

# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 2

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

Page Number

### TABLE OF CONTENTS

#### PROPOSAL NOTICE SECTION

##### AGRICULTURE, Department of, Title 4

4-14-223 Notice of Public Hearing on Proposed Amendment -  
Apiary Registration Fees. 45-46

4-14-224 Notice of Public Hearing on Proposed Amendment -  
Nursery Fees. 47-49

##### FISH, WILDLIFE AND PARKS, Department of, Title 12

12-439 (Fish and Wildlife Commission) Notice of Public Hearing  
on Proposed Amendment and Adoption - Recreational Use on  
Silver Lake in Deer Lodge County. 50-52

##### NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

36-22-162 (Board of Land Commissioners and the Department)  
Notice of Public Hearing on Proposed Adoption - Conservation  
Strategies on Forested State Trust Lands. 53-55

RULE ADOPTION SECTION

LABOR AND INDUSTRY, Department of, Title 24

24-165-21 (Board of Occupational Therapy Practice) Notice of Amendment and Adoption - Fees - Applications for Licensure - Examinations - Supervision—General Statement - Supervision—Methods - Standards of Practice - Documentation of Instruction and Training - Qualifications to Apply Topical Medications—Clinician Defined - Inactive Status - Continuing Education - Continuing Education—Waiver - Definitions - Deep Modality Endorsement. 56-57

24-171-34 (Board of Outfitters) Notice of Amendment, Adoption, and Repeal - Fees - Inspection - Outfitter Records - Safety Provisions - Watercraft Identification - Application for Outfitter License - Outfitter Qualifications - Successorship - Outfitter Examination - Amendment to Operations Plan - Guide Qualifications - Guide License - NCHU Categories, Transfers, and Records - Renewals - Unprofessional Conduct - Booking Agents and Advertising - Outfitter Assistants - Nonroutine Applications - Effect of Fee for Expansion of Net Client Hunter Use - Outfitter Application. 58-63

24-301-300 Notice of Repeal - Construction Blasters - Crane and Hoisting Operating Engineers - Elevator Licensing Program Renewals. 64

SPECIAL NOTICE AND TABLE SECTION

Function of Administrative Rule Review Committee. 65-66

How to Use ARM and MAR. 67

Accumulative Table. 68-80

Boards and Councils Appointees. 81-87

Vacancies on Boards and Councils. 88-97

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 4.12.113 pertaining to apiary ) PROPOSED AMENDMENT  
registration fees )

TO: All Concerned Persons

1. On February 18, 2015, at 2:00 p.m., the Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building at 302 N. Roberts, Helena, Montana, to consider the proposed amendment of the above-stated rule.

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 February 13, 2015, 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, 59620-0201; telephone (406) 444-3144; fax (406) 444-5409; or e-mail [cojensen@mt.gov](mailto:cojensen@mt.gov).

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

4.12.113 REGISTRATION AND CERTIFICATION FEES—APIARY FEES

(1) The application fee for owners or applicants not currently registered in the department's apiary database is ~~\$10~~ 20. The new application fee is due at the time the owner or applicant submits a registration for an apiary site. The application fee is in addition to all apiary site registration fees due annually. Site registration will not be issued until the new application and site registration fees are paid.

(2) The registration or reregistration fee for an apiary site is ~~\$15~~ 19 per site.

(3) remains the same.

AUTH: 80-6-102, 80-6-106, 80-6-202, MCA

IMP: 80-6-102, 80-6-106, 80-6-202, MCA

REASON: Revenue through fees is insufficient to support the program. The department discussed the program budget, activities, and expenditures with the Montana Beekeeper Association at their annual meeting in October 2014. The association made a resolution to support a \$4 increase in site registrations.

ECONOMIC IMPACT: The number of first time applications (those not currently registered in the department's database) varies between 2 and 21. Those individuals or businesses submitting first time application for registration will incur an additional \$10 in registration costs. The proposed administrative rule also increases the annual apiary site registration from \$15 to \$19, an increase of approximately 27 percent. Two hundred and fourteen beekeepers have between one and 50 sites, 37

beekeepers have between 50 and 208 sites, and one beekeeper has more than 500 sites. A beekeeper registering 10 sites will see a cost increase of \$40. A beekeeper registering 500 sites will see a cost increase by \$2,000.

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, 59620-0201; telephone (406) 444-3144; 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., February 27, 2015.

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 rule will not significantly and directly impact small businesses.

/s/ Cort Jensen  
Cort Jensen  
Rule Reviewer

/s/ Ron de Yong  
Ron de Yong  
Director  
Agriculture

Certified to the Secretary of State January 20, 2015.

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 4.12.1405 pertaining to nursery ) PROPOSED AMENDMENT  
fees )

TO: All Concerned Persons

1. On February 18, 2015, at 3:00 p.m., the Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building at 302 N. Roberts, Helena, Montana, to consider the proposed amendment of the above-stated rule.

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 February 13, 2015, 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, 59620-0201; telephone (406) 444-3144; fax (406) 444-5409; or e-mail [cojensen@mt.gov](mailto:cojensen@mt.gov).

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

4.12.1405 PLANT INSPECTION CERTIFICATE/SURVEY COSTS-FEES

(1) through (1)(a)(ii) remain the same.

(b) ~~Plant inspection certificates~~ Annual clean plant and indexing certification, pursuant to 80-7-108, MCA, is \$250.

~~(i) phytosanitary certificates: \$23 if the monetary value of the shipment is \$1,250 or less;~~

~~(ii) phytosanitary certificates: \$50 if monetary value of shipment exceeds \$1,250;~~

(c) Other services:

~~(iii)~~(i) heat treatment certificates: \$10; and

~~(iv) certificates of origin: \$30; and~~

~~(v)~~(ii) other documents of quarantine compliance: \$10.

~~(e)~~(d) The department charges for mileage, lodging, per diem, and an hourly rate for certain services to recover costs for expenses that exceed the fees established in ~~(1)(a) and (b)~~ (1)(a), (b), and (c). These charges are as follows:

~~(i) actual costs for sampling and testing for phytosanitary certification;~~

~~(ii) mileage for inspecting commodities for phytosanitary certification in excess of 50 miles for any certificate;~~

~~(iii) lodging and per diem for phytosanitary certification when travel to inspect requires overnight lodging and per diem;~~

~~(iv)~~(i) actual cost of trapping, survey, and treatment materials when requested by public or private persons when related to export certification, nursery certification, or nursery stock certification; and

~~(v)~~(ii) hourly charge - ~~\$20~~ \$44 per hour with a one-hour minimum.  
~~(d)~~(e) Charges for lodging, meals, and mileage will be computed in accordance with rates established in 2-18-501, MCA.

AUTH: ~~80-1-102~~, 80-7-108, 80-7-122, MCA  
IMP: 80-7-108, 80-7-110, 80-7-122, MCA

REASON: New phytosanitary fees were adopted in ARM 4.12.1444 in June of 2014; therefore the fees in this section are no longer valid. The clean plant and indexing certification fee was inadvertently eliminated during a previous rulemaking; this re-establishes the fee in administrative rule. The clean plant and indexing certification fee remains unchanged. Hourly costs far exceed \$20 per hour and are proposed at a rate that is more commensurate with actual personnel costs.

ECONOMIC IMPACT: There is no economic impact associated with deleting the old phytosanitary fees. The fee for clean plant and indexing remains the same so there is no economic impact. The hourly fee for non-nursery inspections should have been amended when an hourly fee for nursery inspections was adopted so that the hourly fee was consistent within the program as well as across division programs within the department. The department's hourly charge is a substantial increase (\$24/hour more).

A nursery certification inspection can take one-half hour to one hour so the nurserymen would pay an increase of \$12 to \$24 for each certification. There are between five and ten nursery certification requests per year. Other services for which an hourly charge may apply will vary depending on the requested service, e.g., oversight of a heat treatment or other quarantine-related requirement. Therefore, an economic impact assessment cannot be predicted. The department has not received any requests for these types of services in the last several years.

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, 59620-0201; telephone (406) 444-3144; 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., February 27, 2015.

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 rule will 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 January 20, 2015

BEFORE THE FISH AND WILDLIFE COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF PUBLIC HEARING ON  
12.11.501 and the adoption of New Rule ) PROPOSED AMENDMENT AND  
I pertaining to recreational use on Silver ) ADOPTION  
Lake in Deer Lodge County )

TO: All Concerned Persons

1. On February 26, 2015, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Hearst Free Library, 401 Main Street, Anaconda, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on February 13, 2015, 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.

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

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

(1) through (96) remain the same.

(97) Silver Lake [NEW RULE I]

(97) through (114) remain the same but are renumbered (98) through (115).

AUTH: 23-1-106, 87-1-301, 87-1-303, MCA

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

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

NEW RULE I SILVER LAKE (1) Silver Lake is located in Deer Lodge County.

(2) Silver Lake is limited to a controlled no wake speed as defined in ARM 12.11.101.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: Butte-Silver Bow County submitted a petition requesting the commission



adopt a rule restricting all watercraft on Silver Lake to a no wake speed. Silver Lake is a storage reservoir owned and operated by Butte-Silver Bow County and is located in Deer Lodge County. Water stored in Silver Lake is released into Warm Springs Creek for in-stream flow and industrial purposes and the water level can change quickly. A number of intake and outlet structures for the reservoir are located on the east end of the lake which is shallow and intensifies the effect of rapid water level changes. The presence of inlet and outlet structures, the shallow east end of the reservoir, and the potential for rapidly changing water levels throughout the reservoir pose a safety hazard for watercraft traveling at a high speed.

5. Concerned persons may present their data, views, or arguments either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Sharon Rose, Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov, and must be received no later than March 6, 2015.

6. Joe Jaquith or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

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

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

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

/s/ Dan Vermillion  
Dan Vermillion, Chairman  
Fish and Wildlife Commission

/s/ William Schenk  
William Schenk  
Rule Reviewer

Certified to the Secretary of State January 20, 2015.

BEFORE THE BOARD OF LAND COMMISSIONERS AND  
THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the adoption of New ) NOTICE OF PUBLIC HEARING ON  
Rule I regarding the conservation ) PROPOSED ADOPTION  
strategies on forested state trust )  
lands )

To: All Concerned Persons

1. On February 23, 2015, at 4:00 p.m., the Department of Natural Resources and Conservation (DNRC) will hold a public hearing at DNRC's Forestry Division Headquarters Clark Fork Conference Room, 2705 Spurgin Road, Missoula, Montana, 59804, to consider the adoption of the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the agency no later than 5:00 p.m. on February 19, 2015, to advise the department of the nature of the accommodation that you need. Please contact Sonya Germann, Chief, DNRC Forest Management Bureau, 2705 Spurgin Road, Missoula, MT 59804-3199; telephone (406) 542-4306, fax (406) 542-4217, e-mail sgermann@mt.gov.

3. The department proposes to adopt the following rule:

NEW RULE I DNRC CONSERVATION STRATEGIES (1) For forested state trust lands in the department's Northwestern Land Office, Southwestern Land Office, and Central Land Office, the department will implement the conservation strategies for grizzly bear, Canada lynx, bull trout, westslope cutthroat trout, and Columbia redband trout specified in the "Montana DNRC Forested State Trust Lands Habitat Conservation Plan Final EIS/HCP," except when those conservation strategies conflict with ARM 36.11.432(1)(d), (e), and (f).

AUTH: 77-5-204, MCA  
IMP: 77-5-116, 77-5-204, 77-5-206, 77-5-207, MCA

REASONABLE NECESSITY: The adoption of New Rule I is reasonably necessary because on August 21, 2014, a federal district court judge ruled that management of the "Stillwater Core" area of the Stillwater and Coal Creek State Forests under the Montana DNRC Forested State Trust Lands Habitat Conservation Plan (HCP) did not comply with Section 10 of the federal Endangered Species Act. New Rule I ensures that the "Stillwater Core" area will be managed in a manner that is consistent with this federal court ruling. Additionally, adoption of New Rule I will allow DNRC to apply the conservation strategies to forested state trust lands that were acquired since the adoption of the Montana DNRC Forested State Trust Lands

Habitat Conservation. New Rule I will thereby provide DNRC the opportunity to consistently manage for these species on all forested lands in the three respective land offices.

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 Sonya Germann, 2705 Spurgin Road, Missoula, MT 59804-3199; telephone (406) 542-4306; fax (406) 542-4217; or e-mailed to [sgermann@mt.gov](mailto:sgermann@mt.gov), and must be received no later than 5:00 p.m. on February 26, 2015.

5. Sonya Germann, Chief, DNRC Forest Management Bureau, Trust Land Management Division, has been designated to preside over and conduct the public hearing.

6. An electronic copy of this notice of public hearing is available through the department's web site at <http://www.dnrc.mt.gov>. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered.

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 that the person wishes to receive notices regarding conservation districts and resource development, forestry, oil and gas conservation, trust land management, water resources, or a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be sent or delivered to Sonya Germann, 2705 Spurgin Road, Missoula, MT 59804-3199; telephone (406) 542-4306; fax (406) 542-4217; or emailed to [sgermann@mt.gov](mailto:sgermann@mt.gov), or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled.

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

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

/s/ Mark Phares  
MARK PHARES  
Rule Reviewer

Certified to the Secretary of State on January 20, 2015.

BEFORE THE BOARD OF OCCUPATIONAL THERAPY PRACTICE  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 24.165.401 fees, 24.165.404	)	ADOPTION
applications for licensure, 24.165.407	)	
examinations, 24.165.501	)	
supervision-general statement,	)	
24.165.502 supervision-methods,	)	
24.165.507 standards of practice,	)	
24.165.511 documentation of	)	
instruction and training, 24.165.514	)	
qualifications to apply topical	)	
medications-clinician defined,	)	
24.165.604 inactive status,	)	
24.165.2101 continuing education	)	
and 24.165.2102 continuing	)	
education-waiver, and the adoption of	)	
NEW RULE I definitions and NEW	)	
RULE II deep modality endorsement	)	

TO: All Concerned Persons

1. On August 21, 2014, the Board of Occupational Therapy Practice (board) published MAR Notice No. 24-165-21 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 1883 of the 2014 Montana Administrative Register, Issue No. 16.

2. On September 11, 2014, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Several comments were received by the September 19, 2014, deadline.

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

COMMENTS: Several commenters, including individual licensees and professional associations, opposed the proposed amendments to ARM 24.165.501.

The commenters stated that Montana has a low population of occupational therapists and assistants, despite a large need for their services, and that restricting the therapists' ability to supervise will make it harder to staff the limited number of positions and restrict patient access to quality care.

Commenters opposed the supervision changes because of Montana's rural setting and lack of schools with occupational therapy/assistant programs, and asserted that it is already difficult to recruit OTs in many areas. The commenters believed that sites having inadequate numbers of therapists will result in patients not receiving effective treatment. Commenters asserted that the current supervision

guidelines are vague, and adding a stringent limitation on those supervised will just result in more questions than answers and suggested that supervision guidelines should be based on competency and level of experience of the OT and OTA.

Commenters further opposed any arbitrary numerical limit, and stated that supervision should be based on mutual understanding between the supervisor and the supervisee about each other's competence, experience, education, and credentials. They asserted it is the responsibility of the OT and the OTA to seek the appropriate quality and frequency of supervision that ensures safe and effective occupational therapy service delivery.

RESPONSE: The board received numerous comments in opposition to the proposed amendments to ARM 24.165.501. Following consideration of all the comments, and lengthy board discussion, the board is not proceeding with the amendments to this rule at this time. The board anticipates considering the wording of this rule in future board meetings and rule amendments.

4. The board has amended ARM 24.165.401, 24.165.404, 24.165.407, 24.165.502, 24.165.507, 24.165.511, 24.165.514, 24.165.604, 24.165.2101, and 24.165.2102 exactly as proposed.

5. The board has adopted NEW RULES I (24.165.302) and II (24.165.505) exactly as proposed.

6. The board is not amending ARM 24.165.501 as proposed.

BOARD OF OCCUPATIONAL THERAPY  
PRACTICE  
NATE NAPRSTEK, OT, 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 January 20, 2015

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

In the matter of the amendment of	)	NOTICE OF AMENDMENT,
ARM 24.171.401 fees, 24.171.407	)	ADOPTION, AND REPEAL
inspection, 24.171.408 outfitter	)	
records, 24.171.412 safety	)	
provisions, 24.171.413 watercraft	)	
identification, 24.171.501 application	)	
for outfitter license, 24.171.502	)	
outfitter qualifications, 24.171.504	)	
successorship, 24.171.507 outfitter	)	
examination, 24.171.520 amendment	)	
to operations plan, 24.171.601 guide	)	
qualifications, 24.171.602 guide	)	
license, 24.171.701 NCHU	)	
categories, transfers, and records,	)	
24.171.2101 renewals, and	)	
24.171.2301 unprofessional conduct,	)	
the adoption of NEW RULE I booking	)	
agents and advertising, NEW RULE II	)	
outfitter assistants, and NEW RULE	)	
III nonroutine applications, and the	)	
repeal of ARM 24.171.402 effect of	)	
fee for expansion of net client hunter	)	
use, and 24.171.503 outfitter	)	
application	)	

TO: All Concerned Persons

1. On October 9, 2014, the Board of Outfitters (board) published MAR Notice No. 24-171-34 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 2354 of the 2014 Montana Administrative Register, Issue No. 19.

2. On October 31, 2014, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. Several comments were received by the November 7, 2014, deadline.

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

COMMENT 1: Several commenters generally supported the rule changes because they will streamline and clarify reporting requirements, eliminate unnecessary reporting, reduce administrative costs, and allow the industry to operate more efficiently while delivering quality services.



RESPONSE 1: The board appreciates all comments received during the rulemaking process.

COMMENT 2: Several commenters expressed concern over the requirement in ARM 24.171.408(2)(d) that an outfitter must record, for each big game animal taken, whether it was taken on public or private land within the outfitter's operation plan. The commenters stated the requirement will gather no really useful information, and cautioned that many ranches in central and eastern Montana include areas of landlocked public land, sometimes without fenced boundaries or with fenced boundaries that are not placed on the survey lines. In these situations it may be very difficult, even with GPS equipment, to accurately identify whether an animal was taken on public land or private land. If an outfitter is mistaken, even in a good faith effort to report correctly, the commenters were concerned that the mistake will translate into a violation of law and constitute a criminal offense. The commenters further asserted the requirement is costly and ineffective, and an unnecessarily controversial piece of the rules package.

RESPONSE 2: The board notes that the requirement for outfitters to determine where an animal is taken is similar to the standard required of all hunters to know where they are when taking an animal. The information reported has its place for the regulation of outfitters in terms of providing data to the Montana Department of Fish, Wildlife and Parks (FWP) relevant to hunting access and game management. The board believes the value of the data outweighs the concerns raised by the commenters. The board understands that FWP expects a best effort to be made and that unintentional error following a best effort should not result in criminal prosecution or disciplinary action. The board is amending the rule as proposed.

COMMENT 3: A few commenters requested the board confirm that the provision in ARM 24.171.408(2)(f) is not a new requirement. The commenters understand that an outfitter whose deer hunting client also hunts upland game birds while on a deer hunt is still counted as just one Category 2 NCHU, and that if the client were to hunt migratory birds, then the hunter would be recorded as a Category 3 client.

RESPONSE 3: The board confirms that this amendment did not create a new guideline for licensees to follow, but has long been enforced by the board. It should be understood by licensees that only in the use of a combination license (e.g., a B10 or B11 license) can a deer hunting client also hunt upland game birds and be counted as a single Category 2 NCHU for both types of game. In contrast, an outfitter requires both a Category 2 and a Category 3 NCHU if the outfitter serves a hunting client who uses a doe tag to hunt deer and then hunts upland game birds, even if it is done on the same hunting trip.

COMMENT 4: One commenter noted that if ARM 24.171.520 is amended as proposed, then (2) will mistakenly refer to license endorsements supposedly identified in (3) of that rule, even though license endorsements are found in (5).

RESPONSE 4: The board acknowledges the error and is amending ARM 24.171.520(2) accordingly.

COMMENT 5: Regarding New Rule III, a commenter questioned whether applications disclosing a "physical or mental impairment" would be considered nonroutine only if the applicant is receiving ongoing treatment for the impairment.

RESPONSE 5: The board affirms that New Rule III makes an application nonroutine if the applicant is receiving ongoing treatment for impairment. However, the answer to the question posed by this commenter is "no." Applications will not be treated as nonroutine only if the applicant is receiving treatment for the impairment, because applications will also be nonroutine if the symptoms of the impairment currently exist in the absence of treatment. In other words, an application from one who is not receiving treatment, but who continues to suffer from the symptoms of an impairment described in New Rule III, will also be treated as nonroutine.

Comments regarding New Rule II:

COMMENT 6 by BILL SPONSOR: The primary sponsor of HB 187 commented in opposition to (2) of New Rule II, which requires an outfitter to inform each client to be served by an outfitter assistant, that the outfitter assistant is not a licensed guide or outfitter, and whether the outfitter assistant has received first aid certification. The sponsor suggested the board strike (2) from New Rule II, stating that the legislature was presented with, but did not include, an amendment to HB 187 that would have added identical requirements as those in the subsection. The sponsor asserted that the requirement in (2) "disregards the will of the Legislature and the law and should be rejected out of hand."

In light of the rejected amendment, the sponsor asserted the board lacks rulemaking authority to require such a disclosure as the board was given restricted authority over the outfitter assistants. The sponsor further stated that the disclosure in (2) is unnecessary, since the law makes outfitters accountable for ensuring outfitter assistants are qualified and competent to perform the tasks of a guide, and that they conduct such services in a way to safeguard the public.

RESPONSE 6: The board is adopting New Rule II as proposed, without incorporating the primary sponsor's comments. As to the comment that the board has no authority to require the adopted disclosure, either because the board lacks rulemaking authority or because the legislature intentionally omitted such a requirement from House Bill 187, the board respectfully disagrees.

The laws relative to outfitting in Montana saw significant amendments in the 63rd legislative session held in 2013. Those changes came through HB 187, as well as through the enactment of House Bill 274, dubbed the "paperwork reduction act." The combined effect of these bills was to take many of the reporting requirements from statute and allow the board to regulate outfitters and guides through appropriate administrative rules. The disclosure required by (2) of New Rule II is a regulation on the conduct of the licensed outfitter, not the outfitter assistant. Such regulation is authorized by statutes in place prior to, and not restricted by, House Bill

187 and House Bill 274. In fact, the enactment of these two bills strengthened, rather than weakened, the board's rulemaking authority.

Regarding the comment that the disclosure required in (2) is unnecessary because the outfitter is already required by law to ensure the safety and competence of the outfitter assistant, the board views the disclosure requirement as important for an outfitter to properly fulfill his or her duty to public protection because it will encourage transparency and fairness in the contractual relationship between the outfitter and the client. The board also sees this disclosure as beneficial to, and not burdensome upon, the outfitters.

Because the board is adopting this requirement as regulation of the conduct of licensed outfitters per 37-1-131, MCA, the board is amending the implementation citations that follow New Rule II to include the statute. This addition will correct a deficiency in the citation list per 2-4-305(8), MCA, and will ensure all statutes implemented via this new rule are identified.

COMMENT 7: A few commenters asserted that the proposed requirement in New Rule II for outfitters to disclose the unlicensed status of an outfitter assistant to each client served by the outfitter assistant was proposed to and rejected by the legislature when the law was passed. In that regard, and considering the limited purposes for which the board was granted rulemaking authority relative to outfitter assistant standards, the commenters believe the disclosure requirement proposed in New Rule II falls outside of the board's rulemaking authority.

RESPONSE 7: While the disclosure requirement was not adopted as part of the law, the law did not limit the board's authority to regulate the conduct of licensed outfitters. The board concluded that the new rule falls within the board's statutory authority to regulate the conduct of outfitters. See also Response 1.

COMMENT 8: Several commenters strongly opposed the requirement that outfitters notify each client that an outfitter assistant is unlicensed, and whether that assistant has first aid certification, stating that the requirement is inconsistent with other rules and sets an unacceptable precedent. The commenters pointed out that an outfitter is, by law, already accountable for ensuring the outfitter assistant, like a licensed guide, is qualified and competent to perform the tasks of a guide, and conducts such services to safeguard public health, safety, and welfare.

RESPONSE 8: The board concluded that while the law clearly requires that outfitters ensure outfitter assistants are qualified and practicing safely, it is also important to inform clients regarding licensure and first aid training before providing services. Before the occurrence of an emergency situation that requires the use of an outfitter assistant, each client will have contracted with a licensed outfitter for the services of a licensed guide. Whenever an outfitter places an outfitter assistant into service in lieu of a licensed individual, the board believes the clients have a right to be notified of that change and what it means in terms of first aid training.

COMMENT 9: A few commenters emphasized the importance of adopting the requirement found in (2) of New Rule II, that outfitters, prior to serving a client,

disclose to the client that an outfitter assistant is not licensed as a guide or outfitter, and whether the assistant has obtained first aid certification. The commenters viewed this requirement as reasonable in light of an anticipated extension of the sunset provision in the law that created the outfitter assistant.

The commenters stressed that disclosure is also needed to maintain a transparent and quality relationship between the public and licensed outfitters and to measure the success of the outfitter assistant in practice. The commenters suggested that outfitters should sign an agreement or an affirmation that the disclosures have been made to clients, and said the disclosure requirement is the most important aspect of this rulemaking project.

RESPONSE 9: The board agrees with this comment, in general, and is adopting New Rule II as proposed.

COMMENT 10: Several commenters stated that the proposed requirement that outfitters disclose the unlicensed status of outfitter assistants to clients is an infringement on the outfitter's right to contract or on the outfitter's right of privacy inherent in a client contract.

RESPONSE 10: The board's authority to regulate the outfitter to contract with his client is apparent in statute. Two examples of how these contracts are already being regulated by the board can be found in ARM 24.171.2301(1)(f) and (g), where the board requires an outfitter to provide each client with a current and complete rate schedule, in writing, and where the board requires an outfitter offering services to a nonresident hunting client to specify the refund policy, in writing, for those occasions when the client fails to draw a license required to participate in the service offered.

COMMENT 11: Several commenters asserted that the requirement that outfitters disclose the unlicensed status of outfitter assistants to clients is unenforceable, leading to "he said, she said" accusations against outfitters, leaving the agencies responsible for enforcement of the standard without any real means to determine compliance.

RESPONSE 11: The board acknowledges the potential difficulty of enforcing a rule that, like many other reporting requirements, relies on the integrity of the licensees and on the reporting of violations by those affected. The board discussed a possible amendment to require that outfitters provide clients a written disclosure that would then be signed by the client, but the board is not proceeding with that change at this time.

4. The board has amended ARM 24.171.401, 24.171.407, 24.171.408, 24.171.412, 24.171.413, 24.171.501, 24.171.502, 24.171.504, 24.171.507, 24.171.601, 24.171.602, 24.171.701, 24.171.2101, and 24.171.2301 exactly as proposed.

5. The board has adopted NEW RULES I (24.171.404) and III (24.171.403) exactly as proposed.

6. The board has repealed ARM 24.171.402 and 24.171.503 exactly as proposed.

7. The board has amended ARM 24.171.520 with the following changes, stricken matter interlined, new matter underlined:

24.171.520 OPERATIONS PLANS AND AMENDMENTS (1) remains as proposed.

(2) An outfitter may amend the operations plan by submitting the additional or replacement information to the board, except that when adding a service identified in ~~(3)~~ (5), the outfitter must apply for an amendment to the outfitter's operations plan by stating in writing the proposed changes and submitting it to the board, along with the fee required in ARM 24.171.401.

(3) through (5) remain as proposed.

8. The board has adopted NEW RULE II (24.171.410), with the following changes, stricken matter interlined, new matter underlined:

NEW RULE II OUTFITTER ASSISTANTS (1) through (4) remain as proposed.

AUTH: 37-1-131, 37-47-201, MCA

IMP: 37-1-131, 37-47-201, 37-47-301, 37-47-325, 37-47-405, MCA

BOARD OF OUTFITTERS  
ROBIN CUNNINGHAM, CHAIRPERSON

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

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

Certified to the Secretary of State January 20, 2015

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the repeal of ARM	)	NOTICE OF REPEAL
24.131.301, 24.131.401, and	)	
24.131.506 construction blasters,	)	
24.135.401, 24.135.404, 24.135.412,	)	
24.135.545, and 24.135.2101 crane	)	
and hoisting operating engineers, and	)	
24.142.2101 elevator licensing	)	
program renewals	)	

TO: All Concerned Persons

1. On December 11, 2014, the Department of Labor and Industry (department) published MAR Notice No. 24-301-300 regarding the proposed repeal of the above-stated rules, at page 2924 of the 2014 Montana Administrative Register, Issue No. 23.

2. No comments were received by the January 9, 2015, deadline.

3. The department has repealed ARM 24.131.301, 24.131.401, 24.131.506, 24.135.401, 24.135.404, 24.135.412, 24.135.545, 24.135.2101, and 24.142.2101 exactly as proposed.

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

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

Certified to the Secretary of State January 20, 2015

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

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

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

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

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

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

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

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

- Department of Public Health and Human Services.

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

- Department of Corrections; and
- Department of Justice.

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

- Department of Public Service Regulation.

**Revenue and Transportation Interim Committee:**

- Department of Revenue; and
- Department of Transportation.

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

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

**Environmental Quality Council:**

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

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

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



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

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

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

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

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

## ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through September 30, 2014. This table includes those rules adopted during the period October 1, 2014, through December 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 September 30, 2014, 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 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

I	Annual Report by Consumer Loan Licensees, p. 2061, 2827
I-VII	Requiring Deferred Deposit Loan Applicants to Use the Nationwide Multistate Licensing System for All Future Licensing, p. 1654, 2449
I-VIII	Transitioning Existing Sales Finance Company Licenses to the Nationwide Multistate Licensing System - Use of the System for All Future Licensing, p. 1633, 2446
I-VIII	Transitioning Existing Consumer Loan Company Licenses to the Nationwide Multistate Licensing System - Use of the System for All Future Licensing, p. 1640, 2447
I-VIII	Transitioning Existing Escrow Business Company Licenses to the Nationwide Multistate Licensing System - Use of the System for All Future Licensing, p. 1647, 2448
2.5.603	State Procurement of Supplies and Services, p. 1854, 2442
2.59.104	Semiannual Assessment for Banks, p. 1309, 1918
2.59.111	Retention of Bank Records, p. 1305, 1917
2.59.402	and other rules - Limited Income Persons - Credit Union Records Retention - Credit Union Debt Cancellation Contracts, p. 1856, 2445
2.59.1502	and other rule - Annual Report by Deferred Deposit Loan Licensees, p. 2058, 2826
2.59.1738	Renewal Fees for Mortgage Licensees, p. 2064, 2771

(Public Employees' Retirement Board)

- 2.43.3501 and other rule - Adoption by Reference - State of Montana Public Employee Defined Contribution Plan Document - State of Montana Public Employee Deferred Compensation (457) Plan Document, p. 1302, 1999
- 2.43.3502 Investment Policy Statement for the Defined Contribution Retirement Plan, p. 1299, 2443

(State Compensation Insurance Fund)

- 2.55.320 Classifications of Employments, p. 2904
- 2.55.502 Individual Loss Sensitive Dividend Distribution Plan, p. 1457, 2444

(State Lottery Commission)

- 2.63.201 and other rules - Procedural Rules - Definitions - Retailer Commissions - Business Changes - Prizes - License Requirements and Endorsements - Sale of Scratch Tickets, p. 528, 1387

(Board of County Printing)

- 2.67.303 Maximum Pricing and Printing Standards, p. 642, 1216, 1389
- 2.67.303 Minimum Font Size in Printing Standards, p. 1544, 2097

AGRICULTURE, Department of, Title 4

- I Phytosanitary Certificate Fees, p. 264, 1390
- 4.12.1224 and other rule - Alfalfa Leaf Cutter Bees, p. 1144, 1591
- 4.12.3009 and other rule - Seed Licensing Fees - Reporting and Assessment of Seed Sales, p. 534, 1217
- 4.13.1001A Grain Fee Schedule, p. 894, 1590

STATE AUDITOR, Office of, Title 6

(Commissioner of Securities and Insurance)

- I Patient-Centered Medical Homes, p. 1863, 3045
- I-VII Network Adequacy, p. 3017
- 6.6.4902 and other rules - Patient-Centered Medical Homes, p. 2702, 3051

COMMERCE, Department of, Title 8

- 8.94.3708 and other rules - Administration of the CDBG Program, p. 3026
- 8.94.3727 Administration of the 2013-2014 Federal Community Development Block Grant (CDBG) Program, p. 1312, 1796
- 8.112.101 and other rules - Montana Heritage Preservation and Development Commission, p. 1147, 1797

EDUCATION, Department of, Title 10

(Superintendent of Public Instruction)

10.7.111 Bus Drivers, p. 1005, 1799

(Board of Public Education)

I-XV Preschool Programming for Public Schools, p. 2318, 2943  
10.57.101 and other rules - K-12 Educator/Specialist Licensing, p. 2211, 2930  
10.58.102 and other rules - Educator Preparation Programs, p. 2250, 2936  
10.59.103 Montana School for the Deaf and Blind Foundation, p. 1660, 2450  
10.64.201 School Bus Drivers, p. 1009, 1801

FISH, WILDLIFE AND PARKS, Department of, Title 12

I Hunters Against Hunger Program, p. 1315, 2002  
I Wolf Management Stamps, p. 1318, 1546, 2454  
12.7.502 and other rules - Fish Importation, p. 1158, 1922  
12.10.103 and other rule - Shooting Range Grants, p. 1462, 2453

(Fish and Wildlife Commission)

I-V Unauthorized Placement of Fish Into Public Waters, p. 177, 1592  
12.6.2208 and other rule - Exotic Species Classification, p. 703, 1919, 2451  
12.9.206 McLean Game Preserve, p. 2907  
12.9.1301 and other rules - Gray Wolf Management, p. 1886, 843, 2000  
12.11.645 Whitefish River, p. 434, 1460, 3053  
12.14.101 and other rules - Commercial Use Rules, p. 897, 2648

(State Parks and Recreation Board)

12.14.120 Payment of Fees for Outfitting Services, p. 2707, 18

ENVIRONMENTAL QUALITY, Department of, Title 17

I Nutrient Standards Variances, p. 275, 1805  
17.36.101 and other rules - Subdivision Applications and Review - Subdivision Requirements - Subdivision Waivers and Exclusions - Subdivision Review Fees - On-Site Subsurface Wastewater Treatment Systems, p. 706, 2098, 2772  
17.36.326 and other rule - Sewage Systems: Operation and Maintenance, Ownership, Easements, and Agreements - Sewage Systems: Existing Systems, p. 1334, 1504  
17.53.105 and other rule - Incorporation by Reference - No State Waste Delisting--Federal Petition Required, p. 1331, 1835  
17.55.109 Incorporation by Reference, p. 436, 2003  
17.56.607 Release Categorization, p. 1663, 1957, 2774  
17.74.504 and other rules - Definitions - Decontamination Standards - Performance - Assessment - Inspection - Performance Standards - Contractor Certification and Renewal - Initial Training Course Content

- Refresher Training Course - Reciprocity - Training Provider Certification - Certified Training Provider Responsibilities - Denial, Suspension, and Revocation of Certification - Fees - Incorporation by Reference--Publication Dates - Incorporation by Reference - Worker and Supervisor Certification - Worker and Supervisor Certification Renewal, p. 1866, 2651

(Board of Environmental Review)

- 17.8.101 and other rules - Definitions - Incorporation by Reference - Availability of Referenced Documents - Ambient Air Monitoring - Fluoride in Forage - Methods and Data, p. 3031
- 17.8.102 Incorporation by Reference--Publication Dates, p. 353, 1256
- 17.8.501 and other rule - Definitions - Air Quality Permit Application Fees, p. 1321, 2455
- 17.8.818 and other rule - Review of Major Stationary Sources and Major Modifications--Source Applicability and Exemptions - Source Impact Analysis, p. 1327, 2457
- 17.30.201 and other rules - Permit Application, Degradation Authorization, and Annual Permit Fees - Specific Restrictions for Surface Water Mixing Zones - Standard Mixing Zones for Surface Water - Definitions - Incorporations by Reference - A-1 Classification Standards - B-1 Classification Standards - B-2 Classification Standards - B-3 Classification Standards - C-1 Classification Standards - C-2 Classification Standards - I Classification Standards - C-3 Classification Standards - General Treatment Standards - Criteria for Determining Nonsignificant Changes in Water Quality, p. 280, 1815
- 17.30.1101 and other rules - Montana Pollutant Discharge Elimination System (MPDES) Permits - Purpose and Scope - Definitions - Permit Requirements - Exclusions - Designation Procedures: Small Municipal Separate Storm Sewer Systems (MS4s) - Application Procedures - General Permits - Conditions Applicable to All Permits - Application Procedures: General - Notice of Intent Procedures - Transfer of Permit Coverage Pertaining to Storm Water Discharges, p. 1667, 3056
- 17.36.320 and other rules - Sewage Systems - Definitions - Horizontal Setbacks - Floodplains - Plans for Public Sewage System - Fees, p. 747, 1824
- 17.36.345 and other rule - Adoption by Reference - Plans for Public Water Supply or Public Sewage System, p. 267, 1802

TRANSPORTATION, Department of, Title 18

- 18.2.261 Montana Environmental Policy Act Categorical Exclusions, p. 2492, 2950
- 18.6.101 and other rules - Junkyard Regulations, p. 1465, 2011
- 18.6.202 and other rules - Outdoor Advertising Control, p. 2909, 21
- 18.7.102 and other rules - Highway Right-of-Way Encroachment Permits, p. 2329, 2828

- 18.8.202 and other rules - Motor Carrier Services Housekeeping, p. 1468, 2012
- 18.13.404 and other rules - Board of Aeronautics Grant and Loan Program, p. 1878, 2458

JUSTICE, Department of, Title 23

- I-III School Crossing Guards, p. 773, 1392
- 23.16.101 and other rules - Electronic Submission of Documents and Electronic Signatures - Definitions - Records - Devices - Changes in Managers, Officers, and Directors - Charitable Card Game Tournaments - Types of Card Games Authorized - House Players - Authorized Sports Pools - Repairing Machines—Approval - Department Approval of Promotional Games of Chance, Devices, or Enterprises - Review of Carnival Games, p. 1012, 1505

(Public Safety Officer Standards and Training Council)

- 23.13.101 and other rules - Certification of Public Safety Officers, p. 1698, 2951

LABOR AND INDUSTRY, Department of, Title 24

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

- 24.17.101 and other rules - Prevailing Wage Rates for Public Works Projects, p. 2499, 3058
- 24.17.127 Prevailing Wage Rates for Public Works Projects, p. 912, 1506, 1598
- 24.21.415 and other rule - Apprenticeship Training Ratios, p. 2920
- 24.29.1401A and other rules - Definitions - Facility Service Rules and Rates - Professional Fee Schedule for Services Provided - Conversion Factors for Services Provided - Utilization and Treatment Guidelines, p. 776, 1055, 1513
- 24.117.101 and other rules - Board Organization - General Information - Club Boxing - Kickboxing - Wrestling - Australian Tag Team Wrestling - Mixed Martial Arts - License Suspension and Revocation, p. 2339, 2954
- 24.131.301 and other rules - Construction Blasters - Crane and Hoisting Operating Engineers - Elevator Licensing Program Renewals, p. 2924
- 24.301.109 and other rules - Definitions - Incorporation by Reference - Fees - Modifications to the International Building Code - Plumbing Permits - Plumbing Inspections, p. 1549, 2776
- 24.301.401 and other rule - Incorporation by Reference of National Electrical Code - Electrical Inspections Fees, p. 1769, 2655
- 24.301.603 and other rules - Definitions - Plan Review and Permit Fee - Inspections - Certificates - Fees, p. 1973, 2780

(Workers' Compensation Court)

24.5.301 and other rules - Amended Petition - Computation of Time - Joinder and Service of Alleged Uninsured Employers - Recusal, p. 1021, 2829

(Human Rights Commission)

24.9.203A and other rules - Obsolete Rules, p. 1164, 1836

(Alternative Health Care Board)

24.111.511 and other rule - Naturopathic Physician Formulary - Military Training or Experience, p. 645, 2120

(Board of Architects and Landscape Architects)

24.114.301 and other rules - Definitions - Licensure of Applicants From Other States - Renewals - Unprofessional Conduct - Architect Continuing Education, p. 443, 2013

(Board of Athletic Trainers)

I Military Training or Experience, p. 915, 1393

(Board of Clinical Laboratory Science Practitioners)

I Military Training or Experience, p. 455, 1258

(Board of Dentistry)

24.138.402 and other rules - Fee Schedule - Mandatory Certification - Dental Auxiliary Functions - Limited Access Permits - Dentist Licensure by Exam - Dental Hygienist Licensure by Exam - Dental Hygienist Licensure by Credentials - Continuing Education Definition - Continuing Education Requirements - Military Training or Experience - Dental Hygienist Committee - Denturist Committee, p. 458, 1837, 2139

24.138.402 Fee Schedule, p. 2346, 2710, 3062

(Board of Funeral Service)

24.147.1101 and other rules - Crematory Operation Standards - Casket/Containers - Integrity of Identification Process - Cremation Procedures - Crematory Prohibitions - Transportation and Custody of Human Remains - Crematory Records - Cremation Authorizations - Military Training or Experience - Shipping Cremated Human Remains, p. 543, 2017

(Board of Hearing Aid Dispensers)

24.150.401 and other rule - Fees - Military Training or Experience, p. 13, 1394

(Board of Massage Therapy)

24.155.301 and other rules - Definitions - Fee Schedule - Licensure by Examination - Licensure by Endorsement - Military Training or

Experience - Anonymous Complaints - Nonroutine Applications - Inactive License, p. 466, 1397

(Board of Medical Examiners)

I Military Training or Experience, p. 559, 1259  
24.156.508 and other rules - Approved Residency - Examination - Graduate Training Requirements - Occasional Case Exemption - Unprofessional Conduct - Definitions - Initial License - Professional Conduct and Standards - Physician Assistant License Renewal - Podiatry Postgraduate Training, p. 1474, 2833

(Board of Nursing)

I Military Training or Experience, p. 649, 2037

(Board of Occupational Therapy Practice)

24.165.401 and other rules - Fees - Applications for Licensure - Examinations - Supervision—General Statement - Supervision—Methods - Standards of Practice - Documentation of Instruction and Training - Qualifications to Apply Topical Medications—Clinician Defined - Inactive Status - Continuing Education - Continuing Education—Waiver - Definitions - Deep Modality Endorsement, p. 1883

(Board of Optometry)

24.168.2301 and other rules - Unprofessional Conduct - Nonroutine Applications - Renewals, p. 2350

(Board of Outfitters)

I Military Training or Experience, p. 562, 918, 2653  
24.171.401 and other rules - Fees - Inspection - Outfitter Records - Safety Provisions - Watercraft Identification - Application for Outfitter License - Outfitter Qualifications - Successorship - Outfitter Examination - Amendment to Operations Plan - Guide Qualifications - Guide License - NCHU Categories, Transfers, and Records - Renewals - Unprofessional Conduct - Booking Agents and Advertising - Outfitter Assistants - Nonroutine Applications - Effect of Fee for Expansion of Net Client Hunter Use - Outfitter Application, p. 2354

(Board of Pharmacy)

I Military Training or Experience, p. 565, 1261  
24.174.301 and other rules - Definitions - Pharmacist Meal/Rest Breaks - Internship Requirements - Registration Requirements - Patient Counseling - Personnel - Drug Distribution and Control - Use of Contingency Kits - Requirements for Submitting Prescription Registry Information - Legal Suspension or Revocation - Prescription Requirements - Sterile Products - Quality Assurance Program Requirements, p. 2508



(Board of Physical Therapy Examiners)

I Military Training or Experience, p. 476, 1086  
24.177.2105 Continuing Education, p. 1057, 2835

(Board of Professional Engineers and Professional Land Surveyors)

24.101.413 and other rules - Renewal Dates and Requirements - Definition of Responsible Charge - Board Meetings - Fee Schedule - Approval of Schools - Application References - Examination Procedures - Grant and Issue Licenses - Comity - Classification of Experience - Form of Corner Records - Uniform Standards for Monumentation - Uniform Standards for Final Subdivision Plats - Remonumentation and Rehabilitation - Architectural Services Incidental to Engineering - Exhibits of Land Surveying Projects - Unprofessional Conduct - Introduction - Performance of Services - Conflicts of Interest - Avoidance of Improper Solicitation - Issuance of Public Statements, p. 1339, 2840

(Board of Psychologists)

24.189.401 and other rules - Fee Schedule - Application Procedures - Minimum Standards - Required Supervised Experience - Licensees From Other States or Canadian Jurisdictions - Licensure as a Psychologist by Experience - Temporary Permit - Continuing Education - Continuing Education Program Options - Continuing Education Implementation - Exemptions - Military Training or Experience, p. 652, 2459

(Board of Public Accountants)

24.101.413 and other rules - Renewal Dates and Requirements - Public Participation - Definitions - Board Meetings - Fee Schedule - Use of CPA/LPA Designation - Licensing and Examinations - Acts - Professional Conduct Rules - Peer Review Enrollment - Alternatives and Exemptions - Renewal and Continuing Education - Anonymous Complaints - Exercise of Practice Privilege - Enforcement Against Licensees - Applicant by Exam - Examination Credits - Requirements for Previously Held Certificates - Who Must Comply - Nonresident Holders - Standards for CPE Program Development - Enforcement Procedures, p. 1734, 2849

(Board of Radiologic Technologists)

24.204.408 and other rule - Radiologic Technologists Applications - Military Training or Experience, p. 375, 1262

(Board of Real Estate Appraisers)

24.207.401 and other rules - Fees - Regulatory Reviews - Appraisal Review - Definitions - Military Training or Experience - Examination - Application Requirements - Experience—Number of Hours Required - Qualifying Education Course Requirements - Ad Valorem Tax Appraisal Experience - Qualifying Experience - Scope of Practice - Trainee

Requirements - Mentor Requirements - Appraisal Management Record Keeping - AMC Audit Requirements - Continuing Education - Continuing Education Noncompliance - Unprofessional Conduct, p. 2714, 3064

(Board of Realty Regulation)

24.210.401 and other rules - Fee Schedule - Course Provider - Continuing Real Estate Education - Continuing Property Management Education, p. 921, 2775

24.210.825 and other rule - Renewals - Military Training or Experience, p. 664, 2469

(Board of Respiratory Care Practitioners)

I Military Training or Experience, p. 571, 1264

24.213.301 and other rules - Definitions - Application for Licensure - Examination - Inactive Status - Authorization to Perform Testing - Continuing Education Requirements - Traditional Education by Organizations - Teaching—Category III - Papers, Publications, Journals, and Course Work - Unprofessional Conduct - Training—Conscious Sedation - Institutional Guidelines Concerning Education and Certification, p. 1960, 22

(Board of Social Work Examiners and Professional Counselors)

24.219.501 and other rules - Application Procedures - Licensure of Out-of-State Applicants - Complaint Procedure - Military Training or Experience, p. 783, 2471

(Board of Speech-Language Pathologists and Audiologists)

I-VIII Telepractice of Speech-Language Pathology and Audiology - Military Training or Experience, p. 379, 1266

24.222.401 Fees, p. 2736, 3066

(Board of Veterinary Medicine)

I Military Training or Experience, p. 574, 1273

LIVESTOCK, Department of, Title 32

32.2.403 Diagnostic Laboratory Fees, p. 2071, 2783

32.2.405 and other rule - Department of Livestock Miscellaneous Fees - Recording and Transferring of Brands, p. 1892, 2472

32.2.405 Department of Livestock Miscellaneous Fees, p. 1976, 2781

32.2.405 Miscellaneous Fees, p. 2739, 3073

32.3.141 Revocation or Suspension of Appointment of Deputy State Veterinarian, p. 1175, 2146

32.3.212 and other rule - Additional Requirements for Cattle - Brucellosis Vaccination of Imported Cattle Under Four Months of Age, p. 2067, 3069

- 32.3.221 and other rules - Special Requirements for Alternative Livestock as Defined in 87-4-406, MCA - Elephants - Change of Ownership Test - Handling of Live Animals - Handling of Carcasses and Carcass Parts of Anthrax-Infected Animals, p. 2376, 2955
- 32.3.433 Designated Surveillance Area, p. 1171, 2141
- 32.3.502 Official Trichomoniasis Testing and Certification Requirements, p. 2928
- 32.3.1201 and other rules - Reporting Rabies - Rabies Quarantine - Isolation of Rabid or Suspected Rabid Animals - Isolation of Biting Animals - Stray or Ownerless Animals, p. 1167, 2140
- 32.6.712 Food Safety and Inspection Service - Meat and Poultry, p. 668, 1275
- 32.6.712 Food Safety and Inspection Service (Meat and Poultry), p. 1896, 2473
- 32.18.102 and other rules - Age Tally Marks - Numeral Marks - Placement of Digits - Import Transportation Permits - Hides to be Marked, p. 671, 1276

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

- 36.12.101 and other rules - Definitions - Procedural Rules for Hearings, p. 2525, 2956

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

- I-XVI Implementing the New Program Community First Choice Services, p. 2381, 3075
- I-XXVIII The Supports for Community Working and Living 1037 Home and Community Services Waiver Program, p. 2746
- 37.5.118 and other rules - Substantiations of Child Abuse and Neglect - Background Checks for Placement and Licensing, p. 1
- 37.34.901 and other rules - Medicaid Home and Community-Based Services Program, p. 1906, 220, 1599
- 37.34.3005 and other rule - Update of Developmental Disabilities Program Home and Community-Based Waiver - Case Management Reimbursement, p. 933, 1408
- 37.36.604 Updating to 2014 Levels the Federal Poverty Index for the Montana Telecommunications Access Program, p. 790, 1400
- 37.40.307 and other rules - Nursing Facility Reimbursement, p. 811, 1517
- 37.40.402 and other rules - Updating the Hospital Swing-Bed Direct Care Wage to the Current Fiscal Year, p. 2548, 3085
- 37.40.830 Updating Hospice Reimbursement Fee Schedules to Reflect New Federal Rates, p. 2812
- 37.40.1101 and other rules - Establishment of Regulations for the Personal Assistance Services Program, p. 2552, 3086
- 37.50.315 Addition of a New Supervision Level Within the Foster Care Classification Model System, p. 1772, 24
- 37.57.301 and other rules - Newborn Screening and Follow-up of Failed Screenings, p. 939, 1411

- 37.79.102 and other rules - Medicaid Allied Health Services Program Reimbursement and Rates, p. 816, 1405, 2474
- 37.81.304 Big Sky Rx Prescription Drug Premium Changes, p. 2573, 3093
- 37.82.701 Update of Federal Poverty Level and Health Coverage Status When Determining Plan First Eligibility, p. 1575, 2166
- 37.85.104 and other rule - Revision of Fee Schedules for Medicaid Provider Rates, p. 797, 1402
- 37.85.105 Fee Schedule Revisions for the Durable Medical Equipment Program, Home and Community Based Services, and Personal Assistance and Self-Directed Personal Assistance Services, p. 1579, 2168
- 37.85.105 Revision of Fee Schedules for Medicaid Provider Rates, p. 2544, 26
- 37.85.212 and other rules - Revision of By Report Reimbursement, p. 828, 1407
- 37.85.403 and other rule - Date Changes to ICD CM and PCS Services-ICD-10, p. 1778, 3074
- 37.85.406 and other rules - Early Elective Delivery - Ancillary Services Clarification, p. 1583, 2171
- 37.86.101 and other rules - Extension of Enhanced Reimbursements for Primary Providers, p. 3041
- 37.86.1103 Addition of Definitions to the Outpatient Drugs, Fraud, Waste, and Abuse Rules, p. 2576, 3094
- 37.86.1401 and other rules - Medicaid Reimbursement for Ambulatory Surgery Centers (ASC), p. 835, 1409
- 37.86.1802 Coverage Codes for Durable Medical Equipment, p. 2579, 3095
- 37.86.2801 and other rules - Medicaid Outpatient and Inpatient Hospital Services, p. 950, 1415
- 37.86.2901 and other rules - Changes to Medicaid Inpatient Hospital Services, p. 2742, 3096
- 37.86.3006 and other rules - Revision of the Rules for Serious Emotional Disturbance for Youth - Mental Health Outpatient Partial Hospital Services - Medicaid Mental Health Authorization Requirements, p. 1491, 2147
- 37.86.4202 and other rule - Dialysis Clinic Method of Reimbursement, p. 840, 1410
- 37.87.807 and other rule - Revision of Fee Schedules for Medicaid Provider Rates, p. 1911, 2858
- 37.87.1803 and other rules - Mental Health Center: Comprehensive School and Community Treatment Program (CSCT) Endorsement Requirements, p. 793, 1401
- 37.88.205 and other rules - Updating the Date of the Current Procedural Terminology (CPT) Codes, p. 1906, 2857
- 37.97.102 and other rules - Updating Rules for Youth Care Facilities, p. 12
- 37.104.3001 and other rules - Updating the State Trauma Plan to Reflect Current Dates, Terminology, and Medical Practice, p. 1899, 2792
- 37.106.514 Removal of References to Anesthesiologist Assistants in Outpatient Centers for Surgical Services, p. 1572, 2974
- 37.110.201 and other rules - Updating the Montana Retail Food Establishment Rules, p. 1364, 2957

REVENUE, Department of, Title 42

- I Filing Requirements for Pass-Through Entities With More Than 100 Partners, p. 2410, 2979
- I Value Before Reappraisal for Agricultural Land, p. 2768, 3097
- I-III Claiming the Unlocking State Lands Tax Credit, p. 1989, 2659
- I-IV The Electronic Service of Levies and Writs, p. 2087, 2794
- 42.2.302 and other rules - Department's General Rules and Definitions, p. 1061, 1527
- 42.2.613 and other rules - Dispute Resolution, p. 1177, 1421
- 42.4.104 and other rules - Revision of the Names Corporation License Tax and Corporation Income Tax, p. 1782, 2178
- 42.4.204 and other rules - Tax Credits Regarding Energy Conservation Installation, Temporary Emergency Lodging, and Health Insurance Claims, p. 1789, 2657
- 42.4.302 Montana Elderly Homeowner/Renter Tax Credit Calculation, p. 1787, 2475
- 42.4.2701 and other rules - Qualified Endowment Credit, p. 1191, 2039
- 42.11.104 and other rules - Liquor Vendors, p. 1979, 2793
- 42.12.101 and other rules - Liquor Licenses, p. 2406, 1277
- 42.12.101 and other rules - Liquor Licenses and Permits - Fees - Regulation of Licensees, p. 2413, 2980
- 42.15.109 and other rules - Montana Family Education Savings Program - Income Tax General Provisions - Tax Returns, p. 2403, 2976
- 42.17.101 and other rules - Withholding and Estimated Tax Payments—General Withholding and Mineral Royalty Withholding, p. 2815, 27
- 42.18.121 and other rules - The Montana Reappraisal Plan, p. 2582, 2990
- 42.19.401 and other rules - Property Classification - Property Tax Assistance Programs, p. 2091, 2795
- 42.20.102 and other rules - Valuation and Classification of Real Property, p. 2612, 2994
- 42.21.113 and other rules - Trended Depreciation Schedules for Valuing Property, p. 2589, 2991
- 42.22.101 and other rule - Implementing a Montana Supreme Court Decision Pertaining to Centrally Assessed Property, p. 1212, 2175
- (Board of Review)
- 42.8.101 and other rules - Revision of the Name of the One-Stop Business Licensing Program, p. 1914, 2658

SECRETARY OF STATE, Office of, Title 44

- I Returned Check Service Fees, p. 1793, 2179
- 1.2.419 Scheduled Dates for the 2015 Montana Administrative Register, p. 1996, 2663

- 44.5.114 and other rules - Fees Charged by the Business Services Division,  
p. 489, 856, 2476
- 44.5.121 Miscellaneous Fees Charged by the Business Services Division,  
p. 1074, 1528
- 44.5.121 and other rule - Fees Charged by the Business Services Division,  
p. 1993, 2660

(Commissioner of Political Practices)

- 44.12.204 Payment Threshold--Inflation Adjustment for Lobbyists, p. 2823, 28

## BOARD APPOINTEES AND VACANCIES

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

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

In this issue, appointments effective in December 2014 appear. Vacancies scheduled to appear from February 1, 2015 through April 30, 2015, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

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

### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of January 1, 2015.

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

**BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2014**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Board of Public Assistance</b> (Public Health and Human Services)			
Commissioner Marianne Roose Eureka	Governor	John	12/5/2014 1/1/2017
Qualifications (if required): Public Representative			
<b>Commission on Community Service</b> (Governor's Office)			
Dr. Sandra Boham Pablo	Governor	Whitford	12/5/2014 7/1/2017
Qualifications (if required): Tribal Member			
Mr. Charles Wetherington Billings	Governor	Corson	12/5/2014 7/1/2017
Qualifications (if required): Public Representative			
<b>Economic Development Advisory Council</b> (Commerce)			
Ms. Shari Eslinger Bozeman	Governor	Becker	12/19/2014 7/23/2015
Qualifications (if required): Prospera Business Network Region Representative			
<b>Equal Pay for Equal Work Task Force</b> (Labor and Industry)			
Sheriff Craig Anderson Glendive	Governor	not listed	12/26/2014 11/1/2016
Qualifications (if required): Elected Official			
Rep. Clarena M. Brockie Harlem	Governor	Good	12/26/2014 11/1/2016
Qualifications (if required): Higher Education			



**BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2014**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Equal Pay for Equal Work Task Force</b> (Labor and Industry) cont. Director Pam Bucy Helena Qualifications (if required): Co-Chair	Governor	reappointed	12/26/2014 11/1/2016
President Waded Cruzado Bozeman Qualifications (if required): Higher Education	Governor	reappointed	12/26/2014 11/1/2016
Ms. Jen Euell Helena Qualifications (if required): Non-Profit Representative	Governor	reappointed	12/26/2014 11/1/2016
Ms. Aimee Grmoljez Shanight Helena Qualifications (if required): Business Background	Governor	reappointed	12/26/2014 11/1/2016
Ms. Jacquie Helt Missoula Qualifications (if required): Organized Labor	Governor	reappointed	12/26/2014 11/1/2016
Director Sheila Hogan Helena Qualifications (if required): Co-Chair	Governor	reappointed	12/26/2014 11/1/2016
Ms. Stacy Klippenstein Miles City Qualifications (if required): Higher Education	Governor	not listed	12/26/2014 11/1/2016

**BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2014**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Equal Pay for Equal Work Task Force</b> (Labor and Industry) cont.			
Ms. Deb Larson Bozeman	Governor	reappointed	12/26/2014 11/1/2016
Qualifications (if required): Business Background			
Mayor Gene Mim Mack Stevensville	Governor	Hanel	12/26/2014 11/1/2016
Qualifications (if required): Elected Official			
Ms. Kimberly Rickard Helena	Governor	reappointed	12/26/2014 11/1/2016
Qualifications (if required): Organized Labor			
Mrs. K'Lynn Sloan Harris Helena	Governor	not listed	12/26/2014 11/1/2016
Qualifications (if required): Interagency Committee for Change by Women			
Ms. Barbara Stiffarm Havre	Governor	Stiffarm	12/26/2014 11/1/2016
Qualifications (if required): Tribal Member			
Mr. Scott Wilson Bozeman	Governor	reappointed	12/26/2014 11/1/2016
Qualifications (if required): Business Background			

**BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2014**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Montana Wheat and Barley Committee (Agriculture)</b>			
Mr. Michael V. O'Hara Fort Benton	Governor	Schoonover	12/5/2014 6/1/2017
Qualifications (if required): District 4 Representative and a Democrat			
Mr. Leonard Schock Vida	Governor	reappointed	12/5/2014 6/1/2017
Qualifications (if required): District 7 Representative and an Independent			
<b>Noxious Weed Seed Free Forage Advisory Council (Agriculture)</b>			
Ms. Margie Edsall Sheridan	Governor	Benson	12/5/2014 9/17/2017
Qualifications (if required): Western Weed District Representative			
Ms. Jennifer Esp Broadus	Governor	Cramer	12/5/2014 9/17/2017
Qualifications (if required): Eastern Weed District Representative			
Mr. James Melin Livingston	Governor	Johns	12/5/2014 9/17/2017
Qualifications (if required): Forage Producer			
Mr. Colter Tinsen Great Falls	Governor	Whiteside	12/5/2014 9/17/2017
Qualifications (if required): Forage Pellets Producer			

**BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2014**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Smith River State Park and River Corridor Advisory Council (Fish, Wildlife and Parks)</b>			
Mr. Triel Culver Billings Qualifications (if required): Interested Citizen	Director	not listed	12/5/2014 3/1/2016
Mr. Grant Grisak Billings Qualifications (if required): Agency Representative	Director	not listed	12/5/2014 3/1/2016
Ms. Jane Kollmeyer Helena Qualifications (if required): Interested Citizen	Director	not listed	12/5/2014 3/1/2016
Mr. Joe Lamson Helena Qualifications (if required): Interested Citizen	Director	not listed	12/5/2014 3/1/2016
Mr. Colin Maas Helena Qualifications (if required): Agency Representative	Director	not listed	12/5/2014 3/1/2016
Mr. Mike Meloy Helena Qualifications (if required): Smith River Corridor Landowner	Director	not listed	12/5/2014 3/1/2016
Mr. John Metrione Helena Qualifications (if required): US Forest Service Representative	Director	not listed	12/5/2014 3/1/2016

**BOARD AND COUNCIL APPOINTEES FROM DECEMBER 2014**

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
<b>Smith River State Park and River Corridor Advisory Council</b> (Fish, Wildlife and Parks) cont.			
Mr. Ned Morgans Helena	Director	not listed	12/5/2014 3/1/2016
Qualifications (if required): Smith River Corridor Landowner			
Director Mary Sexton Helena	Director	not listed	12/5/2014 3/1/2016
Qualifications (if required): State Parks and Recreation Board Member			
Mr. Joe Sowerby Missoula	Director	not listed	12/5/2014 3/1/2016
Qualifications (if required): Smith River Outfitter			
Mr. Gary Wolfe Missoula	Director	not listed	12/5/2014 3/1/2016
Qualifications (if required): Fish and Wildlife Commission Member			

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2015 THROUGH APRIL 30, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p><b>Board of County Printing</b> (Administration)                      Commissioner Carol Brooker, Plains                      Qualifications (if required): County Commissioner</p>	Governor	4/1/2015
<p>Mr. Milton Wester, Laurel                      Qualifications (if required): Printing Industry</p>	Governor	4/1/2015
<p>Commissioner Laura Obert, Townsend                      Qualifications (if required): County Commissioner</p>	Governor	4/1/2015
<p>Mr. Scott Turner, Wordon                      Qualifications (if required): Printing Industry</p>	Governor	4/1/2015
<p>Mr. Roger Wagner, Nashua                      Qualifications (if required): Public Representative</p>	Governor	4/1/2015
<p><b>Board of Dentistry</b> (Labor and Industry)                      Dr. George Johnston, Dillon                      Qualifications (if required): dentist</p>	Governor	3/29/2015
<p><b>Board of Hail Insurance</b> (Agriculture)                      Ms. Trudy Laas Skari, Chester                      Qualifications (if required): public member</p>	Governor	4/18/2015

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2015 THROUGH APRIL 30, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Architects and Landscape Architects</b> (Labor and Industry) Mr. Dale Nelson, Ronan Qualifications (if required): registered architect with three years continuous practice	Governor	3/27/2015
<b>Board of Livestock</b> (Livestock) Ms. Janice French, Hobson Qualifications (if required): cattle producer	Governor	3/1/2015
Mr. Brett DeBruycker, Dutton Qualifications (if required): cattle producer	Governor	3/1/2015
<b>Board of Optometry</b> (Labor and Industry) Mr. Peter Fontana, Great Falls Qualifications (if required): public member	Governor	4/3/2015
Mr. Douglas Kimball, Bozeman Qualifications (if required): registered optometrist	Governor	4/3/2015
<b>Board of Public Education</b> (Higher Education) Rep. Bernard Olson, Lakeside Qualifications (if required): resident of District 1 and identifies himself as a Republican	Governor	2/1/2015
<b>Board of Regents</b> (Higher Education) Mr. Clayton Christian, Missoula Qualifications (if required): resident of district 1 and identifies himself as an Independent	Governor	2/1/2015
Mr. Jeffrey K. Krauss, Bozeman Qualifications (if required): resident of District 1 (Republican)	Governor	2/1/2015

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2015 THROUGH APRIL 30, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Clinical Laboratory Science Practitioners</b> (Labor and Industry) Ms. Sarah Kolar, Lewistown Qualifications (if required): clinical laboratory science practitioner	Governor	4/16/2015
Ms. Vicki Rice, Helena Qualifications (if required): clinical laboratory science practitioner	Governor	4/16/2015
Mr. Carl Donovan, Great Falls Qualifications (if required): public representative	Governor	4/16/2015
<b>MSU-Billings Local Executive Board</b> (University System) Sen. Lane Larson, Billings Qualifications (if required): public representative	Governor	4/15/2015
<b>MSU-Great Falls College of Technology Local Executive Board</b> (University System) Ms. Karla Ekblad, Great Falls Qualifications (if required): public representative	Governor	4/15/2015
Ms. Debbie Filipowicz, Great Falls Qualifications (if required): public representative	Governor	4/15/2015
<b>MSU-Northern Local Executive Board</b> (University System) Mr. Jupe Compton, Havre Qualifications (if required): public representative	Governor	4/15/2015
<b>Montana Arts Council</b> (Montana Arts Council) Mr. Rob Quist, Kalispell Qualifications (if required): public representative	Governor	2/1/2015



**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2015 THROUGH APRIL 30, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Montana Arts Council</b> (Montana Arts Council) cont. Mr. Wilbur Wood, Roundup Qualifications (if required): public representative	Governor	2/1/2015
Ms. Youpa Stein, Arlee Qualifications (if required): public representative	Governor	2/1/2015
Mr. Mark Kuipers, Missoula Qualifications (if required): public representative	Governor	2/1/2015
Ms. Jean Steele, Hamilton Qualifications (if required): public representative	Governor	2/1/2015
<b>Montana State University Local Executive Board</b> (University System) Mr. James W. Bentley, Bozeman Qualifications (if required): public representative	Governor	4/15/2015
<b>Public Employees' Retirement Board</b> (Administration) Mr. Scott Moore, Miles City Qualifications (if required): public employee	Governor	4/1/2015
<b>Pulse Crop Advisory Committee</b> (Agriculture) Mr. Grant Zerbe, Frazer Qualifications (if required): actively involved in the pulse crop industry	Governor	2/13/2015
Ms. Leta Campbell, Harlem Qualifications (if required): actively involved in the pulse crop industry	Governor	2/13/2015

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2015 THROUGH APRIL 30, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Pulse Crop Advisory Committee</b> (Agriculture) cont.		
Ms. Kim Murray, Froid Qualifications (if required): actively involved in the pulse crop industry	Governor	2/13/2015
Mr. Michael Ehlers, Oilmont Qualifications (if required): actively involved in the pulse crop industry	Governor	2/13/2015
Mr. Jon Stoner, Havre Qualifications (if required): actively involved in the pulse crop industry	Governor	2/13/2015
Mr. Brian Kae, Dagmar Qualifications (if required): actively involved in the pulse crop industry	Governor	2/13/2015
Mr. Dustin Kreger, Great Falls Qualifications (if required): Producer	Governor	2/13/2015
<b>Resource Conservation Advisory Council</b> (Natural Resources and Conservation)		
Mr. Bob Breipohl, Saco Qualifications (if required): Eastern Montana	Director	3/20/2015
Ms. Lauraine Johnson, Plains Qualifications (if required): Western Montana	Director	3/20/2015
Mr. O. Ramsey Offerdal, Conrad Qualifications (if required): North Central Montana	Director	3/20/2015
Mr. Pete Dallaserra, Butte Qualifications (if required): General Public	Director	3/20/2015

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2015 THROUGH APRIL 30, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Resource Conservation Advisory Council</b> (Natural Resources and Conservation) cont. Ms. Judi Knapp, Hysham Qualifications (if required): South Central Montana	Director	3/20/2015
<b>State Compensation Insurance Fund Board</b> (Administration) Ms. Elizabeth Best, Great Falls Qualifications (if required): public member	Governor	4/28/2015
Commissioner Joe Brenneman, Kalispell Qualifications (if required): private enterprises representative and a policy holder	Governor	4/28/2015
Mr. Wayne Dykstra, Billings Qualifications (if required): private enterprise representative and a policy holder	Governor	4/28/2015
<b>State Employee Charitable Giving Campaign Advisory Council</b> (Administration) Mr. Jack Lynch, Butte Qualifications (if required): representing state employees	Governor	2/13/2015
Mr. Matthew Dale, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
Ms. Mary Wright, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
Ms. Marcia Armstrong, Helena Qualifications (if required): representing state employees	Governor	2/13/2015

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2015 THROUGH APRIL 30, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>State Employee Charitable Giving Campaign Advisory Council</b> (Administration) cont. Ms. Pamela Carlson, Helena Qualifications (if required): Federation Representative	Governor	2/18/2015
Ms. Kathy Miller, Helena Qualifications (if required): federal representative	Governor	2/13/2015
Mr. Gary Owen, Great Falls Qualifications (if required): federal representative	Governor	2/13/2015
Mr. Rob Mayer, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
Ms. Marie Matthews, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
Mr. Dave Paton, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
Ms. Kristen Wrzensinski, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
Ms. Gloria Soja, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
Mr. Bill Crane, Helena Qualifications (if required): federal representative	Governor	2/13/2015

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2015 THROUGH APRIL 30, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>State Employee Charitable Giving Campaign Advisory Council</b> (Administration) cont.		
Ms. Shelly Clinch, Helena Qualifications (if required): Employee Representative	Governor	2/18/2015
Ms. Donna Hanson, Helena Qualifications (if required): Employee Representative	Governor	2/18/2015
Ms. Diane Larson, Helena Qualifications (if required): Employee Representative	Governor	2/18/2015
Mr. Mike Manion, Helena Qualifications (if required): Employee Representative	Governor	2/18/2015
<b>State Employee Group Benefits</b> (Administration)		
Ms. Mary Dalton, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
Mr. Russ Hill, Helena Qualifications (if required): ex-officio member	Governor	2/13/2015
Mr. John McEwen, Helena Qualifications (if required): representing retired state employees	Governor	2/13/2015
Mr. Richard Cooley, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
Sen. Jim Keane, Butte Qualifications (if required): representing the legislature	Governor	2/13/2015

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2015 THROUGH APRIL 30, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>State Employee Group Benefits</b> (Administration) cont. Ms. Amy Sassano, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
Ms. Beth McLaughlin, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
Ms. Kelly DaSilva, Helena Qualifications (if required): representing legislative branch agencies	Governor	2/13/2015
Mr. Quinton Nyman, Helena Qualifications (if required): representing state employee and labor organizations	Governor	2/13/2015
Mr. Brian Ehli, Missoula Qualifications (if required): representing state employee and labor organizations	Governor	2/13/2015
Ms. Erin Ricci, Helena Qualifications (if required): representing state employee and labor organizations	Governor	2/13/2015
Mr. Christopher Abbott, Helena Qualifications (if required): representing state employees	Governor	2/13/2015
<b>UM-Helena College of Technology Local Executive Board</b> (University System) Ms. Cheryl Lamb, Helena Qualifications (if required): public representative	Governor	4/15/2015

**VACANCIES ON BOARDS AND COUNCILS -- FEBRUARY 1, 2015 THROUGH APRIL 30, 2015**

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>UM-Montana Tech Local Executive Board</b> (University System) Ms. Anna Gallus, Butte Qualifications (if required): public representative	Governor	4/15/2015
<b>UM-Western Local Executive Board</b> (University System) Commissioner Garth Haugland, Dillon Qualifications (if required): public representative	Governor	4/15/2015
<b>University of Montana Local Executive Board</b> (University System) Rep. Bob Ream, Helena Qualifications (if required): public representative	Governor	4/15/2015