	44	57.4	22	89	55.9							
20	42	59.3	20	87	57.8	21	43	58.3	21	88	56.8	22	45	57.2	22	90	55.9							
20	43	59.2	20	88	57.8	21	44	58.2	21	89	56.8	22	46	57.1	22	91	55.9							
20	44	59.1	20	89	57.8	21	45	58.1	21	90	56.8	22	47	57.0	22	92	55.9							
20	45	59.0	20	90	57.8	21	46	58.0	21	91	56.8	22	48	56.9	22	93	55.9							
20	46	58.9	20	91	57.8	21	47	57.9	21	92	56.8	22	49	56.8	22	94	55.9							
20	47	58.8	20	92	57.8	21	48	57.8	21	93	56.8	22	50	56.8	22	95	55.9							
20	48	58.7	20	93	57.8	21	49	57.7	21	94	56.8	22	51	56.7	22	96	55.9							
20	49	58.6	20	94	57.8	21	50	57.7	21	95	56.8	22	52	56.6	22	97	55.9							
20	50	58.6	20	95	57.8	21	51	57.6	21	96	56.8	22	53	56.6	22	98	55.9							
20	51	58.5	20	96	57.8	21	52	57.5	21	97	56.8	22	54	56.5	22	99	55.9							
20	52	58.4	20	97	57.8	21	53	57.5	21	98	56.8	22	55	56.4	22	100	55.9							
20	53	58.4	20	98	57.8	21	54	57.4	21	99	56.8	22	56	56.4	22	101	55.9							
20	54	58.3	20	99	57.8	21	55	57.4	21	100	56.8	22	57	56.4	22	102	55.9							
20	55	58.3	20	100	57.8	21	56	57.3	21	101	56.8	22	58	56.3	22	103	55.9							
20	56	58.2	20	101	57.8	21	57	57.3	21	102	56.8	22	59	56.3	22	104	55.9							
20	57	58.2	20	102	57.8	21	58	57.2	21	103	56.8	22	60	56.2	22	105	55.9							
20	58	58.2	20	103	57.8	21	59	57.2	21	104	56.8	22	61	56.2	22	106	55.9							
20	59	58.1	20	104	57.8	21	60	57.2	21	105	56.8	22	62	56.2	22	107	55.9							
20	60	58.1	20	105	57.8	21	61	57.1	21	106	56.8	22	63	56.1	22	108	55.9							
20	61	58.1	20	106	57.8	21	62	57.1	21	107	56.8	22	64	56.1	22	109	55.9							
20	62	58.0	20	107	57.8	21	63	57.1	21	108	56.8	22	65	56.1	23	23	62.6							
20	63	58.0	20	108	57.7	21	64	57.1	21	109	56.8	22	66	56.1	23	24	62.1							
20	64	58.0	20	109	57.7	21	65	57.0	22	22	63.6	22	67	56.0	23	25	61.7							

AGE			JOINT			AGE			JOINT			AGE			JOINT			AGE			JOINT		
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
23	26	61.2	23	71	55.0	24	30	59.0	24	75	54.1	25	35	56.8	25	80	53.1						
23	27	60.8	23	72	55.0	24	31	58.7	24	76	54.0	25	36	56.5	25	81	53.1						
23	28	60.4	23	73	55.0	24	32	58.4	24	77	54.0	25	37	56.2	25	82	53.1						
23	29	60.0	23	74	55.0	24	33	58.0	24	78	54.0	25	38	56.0	25	83	53.0						
23	30	59.7	23	75	55.0	24	34	57.7	24	79	54.0	25	39	55.8	25	84	53.0						
23	31	59.3	23	76	55.0	24	35	57.5	24	80	54.0	25	40	55.6	25	85	53.0						
23	32	59.0	23	77	55.0	24	36	57.2	24	81	54.0	25	41	55.4	25	86	53.0						
23	33	58.7	23	78	55.0	24	37	57.0	24	82	54.0	25	42	55.2	25	87	53.0						
23	34	58.5	23	79	55.0	24	38	56.7	24	83	54.0	25	43	55.0	25	88	53.0						
23	35	58.2	23	80	55.0	24	39	56.5	24	84	54.0	25	44	54.8	25	89	53.0						
23	36	58.0	23	81	55.0	24	40	56.3	24	85	54.0	25	45	54.7	25	90	53.0						
23	37	57.7	23	82	54.9	24	41	56.2	24	86	54.0	25	46	54.6	25	91	53.0						
23	38	57.5	23	83	54.9	24	42	56.0	24	87	54.0	25	47	54.4	25	92	53.0						
23	39	57.3	23	84	54.9	24	43	55.8	24	88	54.0	25	48	54.3	25	93	53.0						
23	40	57.1	23	85	54.9	24	44	55.7	24	89	54.0	25	49	54.2	25	94	53.0						
23	41	57.0	23	86	54.9	24	45	55.5	24	90	54.0	25	50	54.1	25	95	53.0						
23	42	56.8	23	87	54.9	24	46	55.4	24	91	54.0	25	51	54.0	25	96	53.0						
23	43	56.7	23	88	54.9	24	47	55.3	24	92	54.0	25	52	53.9	25	97	53.0						
23	44	56.5	23	89	54.9	24	48	55.2	24	93	54.0	25	53	53.9	25	98	53.0						
23	45	56.4	23	90	54.9	24	49	55.1	24	94	54.0	25	54	53.8	25	99	53.0						
23	46	56.3	23	91	54.9	24	50	55.0	24	95	54.0	25	55	53.7	25	100	53.0						
23	47	56.2	23	92	54.9	24	51	54.9	24	96	54.0	25	56	53.7	25	101	53.0						
23	48	56.1	23	93	54.9	24	52	54.8	24	97	54.0	25	57	53.6	25	102	53.0						
23	49	56.0	23	94	54.9	24	53	54.8	24	98	54.0	25	58	53.5	25	103	53.0						
23	50	55.9	23	95	54.9	24	54	54.7	24	99	54.0	25	59	53.5	25	104	53.0						
23	51	55.8	23	96	54.9	24	55	54.6	24	100	54.0	25	60	53.5	25	105	53.0						
23	52	55.7	23	97	54.9	24	56	54.6	24	101	54.0	25	61	53.4	25	106	53.0						
23	53	55.7	23	98	54.9	24	57	54.5	24	102	54.0	25	62	53.4	25	107	53.0						
23	54	55.6	23	99	54.9	24	58	54.5	24	103	54.0	25	63	53.3	25	108	53.0						
23	55	55.5	23	100	54.9	24	59	54.4	24	104	54.0	25	64	53.3	25	109	53.0						
23	56	55.5	23	101	54.9	24	60	54.4	24	105	54.0	25	65	53.3	26	26	59.6						
23	57	55.4	23	102	54.9	24	61	54.3	24	106	54.0	25	66	53.3	26	27	59.2						
23	58	55.4	23	103	54.9	24	62	54.3	24	107	54.0	25	67	53.2	26	28	58.7						
23	59	55.3	23	104	54.9	24	63	54.3	24	108	54.0	25	68	53.2	26	29	58.3						
23	60	55.3	23	105	54.9	24	64	54.2	24	109	54.0	25	69	53.2	26	30	57.8						
23	61	55.3	23	106	54.9	24	65	54.2	25	25	60.6	25	70	53.2	26	31	57.4						
23	62	55.2	23	107	54.9	24	66	54.2	25	26	60.1	25	71	53.2	26	32	57.1						
23	63	55.2	23	108	54.9	24	67	54.2	25	27	59.7	25	72	53.1	26	33	56.7						
23	64	55.2	23	109	54.9	24	68	54.2	25	28	59.2	25	73	53.1	26	34	56.4						
23	65	55.2	24	24	61.6	24	69	54.1	25	29	58.8	25	74	53.1	26	35	56.1						
23	66	55.1	24	25	61.1	24	70	54.1	25	30	58.4	25	75	53.1	26	36	55.8						
23	67	55.1	24	26	60.7	24	71	54.1	25	31	58.1	25	76	53.1	26	37	55.5						
23	68	55.1	24	27	60.2	24	72	54.1	25	32	57.7	25	77	53.1	26	38	55.3						
23	69	55.1	24	28	59.8	24	73	54.1	25	33	57.4	25	78	53.1	26	39	55.0						
23	70	55.1	24	29	59.4	24	74	54.1	25	34	57.1	25	79	53.1	26	40	54.8						

AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
26	41	54.6	26	86	52.1	27	48	52.6	27	93	51.1	28	56	50.9	28	101	50.2
26	42	54.4	26	87	52.1	27	49	52.5	27	94	51.1	28	57	50.9	28	102	50.2
26	43	54.2	26	88	52.1	27	50	52.4	27	95	51.1	28	58	50.8	28	103	50.2
26	44	54.0	26	89	52.1	27	51	52.3	27	96	51.1	28	59	50.7	28	104	50.2
26	45	53.9	26	90	52.1	27	52	52.2	27	97	51.1	28	60	50.7	28	105	50.2
26	46	53.7	26	91	52.1	27	53	52.1	27	98	51.1	28	61	50.6	28	106	50.2
26	47	53.6	26	92	52.1	27	54	52.0	27	99	51.1	28	62	50.6	28	107	50.2
26	48	53.5	26	93	52.1	27	55	51.9	27	100	51.1	28	63	50.6	28	108	50.2
26	49	53.3	26	94	52.1	27	56	51.8	27	101	51.1	28	64	50.5	28	109	50.2
26	50	53.2	26	95	52.1	27	57	51.8	27	102	51.1	28	65	50.5	29	29	56.7
26	51	53.1	26	96	52.1	27	58	51.7	27	103	51.1	28	66	50.5	29	30	56.2
26	52	53.0	26	97	52.1	27	59	51.7	27	104	51.1	28	67	50.4	29	31	55.7
26	53	53.0	26	98	52.1	27	60	51.6	27	105	51.1	28	68	50.4	29	32	55.3
26	54	52.9	26	99	52.1	27	61	51.6	27	106	51.1	28	69	50.4	29	33	54.9
26	55	52.8	26	100	52.1	27	62	51.5	27	107	51.1	28	70	50.3	29	34	54.5
26	56	52.7	26	101	52.1	27	63	51.5	27	108	51.1	28	71	50.3	29	35	54.1
26	57	52.7	26	102	52.1	27	64	51.4	27	109	51.1	28	72	50.3	29	36	53.8
26	58	52.6	26	103	52.1	27	65	51.4	28	28	57.7	28	73	50.3	29	37	53.4
26	59	52.6	26	104	52.1	27	66	51.4	28	29	57.2	28	74	50.3	29	38	53.1
26	60	52.5	26	105	52.1	27	67	51.4	28	30	56.7	28	75	50.3	29	39	52.8
26	61	52.5	26	106	52.1	27	68	51.3	28	31	56.3	28	76	50.3	29	40	52.6
26	62	52.4	26	107	52.1	27	69	51.3	28	32	55.9	28	77	50.2	29	41	52.3
26	63	52.4	26	108	52.1	27	70	51.3	28	33	55.5	28	78	50.2	29	42	52.1
26	64	52.4	26	109	52.1	27	71	51.3	28	34	55.1	28	79	50.2	29	43	51.8
26	65	52.3	27	27	58.7	27	72	51.3	28	35	54.8	28	80	50.2	29	44	51.6
26	66	52.3	27	28	58.2	27	73	51.2	28	36	54.4	28	81	50.2	29	45	51.4
26	67	52.3	27	29	57.7	27	74	51.2	28	37	54.1	28	82	50.2	29	46	51.3
26	68	52.3	27	30	57.3	27	75	51.2	28	38	53.8	28	83	50.2	29	47	51.1
26	69	52.3	27	31	56.9	27	76	51.2	28	39	53.5	28	84	50.2	29	48	50.9
26	70	52.2	27	32	56.5	27	77	51.2	28	40	53.3	28	85	50.2	29	49	50.8
26	71	52.2	27	33	56.1	27	78	51.2	28	41	53.0	28	86	50.2	29	50	50.7
26	72	52.2	27	34	55.7	27	79	51.2	28	42	52.8	28	87	50.2	29	51	50.5
26	73	52.2	27	35	55.4	27	80	51.2	28	43	52.6	28	88	50.2	29	52	50.4
26	74	52.2	27	36	55.1	27	81	51.2	28	44	52.4	28	89	50.2	29	53	50.3
26	75	52.2	27	37	54.8	27	82	51.2	28	45	52.2	28	90	50.2	29	54	50.2
26	76	52.1	27	38	54.5	27	83	51.1	28	46	52.1	28	91	50.2	29	55	50.1
26	77	52.1	27	39	54.3	27	84	51.1	28	47	51.9	28	92	50.2	29	56	50.0
26	78	52.1	27	40	54.0	27	85	51.1	28	48	51.8	28	93	50.2	29	57	50.0
26	79	52.1	27	41	53.8	27	86	51.1	28	49	51.6	28	94	50.2	29	58	49.9
26	80	52.1	27	42	53.6	27	87	51.1	28	50	51.5	28	95	50.2	29	59	49.8
26	81	52.1	27	43	53.4	27	88	51.1	28	51	51.4	28	96	50.2	29	60	49.8
26	82	52.1	27	44	53.2	27	89	51.1	28	52	51.3	28	97	50.2	29	61	49.7
26	83	52.1	27	45	53.0	27	90	51.1	28	53	51.2	28	98	50.2	29	62	49.7
26	84	52.1	27	46	52.9	27	91	51.1	28	54	51.1	28	99	50.2	29	63	49.6
26	85	52.1	27	47	52.7	27	92	51.1	28	55	51.0	28	100	50.2	29	64	49.6



AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
29	65	49.6	30	30	55.7	30	75	48.4	31	41	50.9	31	86	47.3	32	53	47.7
29	66	49.5	30	31	55.2	30	76	48.4	31	42	50.6	31	87	47.3	32	54	47.6
29	67	49.5	30	32	54.8	30	77	48.3	31	43	50.4	31	88	47.3	32	55	47.5
29	68	49.5	30	33	54.3	30	78	48.3	31	44	50.1	31	89	47.3	32	56	47.4
29	69	49.4	30	34	53.9	30	79	48.3	31	45	49.9	31	90	47.3	32	57	47.3
29	70	49.4	30	35	53.5	30	80	48.3	31	46	49.7	31	91	47.3	32	58	47.2
29	71	49.4	30	36	53.1	30	81	48.3	31	47	49.5	31	92	47.3	32	59	47.1
29	72	49.4	30	37	52.8	30	82	48.3	31	48	49.3	31	93	47.3	32	60	47.1
29	73	49.3	30	38	52.5	30	83	48.3	31	49	49.1	31	94	47.3	32	61	47.0
29	74	49.3	30	39	52.1	30	84	48.3	31	50	49.0	31	95	47.3	32	62	46.9
29	75	49.3	30	40	51.9	30	85	48.3	31	51	48.8	31	96	47.3	32	63	46.9
29	76	49.3	30	41	51.6	30	86	48.3	31	52	48.7	31	97	47.3	32	64	46.8
29	77	49.3	30	42	51.3	30	87	48.3	31	53	48.6	31	98	47.3	32	65	46.8
29	78	49.3	30	43	51.1	30	88	48.3	31	54	48.5	31	99	47.3	32	66	46.7
29	79	49.3	30	44	50.9	30	89	48.3	31	55	48.4	31	100	47.3	32	67	46.7
29	80	49.3	30	45	50.7	30	90	48.3	31	56	48.3	31	101	47.3	32	68	46.7
29	81	49.3	30	46	50.5	30	91	48.3	31	57	48.2	31	102	47.3	32	69	46.6
29	82	49.2	30	47	50.3	30	92	48.3	31	58	48.1	31	103	47.3	32	70	46.6
29	83	49.2	30	48	50.1	30	93	48.3	31	59	48.0	31	104	47.3	32	71	46.6
29	84	49.2	30	49	50.0	30	94	48.3	31	60	48.0	31	105	47.3	32	72	46.5
29	85	49.2	30	50	49.8	30	95	48.3	31	61	47.9	31	106	47.3	32	73	46.5
29	86	49.2	30	51	49.7	30	96	48.3	31	62	47.8	31	107	47.3	32	74	46.5
29	87	49.2	30	52	49.6	30	97	48.3	31	63	47.8	31	108	47.3	32	75	46.5
29	88	49.2	30	53	49.5	30	98	48.2	31	64	47.7	31	109	47.3	32	76	46.5
29	89	49.2	30	54	49.3	30	99	48.2	31	65	47.7	32	32	53.7	32	77	46.5
29	90	49.2	30	55	49.3	30	100	48.2	31	66	47.7	32	33	53.2	32	78	46.4
29	91	49.2	30	56	49.2	30	101	48.2	31	67	47.6	32	34	52.8	32	79	46.4
29	92	49.2	30	57	49.1	30	102	48.2	31	68	47.6	32	35	52.4	32	80	46.4
29	93	49.2	30	58	49.0	30	103	48.2	31	69	47.6	32	36	51.9	32	81	46.4
29	94	49.2	30	59	48.9	30	104	48.2	31	70	47.5	32	37	51.5	32	82	46.4
29	95	49.2	30	60	48.9	30	105	48.2	31	71	47.5	32	38	51.2	32	83	46.4
29	96	49.2	30	61	48.8	30	106	48.2	31	72	47.5	32	39	50.8	32	84	46.4
29	97	49.2	30	62	48.8	30	107	48.2	31	73	47.5	32	40	50.5	32	85	46.4
29	98	49.2	30	63	48.7	30	108	48.2	31	74	47.4	32	41	50.2	32	86	46.4
29	99	49.2	30	64	48.7	30	109	48.2	31	75	47.4	32	42	49.9	32	87	46.4
29	100	49.2	30	65	48.6	31	31	54.7	31	76	47.4	32	43	49.6	32	88	46.4
29	101	49.2	30	66	48.6	31	32	54.2	31	77	47.4	32	44	49.4	32	89	46.4
29	102	49.2	30	67	48.6	31	33	53.8	31	78	47.4	32	45	49.1	32	90	46.4
29	103	49.2	30	68	48.5	31	34	53.3	31	79	47.4	32	46	48.9	32	91	46.4
29	104	49.2	30	69	48.5	31	35	52.9	31	80	47.4	32	47	48.7	32	92	46.4
29	105	49.2	30	70	48.5	31	36	52.5	31	81	47.4	32	48	48.5	32	93	46.4
29	106	49.2	30	71	48.4	31	37	52.2	31	82	47.3	32	49	48.3	32	94	46.4
29	107	49.2	30	72	48.4	31	38	51.8	31	83	47.3	32	50	48.2	32	95	46.4
29	108	49.2	30	73	48.4	31	39	51.5	31	84	47.3	32	51	48.0	32	96	46.3
29	109	49.2	30	74	48.4	31	40	51.2	31	85	47.3	32	52	47.9	32	97	46.3

AGE			JOINT			AGE			JOINT			AGE			JOINT			AGE			JOINT		
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
32	98	46.3	33	66	45.8	34	35	51.3	34	80	44.5	35	50	45.8	35	95	43.5						
32	99	46.3	33	67	45.8	34	36	50.8	34	81	44.5	35	51	45.6	35	96	43.5						
32	100	46.3	33	68	45.7	34	37	50.4	34	82	44.5	35	52	45.4	35	97	43.5						
32	101	46.3	33	69	45.7	34	38	50.0	34	83	44.5	35	53	45.3	35	98	43.5						
32	102	46.3	33	70	45.7	34	39	49.6	34	84	44.5	35	54	45.1	35	99	43.5						
32	103	46.3	33	71	45.6	34	40	49.2	34	85	44.5	35	55	45.0	35	100	43.5						
32	104	46.3	33	72	45.6	34	41	48.9	34	86	44.5	35	56	44.8	35	101	43.5						
32	105	46.3	33	73	45.6	34	42	48.5	34	87	44.5	35	57	44.7	35	102	43.5						
32	106	46.3	33	74	45.6	34	43	48.2	34	88	44.5	35	58	44.6	35	103	43.5						
32	107	46.3	33	75	45.6	34	44	47.9	34	89	44.5	35	59	44.5	35	104	43.5						
32	108	46.3	33	76	45.5	34	45	47.7	34	90	44.5	35	60	44.4	35	105	43.5						
32	109	46.3	33	77	45.5	34	46	47.4	34	91	44.5	35	61	44.3	35	106	43.5						
33	33	52.7	33	78	45.5	34	47	47.2	34	92	44.5	35	62	44.3	35	107	43.5						
33	34	52.3	33	79	45.5	34	48	47.0	34	93	44.5	35	63	44.2	35	108	43.5						
33	35	51.8	33	80	45.5	34	49	46.8	34	94	44.5	35	64	44.1	35	109	43.5						
33	36	51.4	33	81	45.5	34	50	46.6	34	95	44.5	35	65	44.1	36	36	49.8						
33	37	51.0	33	82	45.5	34	51	46.4	34	96	44.5	35	66	44.0	36	37	49.3						
33	38	50.6	33	83	45.5	34	52	46.2	34	97	44.5	35	67	44.0	36	38	48.9						
33	39	50.2	33	84	45.4	34	53	46.1	34	98	44.5	35	68	43.9	36	39	48.4						
33	40	49.8	33	85	45.4	34	54	45.9	34	99	44.5	35	69	43.9	36	40	48.0						
33	41	49.5	33	86	45.4	34	55	45.8	34	100	44.5	35	70	43.8	36	41	47.6						
33	42	49.2	33	87	45.4	34	56	45.7	34	101	44.5	35	71	43.8	36	42	47.3						
33	43	48.9	33	88	45.4	34	57	45.6	34	102	44.4	35	72	43.8	36	43	46.9						
33	44	48.7	33	89	45.4	34	58	45.5	34	103	44.4	35	73	43.7	36	44	46.6						
33	45	48.4	33	90	45.4	34	59	45.4	34	104	44.4	35	74	43.7	36	45	46.3						
33	46	48.2	33	91	45.4	34	60	45.3	34	105	44.4	35	75	43.7	36	46	46.0						
33	47	47.9	33	92	45.4	34	61	45.2	34	106	44.4	35	76	43.7	36	47	45.7						
33	48	47.7	33	93	45.4	34	62	45.1	34	107	44.4	35	77	43.6	36	48	45.5						
33	49	47.5	33	94	45.4	34	63	45.1	34	108	44.4	35	78	43.6	36	49	45.2						
33	50	47.4	33	95	45.4	34	64	45.0	34	109	44.4	35	79	43.6	36	50	45.0						
33	51	47.2	33	96	45.4	34	65	45.0	35	35	50.8	35	80	43.6	36	51	44.8						
33	52	47.0	33	97	45.4	34	66	44.9	35	36	50.3	35	81	43.6	36	52	44.6						
33	53	46.9	33	98	45.4	34	67	44.9	35	37	49.8	35	82	43.6	36	53	44.5						
33	54	46.8	33	99	45.4	34	68	44.8	35	38	49.4	35	83	43.6	36	54	44.3						
33	55	46.7	33	100	45.4	34	69	44.8	35	39	49.0	35	84	43.6	36	55	44.1						
33	56	46.5	33	101	45.4	34	70	44.8	35	40	48.6	35	85	43.6	36	56	44.0						
33	57	46.4	33	102	45.4	34	71	44.7	35	41	48.2	35	86	43.5	36	57	43.9						
33	58	46.3	33	103	45.4	34	72	44.7	35	42	47.9	35	87	43.5	36	58	43.8						
33	59	46.3	33	104	45.4	34	73	44.7	35	43	47.6	35	88	43.5	36	59	43.7						
33	60	46.2	33	105	45.4	34	74	44.6	35	44	47.3	35	89	43.5	36	60	43.6						
33	61	46.1	33	106	45.4	34	75	44.6	35	45	47.0	35	90	43.5	36	61	43.5						
33	62	46.0	33	107	45.4	34	76	44.6	35	46	46.7	35	91	43.5	36	62	43.4						
33	63	46.0	33	108	45.4	34	77	44.6	35	47	46.5	35	92	43.5	36	63	43.3						
33	64	45.9	33	109	45.4	34	78	44.6	35	48	46.2	35	93	43.5	36	64	43.2						
33	65	45.9	34	34	51.8	34	79	44.6	35	49	46.0	35	94	43.5	36	65	43.2						

AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
36	66	43.1	37	38	48.3	37	83	41.7	38	56	42.4	38	101	40.7	39	75	40.0
36	67	43.1	37	39	47.9	37	84	41.7	38	57	42.2	38	102	40.7	39	76	40.0
36	68	43.0	37	40	47.5	37	85	41.7	38	58	42.1	38	103	40.7	39	77	40.0
36	69	43.0	37	41	47.0	37	86	41.7	38	59	42.0	38	104	40.7	39	78	39.9
36	70	42.9	37	42	46.7	37	87	41.7	38	60	41.8	38	105	40.7	39	79	39.9
36	71	42.9	37	43	46.3	37	88	41.7	38	61	41.7	38	106	40.7	39	80	39.9
36	72	42.8	37	44	45.9	37	89	41.7	38	62	41.6	38	107	40.7	39	81	39.9
36	73	42.8	37	45	45.6	37	90	41.7	38	63	41.6	38	108	40.7	39	82	39.9
36	74	42.8	37	46	45.3	37	91	41.7	38	64	41.5	38	109	40.7	39	83	39.9
36	75	42.8	37	47	45.0	37	92	41.6	38	65	41.4	39	39	46.9	39	84	39.8
36	76	42.7	37	48	44.8	37	93	41.6	38	66	41.3	39	40	46.4	39	85	39.8
36	77	42.7	37	49	44.5	37	94	41.6	38	67	41.3	39	41	45.9	39	86	39.8
36	78	42.7	37	50	44.3	37	95	41.6	38	68	41.2	39	42	45.5	39	87	39.8
36	79	42.7	37	51	44.1	37	96	41.6	38	69	41.2	39	43	45.1	39	88	39.8
36	80	42.7	37	52	43.9	37	97	41.6	38	70	41.1	39	44	44.7	39	89	39.8
36	81	42.7	37	53	43.7	37	98	41.6	38	71	41.1	39	45	44.4	39	90	39.8
36	82	42.6	37	54	43.5	37	99	41.6	38	72	41.0	39	46	44.0	39	91	39.8
36	83	42.6	37	55	43.3	37	100	41.6	38	73	41.0	39	47	43.7	39	92	39.8
36	84	42.6	37	56	43.2	37	101	41.6	38	74	41.0	39	48	43.4	39	93	39.8
36	85	42.6	37	57	43.0	37	102	41.6	38	75	40.9	39	49	43.1	39	94	39.8
36	86	42.6	37	58	42.9	37	103	41.6	38	76	40.9	39	50	42.8	39	95	39.8
36	87	42.6	37	59	42.8	37	104	41.6	38	77	40.9	39	51	42.6	39	96	39.8
36	88	42.6	37	60	42.7	37	105	41.6	38	78	40.9	39	52	42.4	39	97	39.8
36	89	42.6	37	61	42.6	37	106	41.6	38	79	40.8	39	53	42.1	39	98	39.8
36	90	42.6	37	62	42.5	37	107	41.6	38	80	40.8	39	54	41.9	39	99	39.8
36	91	42.6	37	63	42.4	37	108	41.6	38	81	40.8	39	55	41.7	39	100	39.8
36	92	42.6	37	64	42.3	37	109	41.6	38	82	40.8	39	56	41.6	39	101	39.8
36	93	42.6	37	65	42.3	38	38	47.8	38	83	40.8	39	57	41.4	39	102	39.8
36	94	42.6	37	66	42.2	38	39	47.4	38	84	40.8	39	58	41.3	39	103	39.8
36	95	42.6	37	67	42.2	38	40	46.9	38	85	40.8	39	59	41.1	39	104	39.8
36	96	42.6	37	68	42.1	38	41	46.5	38	86	40.7	39	60	41.0	39	105	39.8
36	97	42.6	37	69	42.1	38	42	46.1	38	87	40.7	39	61	40.9	39	106	39.8
36	98	42.6	37	70	42.0	38	43	45.7	38	88	40.7	39	62	40.8	39	107	39.8
36	99	42.6	37	71	42.0	38	44	45.3	38	89	40.7	39	63	40.7	39	108	39.8
36	100	42.6	37	72	41.9	38	45	45.0	38	90	40.7	39	64	40.6	39	109	39.8
36	101	42.6	37	73	41.9	38	46	44.7	38	91	40.7	39	65	40.5	40	40	45.9
36	102	42.6	37	74	41.9	38	47	44.3	38	92	40.7	39	66	40.4	40	41	45.4
36	103	42.6	37	75	41.8	38	48	44.1	38	93	40.7	39	67	40.4	40	42	45.0
36	104	42.6	37	76	41.8	38	49	43.8	38	94	40.7	39	68	40.3	40	43	44.5
36	105	42.6	37	77	41.8	38	50	43.5	38	95	40.7	39	69	40.3	40	44	44.1
36	106	42.6	37	78	41.8	38	51	43.3	38	96	40.7	39	70	40.2	40	45	43.7
36	107	42.6	37	79	41.8	38	52	43.1	38	97	40.7	39	71	40.2	40	46	43.4
36	108	42.6	37	80	41.7	38	53	42.9	38	98	40.7	39	72	40.1	40	47	43.0
36	109	42.6	37	81	41.7	38	54	42.7	38	99	40.7	39	73	40.1	40	48	42.7
37	37	48.8	37	82	41.7	38	55	42.5	38	100	40.7	39	74	40.0	40	49	42.4



AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT	AGE		JOINT
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
40	50	42.1	40	95	38.9	41	71	38.4	42	48	41.5	42	93	37.0	43	71	36.6
40	51	41.9	40	96	38.8	41	72	38.3	42	49	41.1	42	94	37.0	43	72	36.6
40	52	41.6	40	97	38.8	41	73	38.3	42	50	40.8	42	95	37.0	43	73	36.5
40	53	41.4	40	98	38.8	41	74	38.2	42	51	40.5	42	96	37.0	43	74	36.5
40	54	41.2	40	99	38.8	41	75	38.2	42	52	40.2	42	97	37.0	43	75	36.4
40	55	41.0	40	100	38.8	41	76	38.2	42	53	40.0	42	98	37.0	43	76	36.4
40	56	40.8	40	101	38.8	41	77	38.1	42	54	39.7	42	99	37.0	43	77	36.4
40	57	40.6	40	102	38.8	41	78	38.1	42	55	39.5	42	100	37.0	43	78	36.3
40	58	40.5	40	103	38.8	41	79	38.1	42	56	39.3	42	101	37.0	43	79	36.3
40	59	40.3	40	104	38.8	41	80	38.1	42	57	39.1	42	102	37.0	43	80	36.3
40	60	40.2	40	105	38.8	41	81	38.1	42	58	38.9	42	103	37.0	43	81	36.2
40	61	40.1	40	106	38.8	41	82	38.0	42	59	38.7	42	104	37.0	43	82	36.2
40	62	39.9	40	107	38.8	41	83	38.0	42	60	38.6	42	105	37.0	43	83	36.2
40	63	39.8	40	108	38.8	41	84	38.0	42	61	38.4	42	106	37.0	43	84	36.2
40	64	39.7	40	109	38.8	41	85	38.0	42	62	38.3	42	107	37.0	43	85	36.2
40	65	39.7	41	41	44.9	41	86	38.0	42	63	38.2	42	108	37.0	43	86	36.2
40	66	39.6	41	42	44.5	41	87	38.0	42	64	38.1	42	109	37.0	43	87	36.2
40	67	39.5	41	43	44.0	41	88	38.0	42	65	38.0	43	43	43.0	43	88	36.1
40	68	39.4	41	44	43.6	41	89	38.0	42	66	37.9	43	44	42.5	43	89	36.1
40	69	39.4	41	45	43.2	41	90	38.0	42	67	37.8	43	45	42.1	43	90	36.1
40	70	39.3	41	46	42.8	41	91	37.9	42	68	37.7	43	46	41.6	43	91	36.1
40	71	39.3	41	47	42.4	41	92	37.9	42	69	37.6	43	47	41.2	43	92	36.1
40	72	39.2	41	48	42.1	41	93	37.9	42	70	37.6	43	48	40.9	43	93	36.1
40	73	39.2	41	49	41.8	41	94	37.9	42	71	37.5	43	49	40.5	43	94	36.1
40	74	39.1	41	50	41.5	41	95	37.9	42	72	37.4	43	50	40.2	43	95	36.1
40	75	39.1	41	51	41.2	41	96	37.9	42	73	37.4	43	51	39.8	43	96	36.1
40	76	39.1	41	52	40.9	41	97	37.9	42	74	37.4	43	52	39.5	43	97	36.1
40	77	39.0	41	53	40.7	41	98	37.9	42	75	37.3	43	53	39.3	43	98	36.1
40	78	39.0	41	54	40.4	41	99	37.9	42	76	37.3	43	54	39.0	43	99	36.1
40	79	39.0	41	55	40.2	41	100	37.9	42	77	37.2	43	55	38.8	43	100	36.1
40	80	39.0	41	56	40.0	41	101	37.9	42	78	37.2	43	56	38.5	43	101	36.1
40	81	39.0	41	57	39.8	41	102	37.9	42	79	37.2	43	57	38.3	43	102	36.1
40	82	38.9	41	58	39.7	41	103	37.9	42	80	37.2	43	58	38.1	43	103	36.1
40	83	38.9	41	59	39.5	41	104	37.9	42	81	37.1	43	59	37.9	43	104	36.1
40	84	38.9	41	60	39.4	41	105	37.9	42	82	37.1	43	60	37.8	43	105	36.1
40	85	38.9	41	61	39.2	41	106	37.9	42	83	37.1	43	61	37.6	43	106	36.1
40	86	38.9	41	62	39.1	41	107	37.9	42	84	37.1	43	62	37.5	43	107	36.1
40	87	38.9	41	63	39.0	41	108	37.9	42	85	37.1	43	63	37.4	43	108	36.1
40	88	38.9	41	64	38.9	41	109	37.9	42	86	37.1	43	64	37.2	43	109	36.1
40	89	38.9	41	65	38.8	42	42	44.0	42	87	37.1	43	65	37.1	44	44	42.0
40	90	38.9	41	66	38.7	42	43	43.5	42	88	37.1	43	66	37.0	44	45	41.6
40	91	38.9	41	67	38.6	42	44	43.0	42	89	37.0	43	67	36.9	44	46	41.1
40	92	38.9	41	68	38.6	42	45	42.6	42	90	37.0	43	68	36.8	44	47	40.7
40	93	38.9	41	69	38.5	42	46	42.2	42	91	37.0	43	69	36.8	44	48	40.3
40	94	38.9	41	70	38.4	42	47	41.8	42	92	37.0	43	70	36.7	44	49	39.9

AGE			JOINT			AGE			JOINT			AGE			JOINT			AGE			JOINT		
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
44	50	39.5	44	95	35.2	45	75	34.7	46	56	36.4	46	101	33.4	47	83	32.7						
44	51	39.2	44	96	35.2	45	76	34.6	46	57	36.2	46	102	33.4	47	84	32.6						
44	52	38.9	44	97	35.2	45	77	34.6	46	58	35.9	46	103	33.4	47	85	32.6						
44	53	38.6	44	98	35.2	45	78	34.6	46	59	35.7	46	104	33.4	47	86	32.6						
44	54	38.3	44	99	35.2	45	79	34.5	46	60	35.5	46	105	33.4	47	87	32.6						
44	55	38.0	44	100	35.2	45	80	34.5	46	61	35.3	46	106	33.4	47	88	32.6						
44	56	37.8	44	101	35.2	45	81	34.5	46	62	35.1	46	107	33.4	47	89	32.6						
44	57	37.6	44	102	35.2	45	82	34.4	46	63	35.0	46	108	33.4	47	90	32.5						
44	58	37.4	44	103	35.2	45	83	34.4	46	64	34.8	46	109	33.4	47	91	32.5						
44	59	37.2	44	104	35.2	45	84	34.4	46	65	34.7	47	47	39.1	47	92	32.5						
44	60	37.0	44	105	35.2	45	85	34.4	46	66	34.6	47	48	38.7	47	93	32.5						
44	61	36.8	44	106	35.2	45	86	34.4	46	67	34.4	47	49	38.2	47	94	32.5						
44	62	36.7	44	107	35.2	45	87	34.4	46	68	34.3	47	50	37.8	47	95	32.5						
44	63	36.5	44	108	35.2	45	88	34.3	46	69	34.2	47	51	37.4	47	96	32.5						
44	64	36.4	44	109	35.2	45	89	34.3	46	70	34.1	47	52	37.0	47	97	32.5						
44	65	36.3	45	45	41.1	45	90	34.3	46	71	34.1	47	53	36.7	47	98	32.5						
44	66	36.2	45	46	40.6	45	91	34.3	46	72	34.0	47	54	36.4	47	99	32.5						
44	67	36.1	45	47	40.1	45	92	34.3	46	73	33.9	47	55	36.0	47	100	32.5						
44	68	36.0	45	48	39.7	45	93	34.3	46	74	33.9	47	56	35.7	47	101	32.5						
44	69	35.9	45	49	39.3	45	94	34.3	46	75	33.8	47	57	35.5	47	102	32.5						
44	70	35.8	45	50	38.9	45	95	34.3	46	76	33.8	47	58	35.2	47	103	32.5						
44	71	35.8	45	51	38.6	45	96	34.3	46	77	33.7	47	59	35.0	47	104	32.5						
44	72	35.7	45	52	38.2	45	97	34.3	46	78	33.7	47	60	34.8	47	105	32.5						
44	73	35.6	45	53	37.9	45	98	34.3	46	79	33.6	47	61	34.6	47	106	32.5						
44	74	35.6	45	54	37.6	45	99	34.3	46	80	33.6	47	62	34.4	47	107	32.5						
44	75	35.5	45	55	37.4	45	100	34.3	46	81	33.6	47	63	34.2	47	108	32.5						
44	76	35.5	45	56	37.1	45	101	34.3	46	82	33.6	47	64	34.0	47	109	32.5						
44	77	35.5	45	57	36.9	45	102	34.3	46	83	33.5	47	65	33.9	48	48	38.2						
44	78	35.4	45	58	36.6	45	103	34.3	46	84	33.5	47	66	33.8	48	49	37.7						
44	79	35.4	45	59	36.4	45	104	34.3	46	85	33.5	47	67	33.6	48	50	37.3						
44	80	35.4	45	60	36.2	45	105	34.3	46	86	33.5	47	68	33.5	48	51	36.9						
44	81	35.4	45	61	36.1	45	106	34.3	46	87	33.5	47	69	33.4	48	52	36.5						
44	82	35.3	45	62	35.9	45	107	34.3	46	88	33.5	47	70	33.3	48	53	36.1						
44	83	35.3	45	63	35.7	45	108	34.3	46	89	33.4	47	71	33.2	48	54	35.7						
44	84	35.3	45	64	35.6	45	109	34.3	46	90	33.4	47	72	33.2	48	55	35.4						
44	85	35.3	45	65	35.5	46	46	40.1	46	91	33.4	47	73	33.1	48	56	35.1						
44	86	35.3	45	66	35.4	46	47	39.6	46	92	33.4	47	74	33.0	48	57	34.8						
44	87	35.3	45	67	35.3	46	48	39.2	46	93	33.4	47	75	33.0	48	58	34.5						
44	88	35.2	45	68	35.2	46	49	38.8	46	94	33.4	47	76	32.9	48	59	34.3						
44	89	35.2	45	69	35.1	46	50	38.4	46	95	33.4	47	77	32.9	48	60	34.1						
44	90	35.2	45	70	35.0	46	51	38.0	46	96	33.4	47	78	32.8	48	61	33.8						
44	91	35.2	45	71	34.9	46	52	37.6	46	97	33.4	47	79	32.8	48	62	33.6						
44	92	35.2	45	72	34.8	46	53	37.3	46	98	33.4	47	80	32.7	48	63	33.4						
44	93	35.2	45	73	34.8	46	54	37.0	46	99	33.4	47	81	32.7	48	64	33.3						
44	94	35.2	45	74	34.7	46	55	36.7	46	100	33.4	47	82	32.7	48	65	33.1						



AGE			JOINT			AGE			JOINT			AGE			JOINT			AGE			JOINT		
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
48	66	33.0	49	50	36.8	49	95	30.8	50	80	30.2	51	66	30.7	52	53	34.0						
48	67	32.8	49	51	36.3	49	96	30.7	50	81	30.1	51	67	30.5	52	54	33.5						
48	68	32.7	49	52	35.9	49	97	30.7	50	82	30.1	51	68	30.4	52	55	33.1						
48	69	32.6	49	53	35.5	49	98	30.7	50	83	30.1	51	69	30.2	52	56	32.7						
48	70	32.5	49	54	35.2	49	99	30.7	50	84	30.0	51	70	30.1	52	57	32.4						
48	71	32.4	49	55	34.8	49	100	30.7	50	85	30.0	51	71	30.0	52	58	32.0						
48	72	32.3	49	56	34.5	49	101	30.7	50	86	30.0	51	72	29.9	52	59	31.7						
48	73	32.2	49	57	34.2	49	102	30.7	50	87	30.0	51	73	29.8	52	60	31.4						
48	74	32.2	49	58	33.9	49	103	30.7	50	88	30.0	51	74	29.7	52	61	31.1						
48	75	32.1	49	59	33.6	49	104	30.7	50	89	29.9	51	75	29.6	52	62	30.8						
48	76	32.0	49	60	33.4	49	105	30.7	50	90	29.9	51	76	29.5	52	63	30.6						
48	77	32.0	49	61	33.1	49	106	30.7	50	91	29.9	51	77	29.5	52	64	30.4						
48	78	32.0	49	62	32.9	49	107	30.7	50	92	29.9	51	78	29.4	52	65	30.2						
48	79	31.9	49	63	32.7	49	108	30.7	50	93	29.9	51	79	29.4	52	66	30.0						
48	80	31.9	49	64	32.5	49	109	30.7	50	94	29.9	51	80	29.3	52	67	29.8						
48	81	31.8	49	65	32.4	50	50	36.3	50	95	29.9	51	81	29.3	52	68	29.6						
48	82	31.8	49	66	32.2	50	51	35.8	50	96	29.9	51	82	29.2	52	69	29.5						
48	83	31.8	49	67	32.1	50	52	35.4	50	97	29.9	51	83	29.2	52	70	29.3						
48	84	31.8	49	68	31.9	50	53	35.0	50	98	29.9	51	84	29.2	52	71	29.2						
48	85	31.7	49	69	31.8	50	54	34.6	50	99	29.9	51	85	29.2	52	72	29.1						
48	86	31.7	49	70	31.7	50	55	34.2	50	100	29.9	51	86	29.1	52	73	29.0						
48	87	31.7	49	71	31.6	50	56	33.9	50	101	29.9	51	87	29.1	52	74	28.9						
48	88	31.7	49	72	31.5	50	57	33.5	50	102	29.9	51	88	29.1	52	75	28.8						
48	89	31.7	49	73	31.4	50	58	33.2	50	103	29.9	51	89	29.1	52	76	28.7						
48	90	31.7	49	74	31.3	50	59	33.0	50	104	29.8	51	90	29.1	52	77	28.7						
48	91	31.7	49	75	31.3	50	60	32.7	50	105	29.8	51	91	29.0	52	78	28.6						
48	92	31.7	49	76	31.2	50	61	32.4	50	106	29.8	51	92	29.0	52	79	28.5						
48	93	31.6	49	77	31.2	50	62	32.2	50	107	29.8	51	93	29.0	52	80	28.5						
48	94	31.6	49	78	31.1	50	63	32.0	50	108	29.8	51	94	29.0	52	81	28.4						
48	95	31.6	49	79	31.1	50	64	31.8	50	109	29.8	51	95	29.0	52	82	28.4						
48	96	31.6	49	80	31.0	50	65	31.6	51	51	35.4	51	96	29.0	52	83	28.4						
48	97	31.6	49	81	31.0	50	66	31.4	51	52	34.9	51	97	29.0	52	84	28.3						
48	98	31.6	49	82	30.9	50	67	31.3	51	53	34.5	51	98	29.0	52	85	28.3						
48	99	31.6	49	83	30.9	50	68	31.1	51	54	34.0	51	99	29.0	52	86	28.3						
48	100	31.6	49	84	30.9	50	69	31.0	51	55	33.7	51	100	29.0	52	87	28.3						
48	101	31.6	49	85	30.9	50	70	30.9	51	56	33.3	51	101	29.0	52	88	28.2						
48	102	31.6	49	86	30.9	50	71	30.8	51	57	32.9	51	102	29.0	52	89	28.2						
48	103	31.6	49	87	30.8	50	72	30.7	51	58	32.6	51	103	29.0	52	90	28.2						
48	104	31.6	49	88	30.8	50	73	30.6	51	59	32.3	51	104	29.0	52	91	28.2						
48	105	31.6	49	89	30.8	50	74	30.5	51	60	32.0	51	105	29.0	52	92	28.2						
48	106	31.6	49	90	30.8	50	75	30.4	51	61	31.8	51	106	29.0	52	93	28.2						
48	107	31.6	49	91	30.8	50	76	30.4	51	62	31.5	51	107	29.0	52	94	28.2						
48	108	31.6	49	92	30.8	50	77	30.3	51	63	31.3	51	108	29.0	52	95	28.2						
48	109	31.6	49	93	30.8	50	78	30.3	51	64	31.1	51	109	29.0	52	96	28.1						
49	49	37.2	49	94	30.8	50	79	30.2	51	65	30.9	52	52	34.4	52	97	28.1						

AGE			JOINT			AGE			JOINT			AGE			JOINT			AGE			JOINT		
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
52	98	28.1	53	86	27.4	54	75	27.2	55	65	28.1	56	56	30.7	56	101	24.7						
52	99	28.1	53	87	27.4	54	76	27.1	55	66	27.9	56	57	30.3	56	102	24.7						
52	100	28.1	53	88	27.4	54	77	27.0	55	67	27.7	56	58	29.8	56	103	24.7						
52	101	28.1	53	89	27.4	54	78	27.0	55	68	27.5	56	59	29.4	56	104	24.7						
52	102	28.1	53	90	27.4	54	79	26.9	55	69	27.3	56	60	29.1	56	105	24.7						
52	103	28.1	53	91	27.3	54	80	26.8	55	70	27.1	56	61	28.7	56	106	24.7						
52	104	28.1	53	92	27.3	54	81	26.8	55	71	27.0	56	62	28.4	56	107	24.7						
52	105	28.1	53	93	27.3	54	82	26.7	55	72	26.8	56	63	28.1	56	108	24.7						
52	106	28.1	53	94	27.3	54	83	26.7	55	73	26.7	56	64	27.8	56	109	24.7						
52	107	28.1	53	95	27.3	54	84	26.7	55	74	26.6	56	65	27.5	57	57	29.8						
52	108	28.1	53	96	27.3	54	85	26.6	55	75	26.5	56	66	27.2	57	58	29.3						
52	109	28.1	53	97	27.3	54	86	26.6	55	76	26.4	56	67	27.0	57	59	28.9						
53	53	33.5	53	98	27.3	54	87	26.6	55	77	26.3	56	68	26.8	57	60	28.5						
53	54	33.0	53	99	27.3	54	88	26.6	55	78	26.2	56	69	26.6	57	61	28.2						
53	55	32.6	53	100	27.3	54	89	26.5	55	79	26.1	56	70	26.4	57	62	27.8						
53	56	32.2	53	101	27.3	54	90	26.5	55	80	26.0	56	71	26.2	57	63	27.5						
53	57	31.8	53	102	27.3	54	91	26.5	55	81	26.0	56	72	26.1	57	64	27.2						
53	58	31.4	53	103	27.3	54	92	26.5	55	82	25.9	56	73	25.9	57	65	26.9						
53	59	31.1	53	104	27.3	54	93	26.5	55	83	25.9	56	74	25.8	57	66	26.6						
53	60	30.8	53	105	27.3	54	94	26.5	55	84	25.8	56	75	25.7	57	67	26.4						
53	61	30.5	53	106	27.3	54	95	26.5	55	85	25.8	56	76	25.6	57	68	26.1						
53	62	30.2	53	107	27.2	54	96	26.4	55	86	25.8	56	77	25.5	57	69	25.9						
53	63	29.9	53	108	27.2	54	97	26.4	55	87	25.7	56	78	25.4	57	70	25.7						
53	64	29.7	53	109	27.2	54	98	26.4	55	88	25.7	56	79	25.3	57	71	25.5						
53	65	29.5	54	54	32.5	54	99	26.4	55	89	25.7	56	80	25.3	57	72	25.4						
53	66	29.3	54	55	32.1	54	100	26.4	55	90	25.7	56	81	25.2	57	73	25.2						
53	67	29.1	54	56	31.7	54	101	26.4	55	91	25.7	56	82	25.1	57	74	25.1						
53	68	28.9	54	57	31.3	54	102	26.4	55	92	25.6	56	83	25.1	57	75	25.0						
53	69	28.7	54	58	30.9	54	103	26.4	55	93	25.6	56	84	25.0	57	76	24.8						
53	70	28.6	54	59	30.5	54	104	26.4	55	94	25.6	56	85	25.0	57	77	24.7						
53	71	28.4	54	60	30.2	54	105	26.4	55	95	25.6	56	86	25.0	57	78	24.6						
53	72	28.3	54	61	29.9	54	106	26.4	55	96	25.6	56	87	24.9	57	79	24.6						
53	73	28.2	54	62	29.6	54	107	26.4	55	97	25.6	56	88	24.9	57	80	24.5						
53	74	28.1	54	63	29.3	54	108	26.4	55	98	25.6	56	89	24.9	57	81	24.4						
53	75	28.0	54	64	29.0	54	109	26.4	55	99	25.6	56	90	24.9	57	82	24.3						
53	76	27.9	54	65	28.8	55	55	31.6	55	100	25.6	56	91	24.8	57	83	24.3						
53	77	27.8	54	66	28.6	55	56	31.2	55	101	25.6	56	92	24.8	57	84	24.2						
53	78	27.8	54	67	28.4	55	57	30.7	55	102	25.6	56	93	24.8	57	85	24.2						
53	79	27.7	54	68	28.2	55	58	30.3	55	103	25.6	56	94	24.8	57	86	24.2						
53	80	27.7	54	69	28.0	55	59	30.0	55	104	25.6	56	95	24.8	57	87	24.1						
53	81	27.6	54	70	27.8	55	60	29.6	55	105	25.6	56	96	24.8	57	88	24.1						
53	82	27.6	54	71	27.7	55	61	29.3	55	106	25.6	56	97	24.8	57	89	24.1						
53	83	27.5	54	72	27.6	55	62	29.0	55	107	25.6	56	98	24.8	57	90	24.1						
53	84	27.5	54	73	27.4	55	63	28.7	55	108	25.6	56	99	24.8	57	91	24.0						
53	85	27.5	54	74	27.3	55	64	28.4	55	109	25.5	56	100	24.8	57	92	24.0						

AGE			JOINT			AGE			JOINT			AGE			JOINT			AGE			JOINT		
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
57	93	24.0	58	86	23.4	59	80	23.0	60	75	22.8	61	71	22.9	62	68	23.1						
57	94	24.0	58	87	23.3	59	81	22.9	60	76	22.7	61	72	22.7	62	69	22.8						
57	95	24.0	58	88	23.3	59	82	22.8	60	77	22.6	61	73	22.5	62	70	22.6						
57	96	24.0	58	89	23.3	59	83	22.8	60	78	22.4	61	74	22.3	62	71	22.3						
57	97	24.0	58	90	23.3	59	84	22.7	60	79	22.3	61	75	22.1	62	72	22.1						
57	98	23.9	58	91	23.2	59	85	22.6	60	80	22.2	61	76	22.0	62	73	21.9						
57	99	23.9	58	92	23.2	59	86	22.6	60	81	22.2	61	77	21.9	62	74	21.7						
57	100	23.9	58	93	23.2	59	87	22.6	60	82	22.1	61	78	21.7	62	75	21.5						
57	101	23.9	58	94	23.2	59	88	22.5	60	83	22.0	61	79	21.6	62	76	21.3						
57	102	23.9	58	95	23.2	59	89	22.5	60	84	21.9	61	80	21.5	62	77	21.2						
57	103	23.9	58	96	23.2	59	90	22.5	60	85	21.9	61	81	21.4	62	78	21.0						
57	104	23.9	58	97	23.1	59	91	22.4	60	86	21.8	61	82	21.3	62	79	20.9						
57	105	23.9	58	98	23.1	59	92	22.4	60	87	21.8	61	83	21.3	62	80	20.8						
57	106	23.9	58	99	23.1	59	93	22.4	60	88	21.8	61	84	21.2	62	81	20.7						
57	107	23.9	58	100	23.1	59	94	22.4	60	89	21.7	61	85	21.1	62	82	20.6						
57	108	23.9	58	101	23.1	59	95	22.4	60	90	21.7	61	86	21.1	62	83	20.5						
57	109	23.9	58	102	23.1	59	96	22.4	60	91	21.7	61	87	21.0	62	84	20.5						
58	58	28.9	58	103	23.1	59	97	22.4	60	92	21.6	61	88	21.0	62	85	20.4						
58	59	28.4	58	104	23.1	59	98	22.3	60	93	21.6	61	89	21.0	62	86	20.4						
58	60	28.0	58	105	23.1	59	99	22.3	60	94	21.6	61	90	20.9	62	87	20.3						
58	61	27.6	58	106	23.1	59	100	22.3	60	95	21.6	61	91	20.9	62	88	20.3						
58	62	27.3	58	107	23.1	59	101	22.3	60	96	21.6	61	92	20.9	62	89	20.2						
58	63	26.9	58	108	23.1	59	102	22.3	60	97	21.6	61	93	20.9	62	90	20.2						
58	64	26.6	58	109	23.1	59	103	22.3	60	98	21.6	61	94	20.8	62	91	20.2						
58	65	26.3	59	59	28.0	59	104	22.3	60	99	21.6	61	95	20.8	62	92	20.1						
58	66	26.0	59	60	27.5	59	105	22.3	60	100	21.5	61	96	20.8	62	93	20.1						
58	67	25.7	59	61	27.1	59	106	22.3	60	101	21.5	61	97	20.8	62	94	20.1						
58	68	25.5	59	62	26.7	59	107	22.3	60	102	21.5	61	98	20.8	62	95	20.1						
58	69	25.3	59	63	26.4	59	108	22.3	60	103	21.5	61	99	20.8	62	96	20.1						
58	70	25.0	59	64	26.0	59	109	22.3	60	104	21.5	61	100	20.8	62	97	20.0						
58	71	24.9	59	65	25.7	60	60	27.1	60	105	21.5	61	101	20.8	62	98	20.0						
58	72	24.7	59	66	25.4	60	61	26.7	60	106	21.5	61	102	20.8	62	99	20.0						
58	73	24.5	59	67	25.1	60	62	26.3	60	107	21.5	61	103	20.8	62	100	20.0						
58	74	24.4	59	68	24.9	60	63	25.9	60	108	21.5	61	104	20.7	62	101	20.0						
58	75	24.2	59	69	24.6	60	64	25.5	60	109	21.5	61	105	20.7	62	102	20.0						
58	76	24.1	59	70	24.4	60	65	25.2	61	61	26.2	61	106	20.7	62	103	20.0						
58	77	24.0	59	71	24.2	60	66	24.8	61	62	25.8	61	107	20.7	62	104	20.0						
58	78	23.9	59	72	24.0	60	67	24.5	61	63	25.4	61	108	20.7	62	105	20.0						
58	79	23.8	59	73	23.8	60	68	24.3	61	64	25.0	61	109	20.7	62	106	20.0						
58	80	23.7	59	74	23.7	60	69	24.0	61	65	24.6	62	62	25.3	62	107	20.0						
58	81	23.6	59	75	23.5	60	70	23.8	61	66	24.3	62	63	24.9	62	108	20.0						
58	82	23.6	59	76	23.4	60	71	23.5	61	67	24.0	62	64	24.5	62	109	20.0						
58	83	23.5	59	77	23.3	60	72	23.3	61	68	23.7	62	65	24.1	63	63	24.5						
58	84	23.5	59	78	23.2	60	73	23.2	61	69	23.4	62	66	23.8	63	64	24.0						
58	85	23.4	59	79	23.1	60	74	23.0	61	70	23.2	62	67	23.4	63	65	23.7						



AGE		JOINT LIFE EXP.	AGE		JOINT LIFE EXP.	AGE		JOINT LIFE EXP.	AGE		JOINT LIFE EXP.	AGE		JOINT LIFE EXP.	AGE		JOINT LIFE EXP.
IND. 1	IND. 2		IND. 1	IND. 2		IND. 1	IND. 2		IND. 1	IND. 2		IND. 1	IND. 2		IND. 1	IND. 2	
63	66	23.3	64	65	23.2	65	65	22.8	66	66	21.9	67	68	20.7	68	71	19.1
63	67	22.9	64	66	22.8	65	66	22.4	66	67	21.5	67	69	20.3	68	72	18.8
63	68	22.6	64	67	22.4	65	67	22.0	66	68	21.1	67	70	20.0	68	73	18.5
63	69	22.3	64	68	22.1	65	68	21.6	66	69	20.8	67	71	19.6	68	74	18.2
63	70	22.0	64	69	21.8	65	69	21.3	66	70	20.4	67	72	19.3	68	75	18.0
63	71	21.7	64	70	21.5	65	70	20.9	66	71	20.1	67	73	19.0	68	76	17.7
63	72	21.5	64	71	21.2	65	71	20.6	66	72	19.8	67	74	18.8	68	77	17.5
63	73	21.3	64	72	20.9	65	72	20.4	66	73	19.5	67	75	18.5	68	78	17.3
63	74	21.0	64	73	20.7	65	73	20.1	66	74	19.3	67	76	18.3	68	79	17.1
63	75	20.9	64	74	20.4	65	74	19.9	66	75	19.1	67	77	18.1	68	80	17.0
63	76	20.7	64	75	20.2	65	75	19.6	66	76	18.9	67	78	17.9	68	81	16.8
63	77	20.5	64	76	20.1	65	76	19.4	66	77	18.7	67	79	17.7	68	82	16.7
63	78	20.4	64	77	19.9	65	77	19.3	66	78	18.5	67	80	17.6	68	83	16.5
63	79	20.2	64	78	19.7	65	78	19.1	66	79	18.3	67	81	17.4	68	84	16.4
63	80	20.1	64	79	19.6	65	79	18.9	66	80	18.2	67	82	17.3	68	85	16.3
63	81	20.0	64	80	19.5	65	80	18.8	66	81	18.0	67	83	17.2	68	86	16.2
63	82	19.9	64	81	19.3	65	81	18.7	66	82	17.9	67	84	17.1	68	87	16.2
63	83	19.8	64	82	19.2	65	82	18.6	66	83	17.8	67	85	17.0	68	88	16.1
63	84	19.8	64	83	19.2	65	83	18.5	66	84	17.7	67	86	16.9	68	89	16.0
63	85	19.7	64	84	19.1	65	84	18.4	66	85	17.6	67	87	16.8	68	90	16.0
63	86	19.6	64	85	19.0	65	85	18.3	66	86	17.6	67	88	16.8	68	91	15.9
63	87	19.6	64	86	18.9	65	86	18.2	66	87	17.5	67	89	16.7	68	92	15.9
63	88	19.5	64	87	18.9	65	87	18.2	66	88	17.4	67	90	16.6	68	93	15.8
63	89	19.5	64	88	18.8	65	88	18.1	66	89	17.4	67	91	16.6	68	94	15.8
63	90	19.5	64	89	18.8	65	89	18.1	66	90	17.3	67	92	16.6	68	95	15.8
63	91	19.4	64	90	18.7	65	90	18.0	66	91	17.3	67	93	16.5	68	96	15.8
63	92	19.4	64	91	18.7	65	91	18.0	66	92	17.3	67	94	16.5	68	97	15.7
63	93	19.4	64	92	18.7	65	92	18.0	66	93	17.2	67	95	16.5	68	98	15.7
63	94	19.3	64	93	18.6	65	93	17.9	66	94	17.2	67	96	16.4	68	99	15.7
63	95	19.3	64	94	18.6	65	94	17.9	66	95	17.2	67	97	16.4	68	100	15.7
63	96	19.3	64	95	18.6	65	95	17.9	66	96	17.1	67	98	16.4	68	101	15.7
63	97	19.3	64	96	18.6	65	96	17.9	66	97	17.1	67	99	16.4	68	102	15.7
63	98	19.3	64	97	18.6	65	97	17.8	66	98	17.1	67	100	16.4	68	103	15.7
63	99	19.3	64	98	18.5	65	98	17.8	66	99	17.1	67	101	16.4	68	104	15.6
63	100	19.3	64	99	18.5	65	99	17.8	66	100	17.1	67	102	16.4	68	105	15.6
63	101	19.3	64	100	18.5	65	100	17.8	66	101	17.1	67	103	16.3	68	106	15.6
63	102	19.2	64	101	18.5	65	101	17.8	66	102	17.1	67	104	16.3	68	107	15.6
63	103	19.2	64	102	18.5	65	102	17.8	66	103	17.1	67	105	16.3	68	108	15.6
63	104	19.2	64	103	18.5	65	103	17.8	66	104	17.0	67	106	16.3	68	109	15.6
63	105	19.2	64	104	18.5	65	104	17.8	66	105	17.0	67	107	16.3	69	69	19.5
63	106	19.2	64	105	18.5	65	105	17.8	66	106	17.0	67	108	16.3	69	70	19.1
63	107	19.2	64	106	18.5	65	106	17.8	66	107	17.0	67	109	16.3	69	71	18.7
63	108	19.2	64	107	18.5	65	107	17.7	66	108	17.0	68	68	20.3	69	72	18.4
63	109	19.2	64	108	18.5	65	108	17.7	66	109	17.0	68	69	19.9	69	73	18.0
64	64	23.6	64	109	18.5	65	109	17.7	67	67	21.1	68	70	19.5	69	74	17.7

AGE			JOINT			AGE			JOINT			AGE			JOINT			AGE			JOINT		
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
69	75	17.5	70	80	15.8	71	86	14.4	72	93	13.3	73	101	12.4	75	75	14.9						
69	76	17.2	70	81	15.6	71	87	14.3	72	94	13.2	73	102	12.4	75	76	14.5						
69	77	17.0	70	82	15.5	71	88	14.2	72	95	13.2	73	103	12.4	75	77	14.2						
69	78	16.7	70	83	15.3	71	89	14.1	72	96	13.2	73	104	12.4	75	78	13.9						
69	79	16.6	70	84	15.2	71	90	14.1	72	97	13.1	73	105	12.4	75	79	13.6						
69	80	16.4	70	85	15.1	71	91	14.0	72	98	13.1	73	106	12.3	75	80	13.3						
69	81	16.2	70	86	15.0	71	92	13.9	72	99	13.1	73	107	12.3	75	81	13.1						
69	82	16.1	70	87	14.9	71	93	13.9	72	100	13.1	73	108	12.3	75	82	12.9						
69	83	15.9	70	88	14.8	71	94	13.9	72	101	13.0	73	109	12.3	75	83	12.7						
69	84	15.8	70	89	14.7	71	95	13.8	72	102	13.0	74	74	15.6	75	84	12.5						
69	85	15.7	70	90	14.7	71	96	13.8	72	103	13.0	74	75	15.2	75	85	12.4						
69	86	15.6	70	91	14.6	71	97	13.8	72	104	13.0	74	76	14.9	75	86	12.2						
69	87	15.5	70	92	14.6	71	98	13.7	72	105	13.0	74	77	14.6	75	87	12.1						
69	88	15.4	70	93	14.5	71	99	13.7	72	106	13.0	74	78	14.3	75	88	12.0						
69	89	15.4	70	94	14.5	71	100	13.7	72	107	13.0	74	79	14.0	75	89	11.9						
69	90	15.3	70	95	14.5	71	101	13.7	72	108	12.9	74	80	13.8	75	90	11.8						
69	91	15.3	70	96	14.4	71	102	13.7	72	109	12.9	74	81	13.6	75	91	11.7						
69	92	15.2	70	97	14.4	71	103	13.6	73	73	16.3	74	82	13.4	75	92	11.6						
69	93	15.2	70	98	14.4	71	104	13.6	73	74	16.0	74	83	13.2	75	93	11.5						
69	94	15.1	70	99	14.4	71	105	13.6	73	75	15.6	74	84	13.0	75	94	11.5						
69	95	15.1	70	100	14.3	71	106	13.6	73	76	15.3	74	85	12.9	75	95	11.4						
69	96	15.1	70	101	14.3	71	107	13.6	73	77	15.0	74	86	12.7	75	96	11.4						
69	97	15.1	70	102	14.3	71	108	13.6	73	78	14.7	74	87	12.6	75	97	11.3						
69	98	15.0	70	103	14.3	71	109	13.6	73	79	14.5	74	88	12.5	75	98	11.3						
69	99	15.0	70	104	14.3	72	72	17.1	73	80	14.3	74	89	12.4	75	99	11.3						
69	100	15.0	70	105	14.3	72	73	16.7	73	81	14.1	74	90	12.3	75	100	11.3						
69	101	15.0	70	106	14.3	72	74	16.4	73	82	13.9	74	91	12.2	75	101	11.2						
69	102	15.0	70	107	14.3	72	75	16.0	73	83	13.7	74	92	12.2	75	102	11.2						
69	103	15.0	70	108	14.2	72	76	15.7	73	84	13.5	74	93	12.1	75	103	11.2						
69	104	15.0	70	109	14.2	72	77	15.5	73	85	13.4	74	94	12.0	75	104	11.2						
69	105	15.0	71	71	17.9	72	78	15.2	73	86	13.3	74	95	12.0	75	105	11.2						
69	106	14.9	71	72	17.5	72	79	15.0	73	87	13.1	74	96	12.0	75	106	11.1						
69	107	14.9	71	73	17.1	72	80	14.8	73	88	13.0	74	97	11.9	75	107	11.1						
69	108	14.9	71	74	16.8	72	81	14.6	73	89	13.0	74	98	11.9	75	108	11.1						
69	109	14.9	71	75	16.5	72	82	14.4	73	90	12.9	74	99	11.9	75	109	11.1						
70	70	18.7	71	76	16.2	72	83	14.2	73	91	12.8	74	100	11.8	76	76	14.1						
70	71	18.3	71	77	15.9	72	84	14.1	73	92	12.7	74	101	11.8	76	77	13.8						
70	72	17.9	71	78	15.7	72	85	13.9	73	93	12.7	74	102	11.8	76	78	13.5						
70	73	17.6	71	79	15.5	72	86	13.8	73	94	12.6	74	103	11.8	76	79	13.2						
70	74	17.3	71	80	15.3	72	87	13.7	73	95	12.6	74	104	11.8	76	80	12.9						
70	75	17.0	71	81	15.1	72	88	13.6	73	96	12.5	74	105	11.7	76	81	12.7						
70	76	16.7	71	82	14.9	72	89	13.5	73	97	12.5	74	106	11.7	76	82	12.5						
70	77	16.4	71	83	14.8	72	90	13.5	73	98	12.5	74	107	11.7	76	83	12.2						
70	78	16.2	71	84	14.6	72	91	13.4	73	99	12.5	74	108	11.7	76	84	12.1						
70	79	16.0	71	85	14.5	72	92	13.3	73	100	12.4	74	109	11.7	76	85	11.9						

AGE			JOINT			AGE			JOINT			AGE			JOINT			AGE			JOINT		
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
76	86	11.7	77	98	10.2	79	80	11.8	80	95	8.9	82	83	10.0	83	101	7.3						
76	87	11.6	77	99	10.2	79	81	11.5	80	96	8.8	82	84	9.7	83	102	7.3						
76	88	11.5	77	100	10.2	79	82	11.3	80	97	8.8	82	85	9.5	83	103	7.2						
76	89	11.3	77	101	10.1	79	83	11.0	80	98	8.7	82	86	9.3	83	104	7.2						
76	90	11.2	77	102	10.1	79	84	10.8	80	99	8.7	82	87	9.1	83	105	7.2						
76	91	11.2	77	103	10.1	79	85	10.6	80	100	8.7	82	88	8.9	83	106	7.1						
76	92	11.1	77	104	10.1	79	86	10.4	80	101	8.6	82	89	8.7	83	107	7.1						
76	93	11.0	77	105	10.0	79	87	10.2	80	102	8.6	82	90	8.6	83	108	7.0						
76	94	10.9	77	106	10.0	79	88	10.1	80	103	8.6	82	91	8.5	83	109	7.0						
76	95	10.9	77	107	10.0	79	89	9.9	80	104	8.5	82	92	8.3	84	84	9.2						
76	96	10.8	77	108	10.0	79	90	9.8	80	105	8.5	82	93	8.2	84	85	8.9						
76	97	10.8	77	109	9.9	79	91	9.7	80	106	8.5	82	94	8.1	84	86	8.7						
76	98	10.8	78	78	12.8	79	92	9.6	80	107	8.4	82	95	8.1	84	87	8.5						
76	99	10.7	78	79	12.5	79	93	9.5	80	108	8.4	82	96	8.0	84	88	8.3						
76	100	10.7	78	80	12.2	79	94	9.4	80	109	8.4	82	97	7.9	84	89	8.1						
76	101	10.7	78	81	11.9	79	95	9.4	81	81	10.9	82	98	7.9	84	90	7.9						
76	102	10.6	78	82	11.6	79	96	9.3	81	82	10.6	82	99	7.8	84	91	7.8						
76	103	10.6	78	83	11.4	79	97	9.3	81	83	10.3	82	100	7.8	84	92	7.6						
76	104	10.6	78	84	11.2	79	98	9.2	81	84	10.1	82	101	7.7	84	93	7.5						
76	105	10.6	78	85	11.0	79	99	9.2	81	85	9.8	82	102	7.7	84	94	7.4						
76	106	10.6	78	86	10.8	79	100	9.1	81	86	9.6	82	103	7.6	84	95	7.3						
76	107	10.5	78	87	10.7	79	101	9.1	81	87	9.5	82	104	7.6	84	96	7.2						
76	108	10.5	78	88	10.5	79	102	9.1	81	88	9.3	82	105	7.6	84	97	7.1						
76	109	10.5	78	89	10.4	79	103	9.0	81	89	9.1	82	106	7.6	84	98	7.1						
77	77	13.5	78	90	10.3	79	104	9.0	81	90	9.0	82	107	7.5	84	99	7.0						
77	78	13.1	78	91	10.2	79	105	9.0	81	91	8.9	82	108	7.5	84	100	6.9						
77	79	12.8	78	92	10.1	79	106	9.0	81	92	8.7	82	109	7.4	84	101	6.9						
77	80	12.5	78	93	10.0	79	107	8.9	81	93	8.6	83	83	9.7	84	102	6.9						
77	81	12.3	78	94	9.9	79	108	8.9	81	94	8.6	83	84	9.4	84	103	6.8						
77	82	12.0	78	95	9.9	79	109	8.9	81	95	8.5	83	85	9.2	84	104	6.8						
77	83	11.8	78	96	9.8	80	80	11.5	81	96	8.4	83	86	9.0	84	105	6.7						
77	84	11.6	78	97	9.7	80	81	11.2	81	97	8.3	83	87	8.8	84	106	6.7						
77	85	11.4	78	98	9.7	80	82	10.9	81	98	8.3	83	88	8.6	84	107	6.7						
77	86	11.3	78	99	9.7	80	83	10.7	81	99	8.2	83	89	8.4	84	108	6.6						
77	87	11.1	78	100	9.6	80	84	10.4	81	100	8.2	83	90	8.2	84	109	6.6						
77	88	11.0	78	101	9.6	80	85	10.2	81	101	8.2	83	91	8.1	85	85	8.6						
77	89	10.9	78	102	9.6	80	86	10.0	81	102	8.1	83	92	8.0	85	86	8.4						
77	90	10.7	78	103	9.5	80	87	9.8	81	103	8.1	83	93	7.9	85	87	8.2						
77	91	10.6	78	104	9.5	80	88	9.7	81	104	8.1	83	94	7.8	85	88	8.0						
77	92	10.6	78	105	9.5	80	89	9.5	81	105	8.0	83	95	7.7	85	89	7.8						
77	93	10.5	78	106	9.5	80	90	9.4	81	106	8.0	83	96	7.6	85	90	7.6						
77	94	10.4	78	107	9.5	80	91	9.3	81	107	8.0	83	97	7.5	85	91	7.4						
77	95	10.4	78	108	9.4	80	92	9.2	81	108	7.9	83	98	7.4	85	92	7.3						
77	96	10.3	78	109	9.4	80	93	9.1	81	109	7.9	83	99	7.4	85	93	7.2						
77	97	10.3	79	79	12.1	80	94	9.0	82	82	10.3	83	100	7.3	85	94	7.0						



AGE			JOINT			AGE			JOINT			AGE			JOINT			AGE			JOINT		
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
85	95	6.9	87	93	6.6	89	95	5.8	91	101	4.7	94	95	4.7	97	98	3.8						
85	96	6.9	87	94	6.4	89	96	5.6	91	102	4.6	94	96	4.6	97	99	3.7						
85	97	6.8	87	95	6.3	89	97	5.5	91	103	4.6	94	97	4.4	97	100	3.6						
85	98	6.7	87	96	6.2	89	98	5.4	91	104	4.5	94	98	4.3	97	101	3.5						
85	99	6.6	87	97	6.1	89	99	5.4	91	105	4.4	94	99	4.2	97	102	3.4						
85	100	6.6	87	98	6.0	89	100	5.3	91	106	4.4	94	100	4.1	97	103	3.3						
85	101	6.5	87	99	6.0	89	101	5.2	91	107	4.3	94	101	4.0	97	104	3.3						
85	102	6.5	87	100	5.9	89	102	5.2	91	108	4.2	94	102	4.0	97	105	3.2						
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85	104	6.4	87	102	5.8	89	104	5.1	92	92	5.5	94	104	3.8	97	107	3.0						
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85	106	6.3	87	104	5.7	89	106	5.0	92	94	5.2	94	106	3.7	97	109	2.7						
85	107	6.3	87	105	5.6	89	107	4.9	92	95	5.1	94	107	3.6	98	98	3.7						
85	108	6.2	87	106	5.6	89	108	4.8	92	96	4.9	94	108	3.5	98	99	3.6						
85	109	6.2	87	107	5.5	89	109	4.8	92	97	4.8	94	109	3.4	98	100	3.5						
86	86	8.1	87	108	5.5	90	90	6.3	92	98	4.7	95	95	4.5	98	101	3.4						
86	87	7.9	87	109	5.4	90	91	6.1	92	99	4.6	95	96	4.4	98	102	3.3						
86	88	7.7	88	88	7.2	90	92	6.0	92	100	4.5	95	97	4.3	98	103	3.2						
86	89	7.5	88	89	7.0	90	93	5.8	92	101	4.5	95	98	4.1	98	104	3.1						
86	90	7.3	88	90	6.8	90	94	5.6	92	102	4.4	95	99	4.0	98	105	3.0						
86	91	7.1	88	91	6.6	90	95	5.5	92	103	4.3	95	100	3.9	98	106	2.9						
86	92	7.0	88	92	6.4	90	96	5.4	92	104	4.3	95	101	3.8	98	107	2.8						
86	93	6.8	88	93	6.3	90	97	5.3	92	105	4.2	95	102	3.8	98	108	2.7						
86	94	6.7	88	94	6.1	90	98	5.2	92	106	4.1	95	103	3.7	98	109	2.6						
86	95	6.6	88	95	6.0	90	99	5.1	92	107	4.1	95	104	3.6	99	99	3.4						
86	96	6.5	88	96	5.9	90	100	5.0	92	108	4.0	95	105	3.5	99	100	3.3						
86	97	6.4	88	97	5.8	90	101	5.0	92	109	3.9	95	106	3.5	99	101	3.2						
86	98	6.4	88	98	5.7	90	102	4.9	93	93	5.2	95	107	3.4	99	102	3.1						
86	99	6.3	88	99	5.7	90	103	4.8	93	94	5.0	95	108	3.3	99	103	3.0						
86	100	6.2	88	100	5.6	90	104	4.8	93	95	4.9	95	109	3.2	99	104	3.0						
86	101	6.2	88	101	5.5	90	105	4.7	93	96	4.7	96	96	4.2	99	105	2.9						
86	102	6.1	88	102	5.5	90	106	4.7	93	97	4.6	96	97	4.1	99	106	2.8						
86	103	6.1	88	103	5.4	90	107	4.6	93	98	4.5	96	98	4.0	99	107	2.7						
86	104	6.0	88	104	5.4	90	108	4.5	93	99	4.4	96	99	3.9	99	108	2.5						
86	105	6.0	88	105	5.3	90	109	4.4	93	100	4.3	96	100	3.8	99	109	2.4						
86	106	5.9	88	106	5.3	91	91	5.9	93	101	4.2	96	101	3.7	100	100	3.2						
86	107	5.9	88	107	5.2	91	92	5.7	93	102	4.2	96	102	3.6	100	101	3.1						
86	108	5.8	88	108	5.1	91	93	5.6	93	103	4.1	96	103	3.5	100	102	3.0						
86	109	5.8	88	109	5.1	91	94	5.4	93	104	4.0	96	104	3.4	100	103	2.9						
87	87	7.6	89	89	6.7	91	95	5.3	93	105	4.0	96	105	3.4	100	104	2.8						
87	88	7.4	89	90	6.5	91	96	5.2	93	106	3.9	96	106	3.3	100	105	2.7						
87	89	7.2	89	91	6.4	91	97	5.0	93	107	3.8	96	107	3.2	100	106	2.6						
87	90	7.0	89	92	6.2	91	98	4.9	93	108	3.7	96	108	3.1	100	107	2.5						
87	91	6.9	89	93	6.0	91	99	4.8	93	109	3.6	96	109	2.9	100	108	2.4						
87	92	6.7	89	94	5.9	91	100	4.8	94	94	4.9	97	97	4.0	100	109	2.2						

AGE			JOINT			AGE			JOINT			AGE			JOINT			AGE			JOINT		
IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE	IND.	IND.	LIFE
1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.	1	2	EXP.
101	101	3.0	101	109	2.1	102	109	1.9	104	104	2.4	105	107	2.0	107	108	1.5						
101	102	2.9	102	102	2.8	103	103	2.6	104	105	2.3	105	108	1.8	107	109	1.2						
101	103	2.8	102	103	2.7	103	104	2.5	104	106	2.2	105	109	1.5	108	108	1.2						
101	104	2.7	102	104	2.6	103	105	2.4	104	107	2.1	106	106	2.0	108	109	1.0						
101	105	2.6	102	105	2.5	103	106	2.3	104	108	1.9	106	107	1.8	109	109	0.5						
101	106	2.5	102	106	2.4	103	107	2.2	104	109	1.7	106	108	1.6									
101	107	2.4	102	107	2.3	103	108	2.0	105	105	2.2	106	109	1.4									
101	108	2.2	102	108	2.1	103	109	1.8	105	106	2.1	107	107	1.7									

AUTH: 15-30-2327, 15-30-2620, 15-31-501, MCA  
IMP: 15-30-2327, 15-30-2328, MCA

**REASONABLE NECESSITY:** The department proposes amending ARM 42.4.2708 to provide the life expectancy tables used in the calculation of the Montana Qualified Endowments Credit. As required by 15-30-2327(4), MCA, the life expectancy tables were derived from the actuarial tables contained in the most recent IRS Publication 1457 titled "Actuarial Valuations," and are being incorporated as part of this rule. The life expectancy of the donor determines the present value of the gift which, in turn, is used to determine the appropriate amount of the credit.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov and must be received no later than July 15, 2014.

5. Laurie Logan, Department of Revenue, Director's Office, has been designated to preside over and conduct the hearing.

6. The Department of Revenue 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, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in 4 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

7. An electronic copy of this notice is available on the department's web site, revenue.mt.gov. Select the Administrative Rules link under the Other Resources section located in the body of the homepage, and open the Proposal Notices section within. 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. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary sponsor of Senate Bill 108, L. 2013, Senator Taylor Brown, was notified by regular mail on June 21, 2013, and subsequently notified by regular mail on May 15, 2014.

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

/s/ Laurie Logan  
LAURIE LOGAN  
Rule Reviewer

/s/ Mike Kadas  
MIKE KADAS  
Director of Revenue

Certified to the Secretary of State June 2, 2014

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 42.22.101 and 42.22.110 ) PROPOSED AMENDMENT  
implementing a Montana Supreme )  
Court decision pertaining to centrally )  
assessed property )

TO: All Concerned Persons

1. On July 8, 2014, at 1:30 p.m., the Department of Revenue will hold a public hearing in the Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana, to consider the proposed amendment of the above-stated rules. The conference room is most readily accessed by entering through the east doors of the building.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on June 27, 2014. Please contact Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov.

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

42.22.101 DEFINITIONS The following definitions apply to this chapter:

(1) through (4) remain the same.

(5) remains the same, but is renumbered (6).

~~(6)~~(5) "Book depreciation" shall be the depreciation reported to the regulatory agency or acquired from independently audited financial statements.

(7) through (9) remain the same.

~~(10) "Goodwill" means booked or accounting goodwill. The booked goodwill must be present on the subject properties' financial statements, and must have been created through the purchase price accounting process as defined by GAAP or other accounting authority.~~

(11) remains the same, but is renumbered (10).

~~(12) "Intangible personal property" has the following attributes:~~

~~(a) Intangible personal property must be separable from the other assets in the unit and capable of being held under separate title or ownership.~~

~~(b) Intangible personal property must be able to be bought and sold, separate from the unit of operating assets, without causing harm, destroying, or otherwise impairing the value of the unit of assets being valued through the appraisal process.~~

~~(c) Intangible personal property must have value as a result of its ability to create earnings that exceeds their contributory value to the unit; or, it must be capable of earning an income as a standalone entity or apart from the other assets of the unit.~~

~~(d) Intangible personal property is not the same as intangible value. Intangible value is the value of an entity as a going concern - its ability to make excess revenues over the normal rate of return. Intangible value is part of the overall value of assets. Intangible value is not exempt from property taxation in Montana.~~

~~(13) remains the same, but is renumbered (11).~~

~~(14)(12) "Montana miles per day" equals the following: for tax~~

~~(a) Tax year 2003:~~

~~(i) for flat, box, gondola, and coal gondola railcars, when reported by specific railcar type, 475 miles; and~~

~~(ii) for all other railcars, 265 miles.~~

~~(b) Tax year 2004 and subsequent tax years:~~

~~(i)(a) for flat, box, gondola, and coal gondola railcars, when reported by specific railcar type, 450 miles;~~

~~(ii)(b) for all other railcars, 250 miles; or~~

~~(iii)(c) the number established by means of a speed study as described in ~~(27)(25)~~.~~

~~(15) through (35) remain the same, but are renumbered (13) through (33).~~

AUTH: 15-23-108, 15-53-155, ~~15-72-117~~, MCA

IMP: 15-6-156, 15-23-101, ~~15-23-104~~, 15-23-211, 15-23-213, ~~15-53-145~~, ~~15-53-147~~, 15-72-104, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.22.101 to strike the terms "goodwill" and "intangible personal property," pursuant to Montana Supreme Court decision (2013 MT 273), holding that the definitions exceeded the scope of the implementing statute.

The department also proposes expanding the definition of "book depreciation," to include those derived from independently audited financial statements; reversing the order of (5) and (6) to correct an alphabetical error; removing outdated language from the definition of "Montana miles per day"; and striking inapplicable statutes from the authorization and implementing sections.

#### 42.22.110 DEDUCTIONS FOR INTANGIBLE PERSONAL PROPERTY

(1) Cost, income, and market indicators ~~of the unit value of centrally assessed properties~~ can generally be expected to include ~~the value of real property, the value of personal property, and in some cases the value of specific intangible personal property.~~ To the extent that each unit valuation indicator includes the value of intangible personal property it shall not be relied upon unless such value of the intangible personal property is excluded or removed.

(2) and (3) remain the same.

~~(4) In order for intangible personal property to be considered for a deduction higher than the default percentage prescribed in (2), the property must have the characteristics of intangible personal property as defined above.~~

(5) remains the same, but is renumbered (4).

AUTH: 15-23-108, MCA

IMP: 15-6-218, ~~15-23-202~~ 15-23-205, 15-23-303, MCA

REASONABLE NECESSITY: The department proposes amending ARM 42.22.110 pursuant to Montana Supreme Court decision (2013 MT 273). That decision affirmed the Montana District Court's judgment invalidating the amendatory language added to (1), and all of (4), in 2010. The department further proposes updating the implementing section of the rule to reflect a recodification change.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Laurie Logan, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or e-mail lalogan@mt.gov and must be received no later than July 15, 2014.

5. Laurie Logan, Department of Revenue, Director's Office, has been designated to preside over and conduct this hearing.

6. The Department of Revenue 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, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in 4 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

7. An electronic copy of this notice is available on the department's web site at revenue.mt.gov. Select the "Resources" tab at the top of the homepage and then locate the "Proposal Notices - Hearing Information" section below. 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. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

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

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

/s/ Laurie Logan  
LAURIE LOGAN  
Rule Reviewer

/s/ Mike Kadas  
MIKE KADAS  
Director of Revenue

Certified to the Secretary of State June 2, 2014

BEFORE THE BOARD OF COUNTY PRINTING  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 2.67.303 pertaining to maximum )  
pricing and printing standards )

TO: All Concerned Persons

1. On April 10, 2014, the Board of County Printing published MAR Notice No. 2-67-505 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 642 of the 2014 Montana Administrative Register, Issue Number 7.

2. No comments or testimony were received.

3. The board has amended ARM 2.67.303 exactly as proposed.

By: /s/ Milton Wester  
Milton Wester, Chair  
Board of County Printing

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

Certified to the Secretary of State June 2, 2014.

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

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

TO: All Concerned Persons

1. On March 27, 2014, the Department of Agriculture published MAR Notice No. 4-14-219 pertaining to the proposed adoption and amendment of the above-stated rules at page 534 of the 2014 Montana Administrative Register, Issue Number 6.

2. The department has amended the above-stated rule as proposed and has adopted the above-stated rule as proposed: New Rule I (4.12.3017).

3. No comments or testimony were received.

/s/ Cort Jensen  
Cort Jensen  
Rule Reviewer

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

Certified to the Secretary of State June 2, 2014.

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

In the matter of the repeal of a ) NOTICE OF REPEAL OF  
temporary emergency rule pertaining ) TEMPORARY EMERGENCY RULE  
to Smith River State Park's Ridgetop )  
boat camp )

TO: All Concerned Persons

1. On May 22, 2014, the department published the notice of the temporary emergency adoption of the above-stated rule at page 1081 of the 2014 Montana Administrative Register, Issue Number 10 due to multiple incidents of bears with no apparent fear of humans which led the department to believe the bears were habituated.

2. The department has determined that an emergency rule is no longer necessary in order to address current bear activity. This repeal notice will be sent as a press release to newspapers throughout the state. Signs posted at the access points informing the public of the closure will be removed.

3. The repeal of the temporary emergency rule is effective May 16, 2014.

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

/s/ Zach Zipfel  
Zach Zipfel  
Rule Reviewer

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

Certified to the Secretary of State May 16, 2014.



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

In the matter of the repeal of a ) NOTICE OF REPEAL OF  
temporary emergency rule pertaining ) TEMPORARY EMERGENCY RULE  
to Smith River State Park's Black )  
Butte boat camp )

TO: All Concerned Persons

1. On May 22, 2014, the department published the notice of the temporary emergency adoption of the above-stated rule at page 1083 of the 2014 Montana Administrative Register, Issue Number 10, due to multiple incidents of bears with no apparent fear of humans which led the department to believe the bears were habituated.

2. The department has determined that an emergency rule is no longer necessary in order to address current bear activity. This repeal notice will be sent as a press release to newspapers throughout the state. Signs posted at the access points informing the public of the closure will be removed.

3. The repeal of the temporary emergency rule is effective May 16, 2014.

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

/s/ Zach Zipfel  
Zach Zipfel  
Rule Reviewer

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

Certified to the Secretary of State May 16, 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 closing the ) TEMPORARY EMERGENCY RULE  
Darby Bridge Fishing Access Site in )  
Ravalli County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

- (a) The Darby Bridge Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.
- (b) Persons recreating in the flooded portions of the FAS are at risk of:
  - (i) drowning due to unexpected changes to topography obscured by flood waters; or
  - (ii) drowning due to swift current created by flood water.
- (c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 19, 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 DARBY BRIDGE FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Darby Bridge Fishing Access Site is located in Ravalli County.

- (2) Darby Bridge Fishing Access Site is closed to all public occupation.
- (3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access will be removed when the rule is no longer effective.

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. 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: Sharon Rose, Department of Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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 May 19, 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 closing the ) TEMPORARY EMERGENCY RULE  
Woodside Bridge Fishing Access Site )  
in Ravalli County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Woodside Bridge Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 19, 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 WOODSIDE BRIDGE FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Woodside Bridge Fishing Access Site is located in Ravalli County.

(2) Woodside Bridge Fishing Access Site is closed to all public occupation.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access will be removed when the rule is no longer effective.

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. 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: Sharon Rose, Department of Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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 May 19, 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 closing the ) TEMPORARY EMERGENCY RULE  
Bell Crossing Fishing Access Site in )  
Ravalli County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Bell Crossing Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 19, 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 BELL CROSSING FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Bell Crossing Fishing Access Site is located in Ravalli County.

(2) Bell Crossing Fishing Access Site is closed to all public occupation.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access will be removed when the rule is no longer effective.

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. 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: Sharon Rose, Department of Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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 May 19, 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 closing the ) TEMPORARY EMERGENCY RULE  
Kokanee Bend Fishing Access Site in )  
Flathead County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Kokanee Bend Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 20, 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 KOKANEE BEND FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Kokanee Bend Fishing Access Site is located in Flathead County.

(2) Kokanee Bend Fishing Access Site is closed to all public occupation and recreation as signed.



(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Tony Powell, Department of Fish, Wildlife and Parks, 490 North Meridian Road, Kalispell, MT, 59901; fax 406-257-0349; e-mail [tpowell@mt.gov](mailto:tpowell@mt.gov). Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 20, 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 closing the ) TEMPORARY EMERGENCY RULE  
Old Steel Bridge Fishing Access Site )  
in Flathead County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Old Steel Bridge Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 20, 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 OLD STEEL BRIDGE FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Old Steel Bridge Fishing Access Site is located in Flathead County.

(2) Old Steel Bridge Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Tony Powell, Department of Fish, Wildlife and Parks, 490 North Meridian Road, Kalispell, MT, 59901; fax 406-257-0349; e-mail [tpowell@mt.gov](mailto:tpowell@mt.gov). Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 20, 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 closing the ) TEMPORARY EMERGENCY RULE  
Florence Bridge Fishing Access Site )  
in Ravalli County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Florence Bridge Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 27, 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 FLORENCE BRIDGE FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Florence Bridge Fishing Access Site is located in Ravalli County.

(2) Florence Bridge Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Sharon Rose, Department of Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 27, 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 closing the ) TEMPORARY EMERGENCY RULE  
Poker Joe Fishing Access Site in )  
Ravalli County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Poker Joe Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 27, 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 POKER JOE FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Poker Joe Fishing Access Site is located in Ravalli County.

(2) Poker Joe Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Sharon Rose, Department of Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 27, 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 closing the ) TEMPORARY EMERGENCY RULE  
Hannon Memorial Fishing Access )  
Site in Ravalli County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Hannon Memorial Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 27, 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 HANNON MEMORIAL FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Hannon Memorial Fishing Access Site is located in Ravalli County.

(2) Hannon Memorial Fishing Access Site is closed to all public occupation and recreation as signed.



(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Sharon Rose, Department of Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 27, 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 closing the ) TEMPORARY EMERGENCY RULE  
Kelly Island Fishing Access Site in )  
Missoula County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Kelly Island Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 27, 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 KELLY ISLAND FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Kelly Island Fishing Access Site is located in Missoula County.

(2) Kelly Island Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Sharon Rose, Department of Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 27, 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 closing the ) TEMPORARY EMERGENCY RULE  
Kona Bridge Fishing Access Site in )  
Missoula County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Kona Bridge Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 27, 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 KONA BRIDGE FISHING ACCESS SITE TEMPORARY  
EMERGENCY CLOSURE (1) The Kona Bridge Fishing Access Site is located in

Missoula County.

(2) Kona Bridge Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Sharon Rose, Department of Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 27, 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 closing the ) TEMPORARY EMERGENCY RULE  
Voyagers Rest Fishing Access Site in )  
Yellowstone County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Voyagers Rest Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 27, 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 VOYAGERS REST FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Voyagers Rest Fishing Access Site is located in Yellowstone County.

(2) Voyagers Rest Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Gary Hammond, Department of Fish, Wildlife and Parks, 2300 Lake Elmo Drive, Billings, MT, 59105; fax 406-248-5026; e-mail ghammond@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 27, 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 closing the ) TEMPORARY EMERGENCY RULE  
Gritty Stone Fishing Access Site in )  
Yellowstone County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Gritty Stone Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 27, 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 GRITTY STONE FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Gritty Stone Fishing Access Site is located in Yellowstone County.

(2) Gritty Stone Fishing Access Site is closed to all public occupation and recreation as signed.



(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Gary Hammond, Department of Fish, Wildlife and Parks, 2300 Lake Elmo Drive, Billings, MT, 59105; fax 406-248-5026; e-mail ghammond@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 27, 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 closing the ) TEMPORARY EMERGENCY RULE  
Buffalo Mirage Fishing Access Site in )  
Stillwater County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Buffalo Mirage Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 27, 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 BUFFALO MIRAGE FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Buffalo Mirage Fishing Access Site is located in Stillwater County.

(2) Buffalo Mirage Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Gary Hammond, Department of Fish, Wildlife and Parks, 2300 Lake Elmo Drive, Billings, MT, 59105; fax 406-248-5026; e-mail ghammond@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 27, 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 closing the ) TEMPORARY EMERGENCY RULE  
Indian Fort Fishing Access Site in )  
Stillwater County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Indian Fort Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 27, 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 INDIAN FORT FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Indian Fort Fishing Access Site is located in Stillwater County.

(2) Indian Fort Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Gary Hammond, Department of Fish, Wildlife and Parks, 2300 Lake Elmo Drive, Billings, MT, 59105; fax 406-248-5026; e-mail ghammond@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 27, 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 closing the ) TEMPORARY EMERGENCY RULE  
Captain Clark Fishing Access Site in )  
Yellowstone County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Captain Clark Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 27, 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 CAPTAIN CLARK FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Captain Clark Fishing Access Site is located in Yellowstone County.

(2) Captain Clark Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Gary Hammond, Department of Fish, Wildlife and Parks, 2300 Lake Elmo Drive, Billings, MT, 59105; fax 406-248-5026; e-mail ghammond@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 27, 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 closing the ) TEMPORARY EMERGENCY RULE  
Pennington Bridge Fishing Access )  
Site in Madison County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Pennington Bridge Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 28, 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 PENNINGTON BRIDGE FISHING ACCESS SITE  
TEMPORARY EMERGENCY CLOSURE (1) The Pennington Bridge Fishing  
Access Site is located in Madison County.

(2) Pennington Bridge Fishing Access Site is closed to all public occupation and recreation as signed.



(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Ray Heagney, Department of Fish, Wildlife and Parks, 1400 South 19th Avenue, Bozeman, MT, 59718; fax 406-994-4090; e-mail rheagney@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 28, 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 closing the ) TEMPORARY EMERGENCY RULE  
Grey Bear Fishing Access Site in )  
Sweet Grass County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The Grey Bear Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 June 27, 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 May 28, 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 GREY BEAR FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The Grey Bear Fishing Access Site is located in Sweet Grass County.

(2) Grey Bear Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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: Gary Hammond, Department of Fish, Wildlife and Parks, 2300 Lake Elmo Drive, Billings, MT, 59105; fax 406-248-5026; e-mail ghammond@mt.gov. Any comments must be received no later than July 11, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State May 28, 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 closing the ) TEMPORARY EMERGENCY RULE  
West Rosebud Fishing Access Site in )  
Rosebud County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) The West Rosebud Fishing Access Site (FAS) is flooded due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the FAS are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 11 of the 2014 Montana Administrative Register.

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 July 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 June 2, 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 WEST ROSEBUD FISHING ACCESS SITE TEMPORARY EMERGENCY CLOSURE (1) The West Rosebud Fishing Access Site is located in Rosebud County.

(2) West Rosebud Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

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. 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, P.O. Box 1630, Miles City, MT, 59301; fax 406-234-4368; e-mail cperkins@mt.gov. Any comments must be received no later than July 25, 2014.

7. 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.

8. 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/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State June 2, 2014.



response to the comment.

4. No other comments or testimony were received.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

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

By: /s/ Robin Shropshire  
ROBIN SHROPSHIRE  
Chairman

Certified to the Secretary of State, June 2, 2014.

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

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

TO: All Concerned Persons

1. On March 13, 2014, the Board of Clinical Laboratory Science Practitioners (board) published MAR Notice No. 24-129-15 regarding the public hearing on the proposed adoption of the above-stated rule, at page 455 of the 2014 Montana Administrative Register, Issue No. 5.

2. On April 3, 2014, a public hearing was held on the proposed adoption of the above-stated rule in Helena. No comments were received by the April 11, 2014, comment deadline.

3. The board has adopted NEW RULE I (ARM 24.129.605) exactly as proposed.

BOARD OF CLINICAL LABORATORY  
SCIENCE PRACTITIONERS  
ALISON MIZNER, 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 June 2, 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 ADOPTION  
RULE I military training or experience )

TO: All Concerned Persons

1. On March 27, 2014, the Board of Medical Examiners (board) published MAR Notice No. 24-156-80 regarding the public hearing on the proposed adoption of the above-stated rule, at page 559 of the 2014 Montana Administrative Register, Issue No. 6.

2. On April 18, 2014, a public hearing was held on the proposed adoption of the above-stated rule in Helena. One comment was received by the April 25, 2014, comment deadline.

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

COMMENT 1: One commenter provided information that certain military personnel (reservists and national guardsmen who have never been activated) in fact do not receive a DD 214 form upon their discharge from the military. Because the rule may be interpreted to absolutely require a DD 214 from all applicants who wish to submit evidence of relevant military training, service, or education as part of the licensure process, the commenter suggested the board amend this new rule to allow consideration of other evidence of military discharge in addition to or in lieu of a DD 214 form.

RESPONSE 1: The board agrees with the suggestions and is amending the new rule accordingly.

4. The board has adopted NEW RULE I (ARM 24.156.415) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE I MILITARY TRAINING OR EXPERIENCE (1) through (2) remain as proposed.

(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~~ Satisfactory evidence ~~shall include~~ includes:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) through (4) remain as proposed.

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 June 2, 2014

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

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

TO: All Concerned Persons

1. On March 27, 2014, the Board of Pharmacy (board) published MAR Notice No. 24-174-64 regarding the public hearing on the proposed adoption of the above-stated rule, at page 565 of the 2014 Montana Administrative Register, Issue No. 6.

2. On April 18, 2014, a public hearing was held on the proposed adoption of the above-stated rule in Helena. No comments were received by the April 25, 2014, comment deadline.

3. The board has adopted NEW RULE I (ARM 24.174.507) exactly as proposed.

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 June 2, 2014

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of amendment of ARM ) NOTICE OF AMENDMENT AND  
24.204.408 radiologic technologists ) ADOPTION  
applications and the adoption of NEW )  
RULE I military training or experience )

TO: All Concerned Persons

1. On February 27, 2014, the Board of Radiologic Technologists (board) published MAR Notice No. 24-204-37 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 375 of the 2014 Montana Administrative Register, Issue No. 4.

2. On March 24, 2014, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. One comment was received by the March 28, 2014, comment deadline.

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

COMMENT 1: One commenter pointed out that, in the second sentence of ARM 24.204.408(4), the board failed to change "resubmit" to "provide" as was done in the first sentence.

RESPONSE 1: The board agrees and is amending the rule accordingly.

4. The board has amended ARM 24.204.408 with the following changes, stricken matter interlined, new matter underlined:

24.204.408 RADIOLOGIC TECHNOLOGISTS APPLICATIONS

(1) through (3) remain as proposed.

(4) The applicant shall correct any deficiencies and provide the missing information as requested. Failure to ~~resubmit~~ provide the missing information within 60 days shall be treated as a voluntary withdrawal of the application. In order to consider an applicant after voluntary withdrawal, a new application and fee(s) is required.

(5) and (6) remain as proposed.

5. The board has adopted NEW RULE I (ARM 24.204.409) exactly as proposed.

BOARD OF RADIOLOGIC  
TECHNOLOGISTS  
KELLI BUSH, VICE 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 June 2, 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 ADOPTION  
RULE I military training or experience )

TO: All Concerned Persons

1. On March 27, 2014, the Board of Respiratory Care Practitioners (board) published MAR Notice No. 24-213-17 regarding the public hearing on the proposed adoption of the above-stated rule, at page 571 of the 2014 Montana Administrative Register, Issue No. 6.

2. On April 18, 2014, a public hearing was held on the proposed adoption of the above-stated rule in Helena. One comment was received by the April 25, 2014, comment deadline.

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

COMMENT 1: One commenter provided information that certain military personnel (reservists and national guardsmen who have never been activated) in fact do not receive a DD 214 form upon their discharge from the military. Because the rule may be interpreted to absolutely require a DD 214 from all applicants who wish to submit evidence of relevant military training, service, or education as part of the licensure process, the commenter suggested the board amend this new rule to allow consideration of other evidence of military discharge in addition to or in lieu of a DD 214 form.

RESPONSE 1: The board agrees with the suggestion and is amending the new rule accordingly.

4. The board has adopted NEW RULE I (ARM 24.213.410) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE I MILITARY TRAINING OR EXPERIENCE (1) through (2) remain as proposed.

(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~~ Satisfactory evidence ~~shall include~~ includes:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) through (4) remain as proposed.

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 June 2, 2014

BEFORE THE BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND  
AUDIOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the adoption of NEW ) NOTICE OF ADOPTION  
RULES I through VII telepractice of )  
speech-language pathology and )  
audiology and NEW RULE VIII )  
military training or experience )

TO: All Concerned Persons

1. On February 27, 2014, the Board of Speech-Language Pathologists and Audiologists (board) published MAR Notice No. 24-222-24 regarding the public hearing on the proposed adoption of the above-stated rules, at page 379 of the 2014 Montana Administrative Register, Issue No. 4.

2. On March 24, 2014, a public hearing was held on the proposed adoption of the above-stated rules in Helena. Several comments were received by the March 28, 2014, deadline.

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

COMMENT 1: Two commenters were concerned that the new rules treat telepractice as a new type of practice or area of specialty, and may require additional licensing before current licensees may use telepractice. The commenters stated that telepractice is just one tool in service delivery among many used by practitioners.

RESPONSE 1: The board does not believe the new rules have created any additional license requirements, but instead, clarify the minimum safe standards for providing speech-language pathology and audiology services via telepractice. The board is aware that the implemented statutes prohibit the board from creating a new license type, and the board drafted the new rules accordingly.

COMMENT 2: Two commenters cautioned the board to adopt rules that consider the evolution of technology and clinical competence, asserting that the rules should set basic telepractice parameters without hindering licensure.

RESPONSE 2: The board discussed setting restrictive technological parameters, such as those regarding bandwidth, when drafting these new rules. Because the involved technology changes quickly and the board did not want to set rules that would need constant monitoring and updating to reflect the evolution of technology, the board therefore drafted the rules to avoid specific requirements.



COMMENT 3: One commenter said that the rules lack guidance on practitioner-to-practitioner consultation via telepractice, whether or not a patient is present, and suggested the rules should specify that such consultation constitutes telepractice and consultants would be bound by the same competency, practice, and ethical standards.

RESPONSE 3: The board agrees that such consultation falls within the statutory definition of telepractice at 37-15-102(11), MCA, but does not believe it is necessary to promulgate new rules addressing practitioner-to-practitioner consultation at this time.

#### NEW RULE II PROVISION OF TELEPRACTICE SERVICES

COMMENT 4: One commenter asserted that New Rule II is vague and may be interpreted to apply when practitioners in Montana provide telepractice services to out-of-state patients. The commenter asked the board to clarify their intent that the rule applies only to services provided to patients located in Montana.

RESPONSE 4: The board does not believe that New Rule II is vague and notes that the rule's language "in this state" means that the services are provided in Montana upon Montana patients.

#### NEW RULE III LIMITS ON TELEPRACTICE

COMMENT 5: A commenter asked the board to delete the requirement in (2) that out-of-state practitioners providing services to Montana patients be licensed in the state or jurisdiction where the practitioners are located. The commenter asserted that requiring Montana licensure is adequate, since the services are provided in Montana.

RESPONSE 5: The board discussed the fact that the Board of Medical Examiners actually grants a license for out-of-state physicians to practice only telemedicine on Montana patients, while requiring that the physicians hold out-of-state licensure. The board notes that speech-language pathology and audiology telepractice does not require a new or separate license. The board must issue a Montana speech-language pathology or audiology license before an individual practices on Montana patients, by whatever delivery service method, including telepractice. The board agrees with the commenter that Montana licensure adequately protects the Montana public and patients, and is therefore amending the rule accordingly.

COMMENT 6: One commenter asked the board to amend the new rule to allow out-of-state practitioners to provide consultation services in Montana without remuneration, or at the request of a Montana-licensed practitioner, to allow practitioners to seek expert assistance when needed.

RESPONSE 6: The board never intended to restrict its licensees' opportunities to consult with other practitioners. The board directs the commenter to refer to 37-15-

103(5), MCA, for the statutory exemptions from licensure for individuals practicing less than 5 and 30 days without a Montana license.

COMMENT 7: A commenter questioned whether (1) and (2) conflict with the provisions of 37-15-103(5), MCA, regarding limited practice by individuals not licensed in Montana. The commenter further asserted that these rule sections are unnecessary, given the language in 37-15-314, MCA.

RESPONSE 7: The board does not see a conflict between the statute and rule, but does agree that the rule would be clearer by referencing the specific statutory licensure exemptions in 37-15-103(5), MCA. The board decided to delete (2) after concluding that requiring Montana licensure for all speech-language pathology and audiology practice, including telepractice, adequately protects the public/patients.

#### NEW RULE V QUALITY OF TELEPRACTICE SERVICES

COMMENT 8: One commenter stated that the board's intent regarding practitioner responsibility for telepractice quality assurance in New Rule V(1) is vague and requested further clarification.

RESPONSE 8: The board notes that specific details regarding telepractice quality assurance are set forth in (8) and (9) of this rule.

COMMENT 9: A commenter opined that the requirement in (2) for telepractice services to conform to professional standards is too vague and requested the board adopt by reference specific professional standards in this rule.

RESPONSE 9: During the development of these rules, the board did look to several codes of ethics, but decided it would be impossible to list or name all relevant ones. Additionally, even if the board chose several codes, the board would then have to monitor them and update the rules as codes of ethics change and evolve. The board further notes that all references to ASHA standards were eliminated from the statutes in 2005.

COMMENT 10: A commenter asked the board to define "competent" as used in New Rule V(6), to avoid misinterpretation by practitioners.

RESPONSE 10: The board concluded that it is impossible to define competency, and there is no single certification for all the equipment and technology that can be used in providing services through telepractice. The board notes that competency is obtained through continuing education and measured by the random audit process. Additionally, if someone believes a speech-language pathologist or audiologist is incompetent, the matter will come to the board as a complaint, and the board will evaluate it on a case-by-case basis. The board decided to strike (6) after determining that competency in delivering telepractice services is adequately addressed in 37-15-315, MCA.

COMMENT 11: One commenter stated that New Rule V(7) through (9) are unnecessary as the provisions are adequately stated in statute at 37-15-315(1) and (2), MCA.

RESPONSE 11: The board agrees with the commenter, and is deleting (7) through (9) accordingly.

#### NEW RULE VI ESTABLISHING THE PRACTITIONER-PATIENT RELATIONSHIP

COMMENT 12: Several commenters opposed the requirement in New Rule VI for in-person evaluations of prospective telepractice patients. The commenters asserted the requirement will restrict access and delay services to patients that most need telepractice, and that it is not an evidence-based procedure. Commenters stated that there are valid and effective online evaluations available and the requirement may result in evaluations by local therapists who lack expertise to refer for telepractice. Commenters asserted the in-person evaluation exceeds assessment requirements in 37-15-315(4), MCA, and that in-person assessments were considered and rejected during Senate Bill 230 legislative committee discussion. The commenters suggested the board allow the practitioners' codes of ethics govern whether an in-person evaluation is needed, on case-by-case bases.

RESPONSE 12: It is the duty of the board to protect the public, including consumers, and the board believes the best way to accomplish this in telepractice services is to ensure initial evaluations are always done in person. The board acknowledges that at times this will require a practitioner to travel to a patient, but that at other times, the patient will come to the licensee. The board notes that evaluations generally will take only a single session and that people living in rural areas are oftentimes used to and willing to travel for services.

Because telepractice is new to Montana, there is no experience evidence to review or base standards upon. The board notes that the commenter did not provide any documentation of evidence.

The board is aware of online evaluations and tests, but concluded that requiring in-person evaluations is the correct approach for public safety.

The board anticipates that initial evaluators will make recommendations regarding the need for further assessment by someone more qualified in certain areas, prior to referring for telepractice. The board believes that the statute is broad enough to allow the designation of in-person evaluations as the required initial assessment. The board does not believe the requirement exceeds statutory parameters.

The board notes that during the legislative committee hearings, people commented both for and against in-person evaluations, and that the issue was not dismissed, but was just not addressed in the final bill draft.

The board acknowledges that all licensees should be practicing under their codes of ethics and within applicable professional standards, but that in-person evaluation is the minimum safe standard for initial telepractice assessment.

COMMENT 13: One commenter suggested the board delete the unnecessary requirement in (2)(g) that practitioners inform patients in writing of several risks, and to maintain the document as signed by both patient and practitioner.

RESPONSE 13: The board notes that there is no other way to ensure the compliance of these standards but to require some documentation of such.

#### NEW RULE VII COMPETENCE – PRACTICE LIMITS – MAINTENANCE AND RETENTION OF RECORDS

COMMENT 14: Several commenters opposed the requirement in New Rule VII(1)(a) for practitioners to obtain four hours of board-approved telepractice training prior to providing services via telepractice. The commenters asked how the board chose four hours, asserting the requirement is arbitrary and not evidence-based. Several questioned the criteria and process for board approval of the training, and asked why training isn't required for other areas of service. Commenters stated that four hours is too restrictive and excessive, two hours is adequate, and that it would be prohibitive on practitioners consulting from other states. Commenters asserted that licensees should be responsible to be competent in all areas of practice and suggested the board focus on outcomes, by ensuring equal service quality, regardless of delivery method.

RESPONSE 14: The board acknowledged that there was no specific rationale for selecting four hours of telepractice training, but had determined that some training is essential and that a half a day would likely be adequate with consumer protection in mind. The board notes that new graduates will gain the technological training during their education, while current licensees may not, but will still have the technology required in their jobs. The board further notes that technology changes so quickly, and all Montana practitioners should be as up-to-date as possible on the advancements. The board points out that the four hours is easy to obtain through online methods, fairly reasonable in cost, and is only a one-time requirement.

The board acknowledges that most current practitioners were trained in an era where telepractice was not even an opportunity, but now telepractice is a part of most existing licensees' practices. The board likened the technology training requirement to when cerumen management became part of the audiology scope of practice, and practitioners were then required to have appropriate training. The board concluded that requiring four hours of training is the minimum safe standard for ensuring knowledge of telepractice technology involved.

COMMENT 15: One commenter asked the board to delete (1)(c), the requirement for telepractice practitioners to maintain continuing competency, stating that limiting telepractice services to a licensee's scope of practice adequately addresses this.

RESPONSE 15: The board concluded that this requirement is needed to ensure minimally safe continued telepractice services.

COMMENT 16: One commenter opposed (2), the prohibition on aides/assistants providing telepractice services. The commenter stated that at times speech-language pathology aides may have more technical skills than a local therapist and therefore would be qualified to provide telepractice services.

RESPONSE 16: The board notes that 37-15-314(3), MCA, specifically prohibits telepractice by aides and assistants.

4. The board has adopted NEW RULES I (24.222.901), II (24.222.904), IV (24.222.910), VI (24.222.916), VII (24.222.920), and VIII (24.222.504) exactly as proposed.

5. The board has adopted NEW RULES III (24.222.907) and V (24.222.913) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE III LIMITS ON TELEPRACTICE (1) ~~No~~ Except as provided in 37-15-103(5), MCA, no person licensed as a speech-language pathologist or audiologist in another state may engage in the practice of speech-language pathology or audiology in Montana, including telepractice services, unless a license to practice has been issued in Montana.

~~(2) A person located outside this state who provides speech-language pathology or audiology telepractice services to any patient in Montana shall be appropriately licensed in the jurisdiction in which the person providing telepractice services is located.~~

(3) remains as proposed, but is renumbered (2).

NEW RULE V QUALITY OF TELEPRACTICE SERVICES (1) through (5) remain as proposed.

~~(6) Licensees must be competent in delivering telepractice services via an electronic communications environment.~~

~~(7) The scope, nature, and quality of telepractice services must be the same as those provided by the licensee during in-person sessions.~~

~~(8) Optimal audio and video quality is dependent on the consistent and reliable operation and connection of telepractice equipment and networks.~~

~~(9) Telepractice service delivery includes the responsibility for calibration and maintenance of clinical instruments and telepractice equipment in accordance with standard operating procedures of the telepractice site(s) and manufacturer's specifications.~~

(10) remains as proposed but is renumbered (6).

Board of Speech-Language Pathologists  
and Audiologists  
Lynn Harris, AuD, Chair

/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 June 2, 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 ADOPTION  
RULE I military training or experience )

TO: All Concerned Persons

1. On March 27, 2014, the Board of Veterinary Medicine (board) published MAR Notice No. 24-225-38 regarding the public hearing on the proposed adoption of the above-stated rule, at page 574 of the 2014 Montana Administrative Register, Issue No. 6.

2. On April 18, 2014, a public hearing was held on the proposed adoption of the above-stated rule in Helena. Two comments were received by the April 25, 2014, comment 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 commenter questioned how the board would review military training if no board members had served in the armed forces. The commenter discussed continuing education (CE) hours that may be gained through serving in the reserves, expressed confusion and asked detailed questions about how the CE hours would be dealt with and how military training is defined. The commenter opined that small businesses would be affected because of the trouble entailed in getting CE credit through military training.

RESPONSE 1: The board appreciates all comments received during the rulemaking process. The board notes that this new rule does not address continuing education, but is intended to allow the board to consider relevant professional training obtained by an applicant while serving in the armed forces. Based on the language of the implemented statute, 37-1-145, MCA, it is clear to the board that the provisions apply to licensure applicants only, and not to CE for license renewal.

COMMENT 2: One commenter provided information that certain military personnel (reservists and national guardsmen who have never been activated) in fact do not receive a DD 214 form upon their discharge from the military. Because the rule may be interpreted to absolutely require a DD 214 from all applicants who wish to submit evidence of relevant military training, service, or education as part of the licensure process, the commenter suggested the board amend this new rule to allow consideration of other evidence of military discharge in addition to or in lieu of a DD 214 form.

RESPONSE 2: The board agrees with the suggestion and is amending the new rule accordingly.

4. The board has adopted NEW RULE I (ARM 24.225.506) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE I MILITARY TRAINING OR EXPERIENCE (1) through (2) remain as proposed.

(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~~ Satisfactory evidence ~~shall include~~ includes:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) through (4) remain as proposed.

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 June 2, 2014



BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 32.6.712 pertaining to food )  
safety and inspection service (meat, )  
poultry) )

TO: All Concerned Persons

1. On April 10, 2014, the Department of Livestock published MAR Notice No. 32-14-245 regarding the proposed amendment of the above-stated rule at page 668 of the 2014 Montana Administrative Register, Issue Number 7.

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

3. No comments or testimony were received.

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay  
Christian Mackay  
Executive Officer  
Board of Livestock  
Department of Livestock

BY: /s/ Robert Stutz  
Robert Stutz  
Rule Reviewer

Certified to the Secretary of State June 2, 2014.

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 32.18.102, 32.18.103, and	)	REPEAL
32.18.104, and the repeal of ARM	)	
32.18.203 and 32.18.402 pertaining	)	
to age tally marks, numeral marks,	)	
placement of digits, import	)	
transportation permits, and hides to	)	
be marked	)	

TO: All Concerned Persons

1. On April 10, 2014, the Department of Livestock published MAR Notice No. 32-14-246 regarding the proposed amendment and repeal of the above-stated rules at page 671 of the 2014 Montana Administrative Register, Issue Number 7.
2. The department has amended and repealed the above-stated rules as proposed.
3. No comments or testimony were received.

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay  
 Christian Mackay  
 Executive Officer  
 Board of Livestock  
 Department of Livestock

BY: /s/ Robert Stutz  
 Robert Stutz  
 Rule Reviewer

Certified to the Secretary of State June 2, 2014.

BEFORE THE DEPARTMENT OF REVENUE  
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 42.12.101, )  
42.12.106, 42.12.111, 42.12.126, )  
42.12.137, 42.12.143, and 42.12.315 )  
regarding liquor licenses )

TO: All Concerned Persons

1. On December 26, 2013, the Department of Revenue published MAR Notice Number 42-2-904 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 2406 of the 2013 Montana Administrative Register, Issue Number 24.

2. On January 27, 2014, a public hearing was held to consider the proposed adoption and amendments. Neil Peterson of the Gaming Industry Association (GIA), John Iverson of the Montana Tavern Association (MTA), Janet Prescott, Secretary of the MTA and an all-beverages liquor license owner, and Joel Silverman, all appeared and testified at the hearing. The department also received written comments from Ronda Wiggers of the Montana Coin Machine Operators Association (MCMOA).

3. The department has adopted New Rule I (42.12.105), New Rule II (42.12.317), and New Rule III (42.12.316), and amended ARM 42.12.111, 42.12.126, 42.12.137, and 42.12.315, as proposed.

4. Based upon the comments received and after further review, the department has amended the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

42.12.101 APPLICATION FOR LICENSE (1) through (4) remain as proposed.

(5) ~~Following approval of an application, the~~ The licensee remains bound by all requirements in statute and rule that apply ~~to an applicant~~ at the time of an application for license or an application for renewal is approved. A licensee's failure to remain in compliance with a statute or rule shall constitute a violation of that statute or rule and may subject the licensee to ~~penalties~~ administrative action.

(6) through (14) remain as proposed.

42.12.106 DEFINITIONS The following definitions apply to this chapter:

(1) "Affiliation" means relationships ~~including, but not limited to, those wherein a party directly or indirectly~~ wherein:

(a) an entity owns or controls another party, parties entity;

(b) entities are under common ownership or control, and one party is a

~~subordinate or employee of another party; or~~

(c) an individual has decision-making authority or influence over business decisions for another entity.

(2) through (12) remain as proposed.

(13) "Family relationship" means a spouse, dependent children, or dependent parents.

(13) through (32) remain as proposed, but are renumbered (14) through (33).

42.12.143 RESTRICTION ON INTEREST IN OTHER LICENSES (1) and (2) remain as proposed.

(3) A Montana retail alcoholic beverages licensee may not:

(a) remains as proposed.

(b) individually or through the person's immediate family, receive financing from or have any affiliation to:

(i) an alcoholic beverage manufacturer;

~~(ii) an~~ or importer of alcoholic beverages; or

(iii) remains the same but is renumbered (ii).

(4) through (6) remain as proposed.

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

COMMENT NO. 1: Mr. Peterson commented that ARM 42.12.101(5), which provides, in part, that "a licensee's failure to remain in compliance with a statute or rule shall constitute a violation of that statute or rule and may subject the licensee to penalties" appears to be at odds with existing ARM 42.12.122(5), which states that a currently licensed premises that does not meet the suitability standards are required to meet the standards upon seeking department approval of alterations. Essentially, there is a grandfather clause in there for suitability of premises should the requirements change.

Mr. Peterson asked the department to consider amending the second sentence in that section to reference the grandfather clause in ARM 42.12.122(5) to make it clear that a licensee need not immediately comply with statute or rule changes related to their licensed premises until they seek to alter their licensed premises.

RESPONSE NO. 1: The department has made slight amendments to the proposed rule to reflect that the continued obligation is tied to the date the original application is approved and the date when each subsequent renewal is approved. The department also amended the rule to clarify that violating a continuing obligation could subject the licensee to administrative action rather than penalties. This was done to ensure that licensees understood that administrative action encompassed more than just monetary penalties. These amendments clarify the rule language to carry out its original intention. While the department appreciates Mr. Peterson's comments, it does not find it necessary to amend the rule further because the rule as proposed does not conflict with ARM 42.12.122(5).

COMMENT NO. 2: The department received the following comments regarding the proposed definition of the term "affiliation" in ARM 42.12.106.

Mr. Peterson stated that the GIA believes the definition is overly broad and will create some unintended consequences related to the ownership of various alcohol beverage licenses. Specifically, the last part of the definition which states "one party is a subordinate or employee of another party" may constitute an affiliation for the purposes of Senate Bill (SB) 120, but the GIA believes it also impacts other areas in current statute and rule and may cause some serious problems for members.

He provided the example of members who currently own a license and at the same time are employees of businesses whose owners also own a license. Suppose an employee's father owns a license in a small quota area and he or she has a small minority interest in that license but doesn't even live in that town. As the GIA reads the proposed new definition, that employee's employer may be barred from buying a license in that small quota area because of that relationship or affiliation.

Mr. Peterson provided another scenario, that doesn't deal directly with SB 120, where an owner of a video gaming machine manufacturer also has an ownership interest in a small brewery. Would his employees be prohibited from owning a retail license due to the employee/employer relationship? This doesn't seem right and is a substantial change from current statute and rules in this area that deal with immediate or dependent family members owning licenses in different tiers of the three-tier system.

He stated that the GIA doesn't believe that was the department's intent, and suggests striking the proposed language in the definition dealing with "one party is a subordinate or employee of another party." SB 120 does not use the term affiliation, nor is the term used in the proposed changes to ARM 42.12.143. There is no reference to affiliation. The term affiliation is currently used in statute in reference to ownership of a license in separate tiers of the state's three-tier system of regulating the sale of alcohol in 16-4-401, MCA.

Mr. Iverson commented that some MTA members feel the definition provided for affiliation creates confusion and that they don't understand what it does or does not mean. He commented that while his members didn't make suggestions for language changes, they did ask that the language be clarified.

Mr. Silverman expressed concern about the proposed definition and asked how far down the road this will go. When talking about control, directly or indirectly, does an affiliation lead also to independent contractors? Does it mean that a bar owner's child, as an immediate family member, cannot work for one of the other two tiers? Could there suddenly be a violation issued if it is determined that a bar owner's dependent child, who's working for a distributor, has an affiliation through other tiers? And how would that violation work? It's not laid out in the structure of ARM 42.13.101, and may require new rules as to how the violations would be administered. He stated that this goes beyond just the employee status and has never really been applied in the past.

Also, with regard to the definition, Mr. Silverman asked about management agreements. Would affiliation rise to a subordinate level and then could someone

not work as a manager while also owning another license in a different tier? With regard to those who are already grandfathered in, would they be in violation because of this new definition? Would they have to forgo their license or receive a violation on renewal?

Ms. Prescott stated that affiliation, according to the dictionary or Google, has many definitions, including but not limited to membership interaction, togetherness, club association, clubs, religion, and political affiliation. She commented that she believes the language in the rule needs to be clarified in depth. While the language might be understood currently, five years down the road it could mean that two people who are Shriners or Rotarians together could not own a license because they have a joint or close affiliation that might be construed as inappropriate.

Ms. Wiggers commented that the proposed definition is too broad to be practical in Montana. She stated that while the MCMOA understands the intent to maintain the integrity of the three-tier system, this appears to unintentionally catch more than that.

She commented that many of her route operators are also invested in multiple other businesses in Montana. Some have investments in real estate, hotels, insurance companies, and the like. In many cases, they also own a liquor license.

Would this prohibit the spouse of one of their insurance company employees from owning a brewery license? The current language appears to unnecessarily create this problem. If a route operator owns the insurance agency and the liquor license both, their insurance employee would be "employed" by someone owning this license. Then, through the person's "immediate family" clause, their spouse would not be allowed to own a manufacturer license.

By including the "employee," "indirectly owns," and "common ownership" language in the definition of affiliated, and then applying that to the language in ARM 42.12.101, "individually, or through the person's immediate family, receive financial support from or have any affiliation to," the department has created a complicated situation where businesses not involved in liquor could be eliminated from owning a liquor license.

Ms. Wiggers provided the example of someone who owned a vending business and also owned a beer distributorship at the same time. Several employees of the vending business either owned liquor licenses or were married to someone who owned one. Under this proposed rule, it appears that situation would not be legal even though the vending business was not connected to the distributorship beyond the vendor owner's investment. She stated that they are confident that this was not the department's intent and would like to see the department adopt a rule more concise in application.

RESPONSE NO. 2: The department appreciates these comments from the industry and has further amended the definition of affiliation in ARM 42.12.106 in response. "Affiliation" has been amended to prohibit licensees and their immediate family from having decision-making authority or influence in business decisions in another tier.

COMMENT NO. 3: The department received the following comments regarding the proposed definition of the term "stand-alone beer and/or table wine business" in

ARM 42.12.106.

Mr. Peterson stated that the GIA feels the proposed definition is unnecessary and introduces new requirements not envisioned in House Bill (HB) 524. The purpose of HB 524 was to eliminate the requirement that an off-premises beer and wine license be affiliated with either a grocery store or pharmacy. That change would facilitate the business model of specialty wine and beer stores.

The proposed definition states that a stand-alone beer and/or table wine business derive at least 95 percent of its business from the sale of beer or wine, allowing for 5 percent of revenues from the sale of other types of products. Mr. Peterson commented that the GIA thinks that requirement is administratively unworkable for both the department and the licensee, and asked if a licensee, during the last week of the year, is supposed to refuse to sell certain items to the public for fear they would violate the 95 percent requirement. This is not practical for licensees and would further confuse the public concerning Montana's scheme to regulate the sale of alcoholic beverages.

If the department feels a definition is needed, Mr. Peterson submits that a better approach would be to amend the rule to require business revenues to be predominantly from the sale of beer and/or table wine, with any other revenue from the business being derived from items commonly found in a grocery store, convenience store, or pharmacy.

Ms. Wiggers commented that the definition does not appear to reflect the intent of the legislature to simply eliminate the need for a wine store to act as a grocery store. She stated her understanding was that the legislature was trying to eliminate the need for a wine store to carry five different types of food products just to comply; they were not intending to limit the wine store's ability to sell food or stemware if it so chooses. This rule seems to simply create another problem to take to the legislature. Why create a new license? Ms. Wiggins instead suggests removing the rule referring to the grocery requirements for a beer/wine off-premises license.

RESPONSE NO. 3: The department appreciates these comments but has determined that no further amendments will be made to the definition. Prior to proposing this rule, the department consulted with the sponsor of HB 524. The intent of HB 524 was to allow a licensee to sell beer and/or table wine without having to operate as a grocery store or drugstore licensed as a pharmacy. However, if the licensee were to operate in conjunction with another business, that business must be a grocery store or drugstore licensed as a pharmacy. The sponsor indicated that requiring the licensee to derive at least 95 percent of its annual gross sales from beer and/or table wine maintained the intent of the legislation.

COMMENT NO. 4: The department received the following comments regarding the proposed language in ARM 42.12.143 regarding a business or family relationship.

Mr. Iverson stated that the meaning of the family relationship is unclear and asked that when the department uses the term family relationship or immediate family, it clarify exactly what is or is not a family relationship and what is or is not immediate family. The rules are there to clarify the law and should be crystal clear regarding the

term immediate family member.

Mr. Silverman reiterated Mr. Iverson's point with regard to family relationship not being defined in the rules or statutes. He commented that it would be nice, from a clarity standpoint, if the rule just referred back or used the phrase immediate family, so that everyone would be on the same page and understand the application of the term.

Mr. Silverman also referred to the department's general definitions rule, ARM 42.2.304, and commended the department for previously revising the lead-in language of that rule to refer to definitions as found in statute unless a particular chapter provides otherwise. "Immediate family member," as defined in ARM 42.2.304(25), goes to a tax administrative rule instead of a liquor rule. "Immediate family" is defined in Title 16, MCA.

Ms. Prescott stated that she and some other all-beverage licensees she has talked to have a number of questions and would like clarification regarding, but maybe not be limited to, ARM 42.13.143. Specifically, in (2)(b), the definition of family relationship and what exactly that entails and how far along the family tree this would pertain. With regard to sharing profits and liabilities, Ms. Prescott commented that she believes the shared profits and liabilities is pretty broad, because the rule itself was totally to control the total number of all-beverage licenses in the specific quota area. But with the shared profits and liabilities clause, the question would be, what does that pertain to?

For instance, if one licensed member used her profits to purchase dinner for another licensed member, would the recipient of that dinner be considered to be sharing in the profits of the purchaser's license? While this example is a stretch, they are concerned about unintended consequences and what the association of profits and liabilities might be in a ruling, such as a non-business property, from a vacation rental in Hawaii to anything where there might be unassociated family members joined in a totally separate entity. She asked for clarification on that.

**RESPONSE NO. 4:** As a preliminary matter, the department notes its amendment to the format in ARM 42.12.143(3) for consistency with other sections of that rule. No substantive edits are made to that section.

The department appreciates the comments regarding the ownership limitation imposed by SB 120 on individuals who "through business or family relationship share in profits or liabilities of all-beverages licenses," which is reflected in ARM 42.12.143.

Many of the comments addressed concerns regarding the use of the term "family relationship" in 16-4-401(8), MCA. It is noted that elsewhere throughout that statute, the term "immediate family" is used. "Immediate family" is defined in 16-1-106(13), MCA, to encompass a spouse, dependent children, and dependent parents. The department believes that the reference in 16-4-401(8), MCA, to a "family relationship" was intended to use the statutory definition of "immediate family." Accordingly, the department has further amended ARM 42.12.106, to define "family relationship" based upon the statutory definition of immediate family.

The department has also reviewed the concern regarding what constitutes the sharing of profits and liabilities but declines to make any further amendments to the rule at this time. The language about sharing in the profits or liabilities is derived from statute and the department intends to keep this language consistent with the statute. Additionally, the department finds that this phrasing does not necessitate additional



definition. It does not find that purchasing dinner for another licensee constitutes the act of sharing in profits and liabilities.

COMMENT NO. 5: Ms. Prescott commented on the provision in ARM 42.12.315(4) that provides that applicants for sacramental wine licenses are not subject to fingerprint or background checks. She explained that they have been working, very specifically, to ensure that any time there is a liquor license, whether it is for beer, wine, or anything else, that every applicant is screened and duly vetted by the department equally. Ms. Prescott stated that with the issues that might happen in clergy, she doesn't believe they are necessarily above the law and that they should be vetted equally with others.

RESPONSE NO. 5: The department has reviewed this comment and determined that the removal or amendment of ARM 42.12.315(4) is unwarranted. Senate Bill 266, L. 2013, removed language allowing the department to request a Department of Justice background investigation on sacramental wine license applications. Thus, the department included new (4) to highlight a determination made by the Legislature; it was not making the determination itself.

6. An electronic copy of this notice is available on the department's web site, [revenue.mt.gov](http://revenue.mt.gov). Select the Administrative Rules link under the Other Resources section located in the body of the homepage and open the Adoption Notices section within. 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. While the department also strives to keep its web site accessible at all times, in some instances it may be temporarily unavailable due to system maintenance or technical problems.

/s/ Laurie Logan  
LAURIE LOGAN  
Rule Reviewer

/s/ Mike Kadas  
MIKE KADAS  
Director of Revenue

Certified to the Secretary of State on June 2, 2014

## **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.<br>Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute       | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers.                     |

## ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through 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.

### ADMINISTRATION, Department of, Title 2

- 2.5.201 and other rules - State Procurement of Supplies and Services, p. 2332, 141, 1077
- 2.21.3103 Payroll Rules, p. 1644, 2233
- 2.59.108 and other rules - Lending Limits, p. 142, 675
- 2.59.301 and other rules - Service of Process - Advertising - Fee Disclosures and Computation of Interest - Credit Insurance - Fees to Public Officials - Receipt Form - Licensee Records Affecting Consumer Loan Licensees, p. 2345, 498
- 2.59.1001 and other rule - Merger Application Procedures, p. 1375, 1817
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