

# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 5

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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

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

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BEFORE THE OFFICE OF THE STATE AUDITOR, COMMISSIONER OF SECURITIES AND INSURANCE FOR THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 6.6.3504 pertaining to Annual	)	AMENDMENT
Audited Reports and Establishing	)	
Accounting Practices and Procedures	)	NO PUBLIC HEARING
to Be Used in Annual Statements	)	CONTEMPLATED

TO: All Concerned Persons

1. On April 28, 2015, the Commissioner of Securities and Insurance, Office of the State Auditor, Monica Lindeen, proposes to amend the above-stated rule.

2. The Commissioner of Securities and Insurance, Office of the State Auditor, Monica Lindeen, 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 April 6, 2015, to advise us of the nature of the accommodation that you need. Please contact Darla Sautter, State Auditor's Office, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2726; TDD (406) 444-3246; fax (406) 444-3497; or e-mail dsautter@mt.gov.

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

6.6.3504 CONTENTS OF ANNUAL AUDITED FINANCIAL REPORT

(1) through (2)(f) remain the same.

(i) These notes shall be those required by the appropriate ~~2010~~ 2014 NAIC Annual Statement Instructions and the March ~~2010~~ 2014 NAIC Accounting Practices and Procedures Manual, which are adopted and incorporated by reference, and may be obtained by writing to the NAIC Executive Headquarters, ~~2301 McGee Street, Suite 800, Kansas City, MO 64108-2662~~ 1100 Walnut Street, Suite 1500, Kansas City, MO 64106-2197. The notes shall include reconciliation of differences, if any, between the audited statutory financial statements and the annual statement filed pursuant to 33-2-701, 33-4-313, 33-7-118, 33-30-107, 33-31-211, MCA, with a written description of the nature of these differences.

(3) remains the same.

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

IMP: 33-2-701, 33-2-1517, 33-4-313, 33-5-413, MCA

4. STATEMENT OF REASONABLE NECESSITY: The contents of the annual audited financial report are set out in ARM 6.6.3504. It is reasonably necessary to amend ARM 6.6.3504 to reference and require compliance with the current NAIC Annual Statement Instructions, and the effective NAIC Accounting

Practices and Procedures Manual by insurers completing annual audited financial reports. The current rule references and requires compliance with the 2010 version.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Steve Matthews, Bureau Chief, State Auditor's Office, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2040; fax (406) 444-3497; or e-mail [smatthews@mt.gov](mailto:smatthews@mt.gov), and must be received no later than 5:00 p.m., April 13, 2015.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Steve Matthews at the above address no later than 5:00 p.m., April 13, 2015.

7. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 32 persons based on the number of people on the interested parties list.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Darla Sautter using the contact information in 2 above, or may be made by completing a request form at any rules hearing held by the department.

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

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

11. Pursuant to 2-4-111, MCA, the Small Business Impact Analysis statement does not apply to these rules.

/s/ Nick Mazanec  
Nick Mazanec  
Rule Reviewer

/s/ Jesse Laslovich  
Jesse Laslovich  
Chief Legal Counsel

Certified to the Secretary of State March 2, 2015.

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

In the matter of the repeal of ARM ) NOTICE OF PROPOSED REPEAL  
24.213.412 renewals, and 24.213.421 )  
board seal ) NO PUBLIC HEARING  
) CONTEMPLATED

TO: All Concerned Persons

1. On August 7, 2015, the Board of Respiratory Care Practitioners proposes to repeal the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Respiratory Care Practitioners (board) no later than 5:00 p.m., on March 27, 2015, to advise us of the nature of the accommodation that you need. Please contact Ian Marquand, Board of Respiratory Care Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdrpc@mt.gov (board's e-mail).

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

24.213.412 RENEWALS located at ARM page 24-24526.

AUTH: 37-1-131, 37-28-104, MCA

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

REASON: The board determined it is reasonably necessary to repeal this rule since it merely references division rules on the standardized renewal process, which the department administers for all division programs and boards.

24.213.421 BOARD SEAL located at ARM page 24-24526.

AUTH: 37-28-103, 37-28-104, MCA

IMP: 37-28-103, MCA

REASON: The department is repealing this rule as it is unnecessary to prescribe the specific parameters of the board seal in rule.

4. Concerned persons may submit their data, views, or arguments concerning the proposed repeal in writing to the Board of Respiratory Care Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-

0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdrpc@mt.gov](mailto:dlibsdrpc@mt.gov), and must be received no later than 5:00 p.m., April 10, 2015.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the Board of Respiratory Care Practitioners at the above address no later than 5:00 p.m., April 10, 2015.

6. If the board receives requests for a public hearing on the proposed repeals from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed rules; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected is determined to be 58 persons based on current board licensees.

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

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

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

10. With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.213.412 and 24.213.421 will not significantly and directly impact small businesses.

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

BOARD OF RESPIRATORY CARE  
PRACTITIONERS  
MARIA CLEMONS, PRESIDING OFFICER

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

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

Certified to the Secretary of State March 2, 2015



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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.216.402 fee schedule ) PROPOSED AMENDMENT

TO: All Concerned Persons

1. On April 3, 2015, at 10:00 a.m., a public hearing will be held in the Large Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Sanitarians (board) no later than 5:00 p.m., on March 27, 2015, to advise us of the nature of the accommodation that you need. Please contact Steve Gallus, Board of Sanitarians, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2370; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdsan@mt.gov (board's e-mail).

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

24.216.402 FEE SCHEDULE

- (1) through (3) remain the same.
- (4) Renewal 180 270
- (5) Inactive renewal 90 135
- (6) remains the same.
- ~~(7) Sanitarian-in-training (NEHA registered) application fee~~ 100
- (8) through (11) remain the same, but are renumbered (7) through (10).

AUTH: 37-1-134, 37-40-203, MCA

IMP: 37-1-134, 37-1-141, 37-40-301, 37-40-302, MCA

REASON: The board determined it is reasonably necessary to increase renewal fees after concluding that total anticipated board expenses for statutorily required activities and responsibilities will be \$29,268. Additionally, the board anticipates higher personal service charges to match a statewide pay increase and a subsequent increase in employer contribution for benefits, and notes that the costs of information technology, rents, and travel continue to rise gradually.

The board continues to look for and implement cost saving measures, such as limiting or ceasing travel for meetings. In 2014, the board experienced a suspension of services and all indicators point toward another in 2015 if measures are not followed to increase fees, limit expenses where possible, and reach a

statutorily allowable savings of one-year's operating expenses over the next three years.

The board also notes that having a renewal period that coincides with fiscal year end has presented some planning obstacles. The board estimates that the proposed fee changes will affect 180 licensees and applicants, and increase revenue by \$15,060. This will allow the board to meet its statutorily mandated obligations and reach an operating cash revenue goal to allow for appropriate fiscal planning. The board last increased examination and renewal fees in April of 2009.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Sanitarians, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdsan@mt.gov](mailto:dlibsdsan@mt.gov), and must be received no later than 5:00 p.m., April 10, 2015.

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

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

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

8. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.216.402 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Sanitarians, 301 South Park Avenue, P.O. Box 200513,

Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdsan@mt.gov.

9. Don Harris, attorney, has been designated to preside over and conduct this hearing.

BOARD OF SANITARIANS  
JIM ZABROCKI, RS, CHAIRPERSON

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

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

Certified to the Secretary of State March 2, 2015

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 38.5.1307 and the repeal of ) PROPOSED AMENDMENT AND  
ARM 38.5.1305, 38.5.1309, ) REPEAL  
38.5.1311, 38.5.1313, and 38.5.1315 )  
pertaining to Telephone Extended )  
Area Service )

TO: All Concerned Persons

1. On April 2, 2015, at 1:30 p.m., the Department of Public Service Regulation will hold a public hearing in the Bollinger Room at 1701 Prospect Avenue, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Public Service Regulation will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Service Regulation no later than 5:00 p.m. on March 28, 2015, to advise us of the nature of the accommodation that you need. Please contact Aleisha Solem, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; TDD/Montana Relay Service (406) 444-4212; or e-mail asolem@mt.gov.

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

38.5.1307 EAS -- GENERAL (1) The repeal of these rules does not affect the status of any existing EAS program. ~~To qualify for EAS the exchanges in an exchange-to-exchange EAS must be adjoining. Exchanges within a designated region must be contiguous to the region (within or adjoining at some point).~~

~~(2) When implemented, exchange-to-exchange or regional, EAS shall be mandatory (not optional) and shall be two way between the affected exchanges.~~

~~(3) These rules do not affect the status of any existing EAS program, but will be applied to expansion or modification of such programs, exchange-to-exchange and regional.~~

AUTH: 69-3-103, MCA  
IMP: 69-3-301, MCA

REASON: The Telephone Extended Area Service (EAS) rules were adopted in 1995 when the telecommunications market in Montana was virtually a monopoly for the wireline incumbent local exchange carriers (ILECs). In 2015 that is no longer the case. The Montana telecommunications marketplace is now extremely competitive

with consumers having access to numerous providers of telecommunication services that are substitutes for traditional ILEC wireline service such as wireless service, VoIP service, and services provided by competitive local exchange carriers such as cable providers. Because of the changes in the telecommunications industry in the last 20 years, the existing rules are obsolete, unworkable, and are actually anti-competitive in that the very rules designed to expand local calling areas can now stymie the expansion of local calling areas.

4. The department proposes to repeal the following rules:

38.5.1305 DEFINITIONS

38.5.1309 EAS PROCEDURE -- GENERAL

38.5.1311 EAS PROCEDURE -- REGIONS

38.5.1313 EAS PROCEDURE -- PHASE I, COMMUNITY OF INTEREST DETERMINATION

38.5.1315 EAS PROCEDURE -- PHASE II, COST ANALYSIS AND RATE DESIGN

AUTH: 69-3-103, MCA

IMP: 69-3-301, MCA

REASON: The Telephone Extended Area Service (EAS) rules were adopted in 1995 when the telecommunications market in Montana was virtually a monopoly for the wireline incumbent local exchange carriers (ILECs). In 2015 that is no longer the case. The Montana telecommunications marketplace is now extremely competitive with consumers having access to numerous providers of telecommunication services that are substitutes for traditional ILEC wireline service such as wireless service, VoIP service, and services provided by competitive local exchange carriers such as cable providers. Because of the changes in the telecommunications industry in the last 20 years, the existing rules are obsolete, unworkable, and are actually anti-competitive in that the very rules designed to expand local calling areas can now stymie the expansion of local calling areas.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Aleisha Solem, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; or e-mail [asolem@mt.gov](mailto:asolem@mt.gov), and must be received no later than 5:00 p.m., April 10, 2015.

6. The commission, a commissioner, or a duly appointed presiding officer may preside over and conduct the hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

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

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

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

/s/ JUSTIN KRASKE  
Justin Kraske  
Rule Reviewer

/s/ BRAD JOHNSON  
Brad Johnson  
Chairman  
Department of Public Service Regulation

Certified to the Secretary of State March 2, 2015.

BEFORE THE FISH AND WILDLIFE COMMISSION  
OF THE STATE OF MONTANA

In the matter of the repeal of ARM ) NOTICE OF REPEAL  
12.9.206 pertaining to McLean Game )  
Preserve )

TO: All Concerned Persons

1. On December 11, 2014, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-405 pertaining to the proposed repeal of the above-stated rule at page 2907 of the 2014 Montana Administrative Register, Issue Number 23.

2. The commission has repealed the above-stated rule as proposed.

3. The commission has thoroughly considered the comments received. Three comments were received, two in support and one opposed. A summary of the comments received and the commission's responses are as follows:

Comment 1: The commission received two comments in support of repealing ARM 12.9.206. One comment stated the repeal could allow hunting to alleviate game damage concerns on cultivated crops. The other comment felt the designation of the game preserve status was unwarranted given low numbers of wildlife sightings and limited wildlife habitat.

Response 1: The quality and quantity of wildlife habitat within the McLean Game Preserve has changed. Landowners may now allow hunting on their property.

Comment 2: The commission received one comment in opposition of the rule repeal citing a concern about the potential loss of wildlife habitat.

Response 2: The commission believes the quality and quantity of wildlife habitat has changed within the game preserve. The commission is dedicated to the preservation of wildlife habitat statewide and does not believe repealing the rule designating the McLean Game Preserve will have an effect on wildlife habitat.

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

/s/ Zach Zipfel  
Zach Zipfel  
Rule Reviewer

Certified to the Secretary of State March 2, 2015.

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

In the matter of the amendment of )  
ARM 24.171.401 fees, 24.171.407 )  
inspection, 24.171.408 outfitter )  
records, 24.171.412 safety )  
provisions, 24.171.413 watercraft )  
identification, 24.171.501 application )  
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the adoption of NEW RULE I booking )  
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III nonroutine applications, and the )  
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fee for expansion of net client hunter )  
use, and 24.171.503 outfitter )  
application )

CORRECTED NOTICE OF  
AMENDMENT, ADOPTION, AND  
REPEAL

TO: All Concerned Persons

1. On October 9, 2014, the Board of Outfitters (board) published MAR Notice No. 24-171-34 regarding 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 January 29, 2015, the board published the notice of amendment, adoption, and repeal of MAR Notice No. 24-171-34 at page 58 of the 2015 Montana Administrative Register, Issue No. 2.

3. This corrected notice is being filed to correct an error in the numbering of an adopted rule in Title 24. The new renumbering of the rule is outlined in paragraph 4 of this notice.



4. The rule to be corrected is as follows:

<u>RULE #</u>	<u>ADOPTED #</u>	<u>CORRECTED #</u>	<u>CATCHPHRASE</u>
I	24.171.404	24.171.405	Booking Agents and Advertising

5. The corrected replacement page will be submitted to the Secretary of State's office on March 31, 2015.

BOARD OF OUTFITTERS  
ROBIN CUNNINGHAM, CHAIRPERSON

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

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

Certified to the Secretary of State March 2, 2015

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 32.3.502 pertaining to official )  
trichomoniasis testing and )  
certification requirements )

TO: All Concerned Persons

1. On December 11, 2014, the Department of Livestock published MAR Notice No. 32-14-258 regarding the proposed amendment of the above-stated rule at page 2928 of the 2014 Montana Administrative Register, Issue Number 23.

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

3. No comments or testimony were received.

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

BY: /s/ Cinda Young-Eichenfels  
Cinda Young-Eichenfels  
Rule Reviewer

Certified to the Secretary of State March 2, 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 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.

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